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Sent: 12/5/2023 3:58:19 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: APC meeting
Attachments: [Exhibit 1 - TahoeCleanAir.org Comment TRPA APC Mtg 12-6-23.pdf](#)

Please forward the following comments to the APC members.

The Sierra Club's Tahoe Area Group urges APC members not to adopt Placer County's TBAP amendments until CEQA is complied with; i.e., until a Subsequent EIR to Placer County's 2016 EIR is completed. Please see Doug Flaherty's comments attached.
Tobi Tyler



December 5, 2023

EXHIBIT 1

To: Tahoe Regional Planning Agency (TRPA), Advisory Planning Commission

Re: Public Comment TRPA APC Meeting December 6, 2023

Agenda Item:

VI. PUBLIC HEARINGS

A. Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

Note:

APC = TRPA Advisory Planning Commission

EIS/EIR = Environmental Impact Statement / Environmental Impact Report as required by either TRPA or CEQA Regulations

IEC = TRPA Initial Environmental Checklist jointly created by TRPA as the Lead Agency and Placer County, dated October 2023, by Ascent Environmental. The IEC is part of the **746-page** APC Staff Report.

TBAP = Placer County Tahoe Basin Area Plan, its 2016 EIS and its Placer County EIS Addendum commonly known as attachment M, and its subsequent October 31, 2023, Placer County Staff report and erratum, approved by Placer County on October 31, 2023, and currently being considered by the TRPA APC.

CA AG BP's = The California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act.

VHFHSZ = California State Fire Marshal "Very High Fire Hazard Severity Zone," including mapping, of which exist within the entire California planning area of the proposed TRPA project amendments.

WUI = Wildland Urban Interface which exists within the entire California and Nevada planning area of the proposed TRPA project.

Attachments:

This written public comment as well as various attachments are being submitted electronically via email to the APC on 12-5-23. The attachments along with this letter form the basis of TahoeCleanAir.org's opposition to the TRPA adoption of the TBAP. Many of the attachments include on the record written comments to Placer County during their October 16 and October 31, 2023, Public Hearings. Since the TRPA has failed to provide the APC with past substantive and significant public comments from the Placer County hearings on this matter, it is important that the APC be provided this information. Also attached is a copy of the Writ of Mandate against Placer County filed by three conservation groups on November 29, 2023, which is pertinent to this matter.

Dear APC Members:

Please make this electronic written public comment, including emailed attachments part of the record in connection with Agenda Item VI.A. during the December 6, 2023, Area Planning Commission meeting.

TahoeCleanAir.org opposes the adoption of the Placer County TBAP by the TRPA for the following environmental and public safety reasons:

1. The TBAP contains individual and cumulatively significant environmental and public safety effects/impacts.

Therefore, the adoption of the TBAP by TRPA must include a new recirculated cumulative impact EIS/EIR utilizing the best available science and public safety best practices, based on accurate and best available modeling tools. In connection with Article VII(a)(2) of the Compact, the project represents a significant and substantial land use planning matter that may have a significant cumulative environmental and public safety effect on the Lake Tahoe Basin, its residents, and visitors. Therefore, and additionally for the reasons listed herein, per the Bi-State Compact, TRPA regulations and the California Environmental Quality Act (CEQA), TRPA must not only prepare a new recirculated cumulative impact EIS/EIR, but must additionally, due to significant changes and new information since the 2012 Regional plan update, provide a supplemental EIS/EIR to the 2012 Regional Plan EIS/EIR before deciding to approve the project.

2. TRPA's Area Plan adoption of the TBAP represents a new CEQA project process. This, per the recent California Supreme Court case *Union of Medical Marijuana Patients, Inc. v. City of San Diego*.

Based on overwhelming substantial evidence provided, the TRPA as the Lead Agency for Area Plan approval per the IEC, must find that the TBAP "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" and therefore must be classified as a CEQA project, triggering a comprehensive CEQA environmental analyses on the part of the TRPA as the Lead Tahoe Regional Planning Agency. The mere creation of a TRPA IEC is not adequate in this regard and does not fully comply with CEQA.

The TRPA Staff report, including the non CEQA compliant IEC, prepared by Ascent Environmental and dated October 2023, failed to document within a "multi-step decision tree", TRPA's reasoning for foregoing a comprehensive CEQA environmental analyses in connection with Lead Agency TRPA adoption. Therefore, it must be assumed that the TRPA has shirked its responsibilities as required by CEQA and internally determined its project review will be narrowly limited to conducting its own environmental analysis solely under the TRPA Code of Ordinances and Rules of Procedure.

Section 1.1 of the IEC states:

"This Initial Environmental Checklist (IEC) has been prepared pursuant to the requirements of Article VI of the Tahoe Regional Planning Agency (TRPA) Rules of Procedure and Chapter 3 of the TRPA Code of Ordinances (TRPA Code) to evaluate potential environmental effects resulting from implementation of the Placer County Tahoe Basin Area Plan (Area Plan) Amendments".

"TRPA is the lead agency pursuant to the Tahoe Regional Planning Compact (Public Law 96-551), 1980 revision, TPRA Code, and TRPA Rules of Procedure. Chapter 2, "Project Description" presents project details."

3. I refer the APC to TRPA Code of Ordinances - 3.3.2. *Findings for Initial Environmental Checklist*. In this case, the TRPA/APC must **not** base its decisions **solely** on the information submitted in the IEC, but TRPA's decision must also be based **on other information known to TRPA**, "at which time TRPA shall make one of the following findings and take the identified action" (the code then list three alternative actions).

One of the alternative actions listed is 3.3.2 C., states" the proposed project **may** have a significant effect on the environment and an **environmental impact statement shall be prepared** in accordance with this chapter and the Rules of Procedure, Article 6".

Based on significant information contained within this and other written public opposition comment, which is now or has been previously known to the APC and TRPA, any reasonable person would conclude, and the APC must find, that per TRPA Code of Ordnances 3.3.2 C., the proposed project may have a significant effect on the environment and a new cumulative EIS/EIR must be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

4. Findings within the IEC are not based on substantial and accurate evidence, are highly controversial, speculative, arbitrary, capricious, and therefore if adopted will represent a prejudicial abuse of discretion on the part of the TRPA and Placer County.

As an example,

- A. IEC section 3.10 b) is marked NO regarding the question as to whether or not the TBAP amendments would Involve possible interference with an emergency evacuation plan?

Based on significant new data driven and substantial evidence discussed in **Attachment B** (Flawed Traffic Data and Assumptions), and the traffic data presented in **Attachment B1**, the 2017 EIS information contained on page 3.1.33 including Table 3-4 and page 3.1.34 of **Attachment C** relating to ease or timing of emergency evacuation, is

significantly inaccurate. This information demonstrates a significant adverse impact on wildfire evacuation and emergency access.

Cal Trans, TRPA and Placer County continue to mislead the public with their claim that associated Placer Highways maintain a per hour, per lane 1,171-traffic count. However, data more accurately shows per lane traffic counts at 632 per hour. (**Attachment B and B1**). Continuing to use flawed and outdated traffic count information on the part of the TRPA and Placer County is dangerous to Public Safety, misleading, arbitrary, and capricious, and the adoption of the TBAP, containing this flawed data would represent a prejudicial abuse of discretion on the part of the TRPA.

Before approving the TBAP, TRPA must require a new cumulative impact EIS/EIR containing updated traffic counts of all TBAP highways as well as a roadway-by-roadway fire evacuation capacity evaluation under a variety of scenarios, including and worse case scenarios, utilizing best achievable modeling tools.

Subjective claims made on Table 3-4 on page 3.1.4 of the 2017 TBAP EIR (**Attachment C**) uses a flawed evacuation estimation of 13,563 vehicles and states:

“A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours.” **Note: Based on the yellow highlighted information below, this Placer County equation is dangerously inaccurate and misleading.**

“Because the remaining development potential is” modest,” and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.”

Based on new data provided, and as linked to the following wildfire evacuation timing discussion, the two paragraphs above are significantly flawed, arbitrary, capricious, misleading as to public safety and if the TBAP amendments are adopted based on proven inaccurate data, TRPA will be practicing prejudicial abuse of discretion.

Based on new data driven evidence provided in **Attachments B, B1 and C**, it is apparent that the roadway capacity can easily slip to approximately 632 vehicles per hour in either direction. Under this scenario, using the TBAP EIR calculation process, the time to undertake evacuation would significantly increase from 3.77 hours in either direction, to approximately 10.73 hrs. in either direction. **(13,563 vehicles / 632 vehicles per hour (places evacuation time at) = 21.46 hrs. / 2 in each direction = a 10.73 hour evacuation time in each direction).**

As an additional example of data absent planning, TRPA has failed to capitalize on the opportunity to provide substantial evidence or provide “thresholds of significance” for evacuation times to make such claims. This by failing to utilize modern best available fire model and evacuation capability tools that were not available at the time the 2012 Regional Plan EIR was adopted.

CA AG BPs indicate that the modeling should include scenarios for fires that start **in, near, and far** from the project site, as well as extreme weather conditions that exacerbate fire spread, including wind and slope conditions that are a regular occurrence in the Tahoe Basin.

B. IEC section 3.21 d) Findings of Significance is marked as “less than significant.” This is in connection with whether the project will cause substantial adverse effects on human beings, either directly or indirectly.

The IEC fails to comply with TRPA Code of Ordinances 3.13.2 B states:

The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than a significant level.

Therefore, while there is discussion provided on Page 3-47 of the IEC, which TRPA indicates that the generation of 650 or more new average daily Vehicle Miles Travelled, is "less than significant" and "no with mitigation", no substantial data or information has been offered by TRPA or Placer County to substantiate these claims. The discussion is therefore arbitrary, capricious, and if adopted will represent a prejudicial abuse of discretion on the part of the TRPA and Placer County.

- C. As a further example, the following comments (Page 3-47 of the Initial Environmental Checklist) are subjective, arbitrary, speculative, highly controversial, and the stated outcomes highly uncertain and would require a "crystal ball" to predict such assumptions.

"Because the Area Plan amendments would further promote concentration of development within Town Centers and improve pedestrian and bicycle infrastructure, and because VMT tends to be lower for projects in Town Centers, which include bicycle and pedestrian infrastructure and residential, commercial, and other use in proximity, the amendments may contribute to a reduction in VMT."

"Because the changes in the proposed Area Plan amendments are not expected to increase traffic generation or trip distances, the proposed Area Plan amendments' effect on VMT within the Tahoe Region would not be substantially different than that which could occur under the existing Area Plan. Therefore, the VMT effects of proposed Area Plan amendments are less than significant."

5. TRPA adoption of the TBAP represents significant revisions to the Placer County housing element General Plan.

Yet, TRPA has failed to discuss the applicability and adherence to current California Government Code Section 65302.15 (a) and (b) which requires Planning Agencies to revise their **Safety Element** of their General Plan "**upon each revision of the Housing Element**" in order to identify new information relating to fire hazards and strategies that was not available during the previous revision of the safety element.

Once the Safety Element complies with the required revision discussed above, the safety element adopted pursuant to subdivision (g) of Section 65302 must be reviewed and updated as necessary to identify evacuation routes and their **capacity, safety, and viability** and evacuation locations **under a range of emergency scenarios."**

Therefore, before approving the TBAP, TRPA must comply with and discuss the regulatory relationship between CA Gov Code Section 65302.15 (a) and (b), including its regulatory role, authority, and 65302's implications in connection with TRPA adoption of the proposals and their impacts on TRPA approved Area Plans within California.

6. TRPA's adoption of the TBAP disproportionately and adversely impacts the safety of vulnerable populations when it comes to wildfire evacuation evaluation under a wide range of scenarios. TRPA ignores and has failed to prioritize, discuss, analyze, and determine safety impacts as a result of its proposals connected with increased density in already dense town centers and mixed-use areas in connection with wildfire evacuation impacts on **1) Persons without private transportation - zero vehicle households 2) Seniors - individuals 65 years and older 3) Persons living below the poverty line 4) Individuals with a disability - Disability status may impact an individual's ability to live independently, including driving a personal vehicle.**

71 out of the 86 persons (or 82.5%), who perished in the Paradise fire were senior citizens 65+ years of age.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

Recent indicators calculate the Lake Tahoe Basin Senior population at approximately 10 percent.

This failure of TRPA and Placer County to provide state of the art fire and evacuation modeling robs planners of data driven public safety planning tool information. This, in order to discuss how a project within already dense

town centers and mixed-use planning areas may exacerbate the risk of wildfire including the safe and effective evacuation of visitors and residents alike in an already human and overcapacity roadway environment.

This includes TRPA's and Placer County failure to provide state of the art evacuation route capacity modeling for those walking and biking during wildfires in, near and outside of town centers and mixed-use areas, as well as wildfire evacuation impacts on those without vehicles, disadvantaged neighborhoods, and vulnerable populations including disabled persons, and seniors.

An EIS/EIR rather than an IES would quantifiably assess these variables and also use state of the art fire and roadway evacuation capacity modeling and other spatial and statistical analyses to quantify the risks to the extent feasible, within already dense town centers and mixed-use areas. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios within already dense town centers and mixed-use project areas. The modeling should include scenarios for fires that start **in, near, and far** from the project site, as well as extreme weather conditions that exacerbate fire spread. (CA AG BPs).

Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project that will admittedly add more people to the wildfire prone areas of already dense town centers and mixed-use areas, and to assess the risks according to the threshold of significance.

As described in the California Governor's Office of Planning and Research (OPR), Fire Hazard Planning Technical Advisory, developments in the WUI increase the number of ignitions, the likelihood that wildfires become urban conflagrations, putting many homes and structures at risk of being damaged or destroyed by a wildfire, and constrain fuel-management activities."

Further, as reflected in the minutes of the **Sept 27th RPIC, Mr. Hester** stated "there's guidance from the California Attorney General on the California Environmental Quality Act work where there is high probability of wildland fires. It would put more dense housing concentrated on evacuation routes is one of the strategies they recommend in California when you are doing a CEQA analysis."

In his statement **Mr. Hester obfuscates** the complete content and intent of the CA AG BP's document with regard to projects in Very High Fire Hazard Severity zones and the Wildland interface, of which exists throughout the California planning area of the Basin, and of which, Wildland Urban Interface (WUI) exists around the entire Lake Tahoe Basin planning area.

The CA AG BP's recommendations are based on three major considerations 1) wildfire ignition risk 2) emergency access, and 3) **evacuation**, and "the extent to which it applies will inherently **vary by project, based on project design and location**".

Increasing roadway and human capacity in an already overcapacity unsafe LOS F evacuation choke point environment must be evaluated first, in order to provide substantial evidence to evaluate whether Mr. Hesters statement would actually add to public evacuation peril impacts.

This statement appears to be related to the fact that "evacuation routes" are assumed by Mr. Hester to operate at a safe unfettered vehicle per hr. capacity during wildfire evacuation. The TRPA fails to discuss or provide substantial evidence regarding recent state of the art traffic study cue data to determine the past, actual and projected vehicle cues for the entire circumference of the proposal area during a wildfire evacuation. As reference, **See Attachment A – Fire Department Professionals Letter and Attachment B - Flawed Traffic Data Assumptions, both presented to the Placer County BOS on 10-16-23.**

This obfuscation appears to be a purposeful one-off-red hearing delivered by Mr. Hester in order to allow the TRPA RPIC and Governing Board an excuse to continue to avoid the creation of an EIS/EIR thereby avoiding a complete discussion of the CA AG BP's content.

This, apparently to avoid TRPA preparation of best practice roadway evacuation capacity evaluation, and to further avoid threshold assessments concerning the timing of evacuations based on various scenarios, as well as

traffic modeling to quantify recent and accurate peak travel times under various likely scenarios (all of which are discussed in the CA AG best practices document).

Among other best practice suggestions, the CA AG BP states: In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.
 - Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.
 - Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on **a threshold of significance** that reflects community-wide goals and standards.
 - In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: **(1)** an adopted emergency operations or evacuation plan; **(2)** a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or **(3)** recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.
7. TRPA adoption of the TBAP, without a new cumulative impact EIS/EIR is a threat to both visitor and resident life safety inside and outside concentrated town centers and mixed-use areas and its adoption without a new cumulative impact EIS/EIS will result in prejudicial abuse of discretion.

Adoption of the project, without first applying the most up to date best practice wildfire planning tools will most likely result in increased wildfire evacuation impacts throughout basin and most predominantly in **“denser”** more concentrated town centers and mixed-use areas which are within Tahoe's wind, slope, and human and roadway overcapacity environment.

This, due to substantial cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks and increased proliferation of tiny homes and ADU's. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and significantly unsafe LOS F intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that **all** business and residential population areas within the basin, including dense concentrated town centers and mixed-use areas exist within the Nevada and California “Wildland Urban Interface”, and specifically on the California side, per the California State Fire Marshal, most of the built environment geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ).

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control. This significantly impacts wildfire evacuation and emergency access. Therefore, as a life safety priority as well as for reasonable and prudent planning, the TRPA must require the most up to date and best life safety wildfire evacuation planning tool be utilized before the project is heard and adopted.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Increased concentrations within town center and mixed-use areas will, most likely serve as wildfire evacuation “choke points.” This, as increased and concentrated “choke point” town center and mixed-use populations, vehicles, and foot traffic compete in a “sudden surge,” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing. (See Attachment A for reference as submitted to the Placer County BOS on 10-16-23)

Body Cam Footage – Evacuation from Paradise

[Police bodycam video shows emergency evacuations during deadly Camp Fire - ABC7 Los Angeles](#)

[Police Bodycam capture Dramatic evacuation from Paradise fire - YouTube](#)

[body cam footage paradise ca fire evacuations at DuckDuckGo](#)

8. The TBAP project represents significant revisions to its regulatory housing element. Yet, TRPA has failed to discuss the applicability and adherence to current California Government Code Section 65302.15 (a) and (b) which requires Planning Agencies to revise their Safety Element of their General Plan “upon each revision of the Housing Element” in order to identify new information relating to fire hazards and strategies that was not available during the previous revision of the safety element.

Once the Safety Element complies with the required revision discussed above, the safety element adopted pursuant to subdivision (g) of Section 65302 must be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios.”

Before approving the TBAP, TRPA must comply with and discuss the regulatory relationship between CA Gov Code Section 65302.15 (a) and (b), including its regulatory role, authority, and 65302’s implications in connection with TRPA adoption of the project and the TRPA approved Area Plans within California. This item alone represents new information since the adoption of the 2012 Regional Plan and therefore requires TRPA to perform a new or subsequent CEQA EIR.

9. Based on the information contained herein and wide public opposition, any reasonable person would conclude that the project is far reaching and may potentially have a significant and substantial effect on the environment and public safety, especially within dense town centers and multi-use areas. This, based on cumulatively significant numbers of amendments, past projects, new information, recent safety and pollution events, and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

Provided here are only a few examples of new information and changes that have been identified since the TRPA 2012 Regional Plan EIS/EIR including:

- Significant new and important life safety planning information contained in the CEQA 2020 California Attorney General Guidance document “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.
- California Government Code Section 65302.15 (a) and (b)
- Significant individual but cumulatively impactful Regional Plan code amendments including significant Short-Term Rental and ADU code change approvals.
<https://www.trpa.gov/regional-plan/code-amendments/>
- Significantly cumulative adverse environmental impacts, including, but not limited to the Caldor fire and so called snowmageddon evacuation debacles, record micro plastics within the lake, dramatic increases in algae, deposits of

herbicides, alarming increases in aquatic invasive species including New Zealand Mud Snails, usage of herbicides within the Lake, huge trash deposits on beaches and significant underwater trash litter, dramatic unsafe overpopulation increases in an already unsafe overpopulation. This cumulatively unsafe population increase is encouraged by TRPA supported and approved cumulative destination attraction projects like the East Shore trail and destination hotels and resorts without adequate human and roadway cumulative impact capacity analysis.

10. The project will increase height, density, coverage, reduce parking and setbacks and significantly increase the proliferation of tiny homes and ADU's within and outside of town centers are:

A) Geographically significant in scope within the Lake Tahoe Basin, potentially adversely affecting the environment and public safety along the North, South, East and West Shores, including dense and concentrated Town centers.

B) Agenda driven, subjective, and fail to provide substantial evidence that the cumulative impact of the proposal, especially within town centers and multi-use areas will result in affordable, achievable or workforce housing. Claims by TRPA in this regard have been based on flawed and incomplete data and current accurate construction costs and free market rate factors and inflation have not been thoroughly considered or discussed. TRPA has failed to provide substantial evidence that the stated outcomes will be achieved and therefore the stated outcomes are highly unlikely and highly controversial. Current evidence runs counter to TRPA stated outcomes.

11. TRPA has failed to discuss alternatives to the proposals offered.

12. TRPA must prepare / require a new or supplemental EIS/EIR to the 2012 Regional Plan and CEQA EIS/EIR must be prepared, circulated, since:

A) The project represents subsequent amendments that involve new significant adverse effects not considered in the 2012 EIS/EIR.

B) Substantial new environmental and safety information within Lake Tahoe's unique environment have occurred within the last 11 years with respect demonstrating basin environmental degradation, decreased public safety in an already unsafe human and roadway overcapacity environment and additionally involve new significant adverse effects not cumulatively considered in the 11-year-old Regional Plan EIS/EIR.

C) TRPA Code of Ordinances Section 3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT states:

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

The proposed far-reaching amendments represent a significant land use planning matter, are not ordinary administrative and operational functions of the TRPA and are not an exempt class. Therefore, an Initial Environmental Checklist (IEC) nor an Environmental Assessment (EA) is inadequate, and TRPA must require a new or subsequent EIS/EIR.

Any reasonable person would conclude that there is a reasonable possibility that the far-reaching project will have a significant effect on the environment and public safety based on the cumulatively significant numbers of amendments, past projects, new information and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

The project is not exempt from preparation of an EIS/EIR under the TRPA Code of Ordinances list of classes of projects that will not have a significant effect on the environment and are not exempt from requiring an EIR under CEQA.

A new and revised EIS/EIR must include the following significant new and best available, best practice evacuation guidance information (not known to the TRPA at the time of the 2012 Regional Plan adoption but known now).

This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine the safety impacts as a result of the project, in connection with wildfire evacuation and emergency access.

<https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

In the interest of prudent life safety wildfire evacuation planning, the TRPA must utilize the best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to evacuation planning. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

The Best Practices guidance document “was based on the California Attorney General’s experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas,” and contains among other critical SAFETY guidelines the following, of which the TRPA fails to discuss in its determinations.

TRPA’s failure to consider and address this new information in a new or subsequent EIS/EIR to the 2012 Regional Plan constitutes a prejudicial abuse of discretion and is contrary to law.

This, since among other new information, the 2012 Regional Plan approval California has experienced a significant increase in wildfires and intensity of wildfires that was not addressed or anticipated in 2012.

The California Attorney General pointed out that eight of the ten largest wildfires in California history have occurred in the past decade. The Attorney General further stated that “the climate crisis is here, and with it comes increasingly frequent and severe wildfires that force mass evacuations, destroy homes, and lead to tragic loss of life. We must build in a way that recognizes this reality.” As discussed by the Attorney General “recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment. of California. More acres of California have burned in the past decade than in the previous 90 years.”

To this end, the Attorney General’s Best Practices provides guidance to local governments for designing “projects in a way that minimizes impacts to wildfire ignition, emergency access, and evacuation, and protect California’s residents and the environment.”

The data and information regarding the increase in intensity of wildfires was not available in 2012 when the TRPA approved the Regional Plan EIS/EIR. As stated by the Attorney General “The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.”

Without the best available and achievable modelling and analysis, these potentially significant impacts are left un-analyzed and without mitigation measures. All of this constitutes new information of significant importance to the TRPA and as such requires a new or subsequent EIS/EIR. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

Given the fact that no similar life safety best practice tool of its kind exists in the region, in order to ensure adequate life safety of residents and visitors alike are given a top priority, TRPA must require that the significantly relevant 2020 Calif Atty General Life Safety Best Practices, be adopted and applied before the project is adopted, including the following elements:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm’s way or displaced, and more structures will burn.
- This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project’s impacts on wildfire ignition risk, emergency access, and evacuation.

- Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.

The best practice guidance includes:

- a) Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- b) Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- c) Evaluation of the project's impact on existing evacuation plans.
- d) Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- e) Traffic modeling to accurately quantify travel times under various likely scenarios.
- f) Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- g) Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.

Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impact.

13. Loss of life and injury to the public and visitors during wildfire evacuation may be substantially more severe than discussed in the 2012 Regional Plan EIS/EIR eleven years ago. This, since TRPA was not aware of this best practice life safety planning tool. However, now that TRPA is aware of this significant life safety planning tool, TRPA must conduct a best practice wildfire evacuation roadway capacity evaluation based on proposed cumulative increases of building height, coverage, density, reduced setbacks, and decreased parking and increased proliferation of tiny homes and ADU's.

Further, TRPA has failed to develop safety, roadway, and human overcapacity thresholds of significance, utilizing the latest data driven and best available technology, since 2012 to do so. Going forward with the project without doing so is negligent.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Caldor Fire Evacuation – Mercury News August 31, 2021

<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

On the California side, failure to provide a new or supplemental EIS associated with the proposed code amendments runs counter to CEQA, Chapter 1: Legislative Intent.

14. The project runs counter to CEQA § 21000. LEGISLATIVE INTENT

The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The proposed code amendments fail to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist TRPA during their environmental public safety review process as connected with code amendment adoption process.

15. The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Provide substantial evidence based on best available technology modeling, to help determine the cumulative human capacity threshold wildland fire evacuation impacts on town centers caused by proposed TBAP increases in height, density, coverage increases safety peril during worst case wildfire evacuation or the extent that incoming emergency service vehicles will be impaired by such increases.
- Discuss the alternative of not adding the current increased height, density, coverage, reduced setbacks to Town centers due to wildfire evacuation constraints from increased human capacity.

16. Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly addresses building evacuation and wildland fire prevention, the codes do not address adequate requirements regarding wildfire evacuation within the Wildland Urban Interface.

In light of this fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, TRPA must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within basin boundaries.

17. Finally, the TRPA continues to claim that it is not their responsibility to create wildfire evacuation plans but to leave that up to the various government entities within the basin.

Regardless of whether or not this is the case, the TRPA has the responsibility to, and must create and adopt basin wide cumulative environmental and safety impact EIS/EIR's which include, in the case of the proposed project, a requirement to apply the most up to date wildfire evacuation planning life safety tool. i.e., the Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects," within a new or supplemental EIS, since the 2012 Regional Plan.

18. The TRPA has failed to adopt human and roadway capacity threshold standards to maintain and equilibrium of public health and safety within the region, especially as it relates to wildfire evacuations.

19. By refusing to take steps to utilize the most up to date wildfire planning and evacuation best practices to analyze basin wide wildfire roadway evacuation capacity, within already unsafe human and roadway overcapacity conditions, simply allows for the continued degradation of public safety during wildfire evacuation, and therefore, the project runs counter to Chapter 2 Land Use Element GOAL LU-3 which states:

*The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to **safeguard the well-being of those who live in, work in, or visit the Region.***

POLICIES:

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.

*LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, **SAFETY, AND WELFARE.***

Conclusion:

Based on the information provided herein, TRPA's adoption of its proposals, without requiring/providing a TRPA and CEQA EIS/EIR, is arbitrary, capricious and would represent a prejudicial abuse of discretion.

Sincerely,

Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation

Registered to do business in the State California 774 Mays Blvd 10-124

Incline Village, NV 89451

From: rondatycer@aol.com <rondatycer@aol.com>
Sent: 12/5/2023 3:56:03 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Reduced Parking in Tahoe Won't Work

PUBLIC COMMENT FOR AGENDA ITEM VI.A OF THE DECEMBER 6 2023 TRPA ADVISORY PLANNING COMMISSION MEETING

Reading through the voluminous Tahoe Living: Affordable Housing News & Events, I am repeatedly struck by the number of research studies or articles alluded to or referenced that were conducted or apply to urban cities.

Most readers would likely not follow up on the references, but given the enormous implications of these plan changes, it is critical to understand how TRPA planners justify them.

REDUCING PARKING IN TOWN CENTERS WON'T WORK IN TAHOE

For example, the entire premise used to suggest reduced parking in Tahoe town centers is based on the fallacious belief that people who live in Tahoe don't need a car.

There is absolutely no proof to this, and in fact a study of Tahoe employees showed that not only do most need a car, 95% of them drive a car to work. Additionally, Tahoe residents live in Tahoe to take advantage of the recreational opportunities. To do so requires an auto to haul equipment and families.

TRPA planners who live in the Tahoe Basin (if there are any) well know that they could not live here without a car in the winter. Period. People may take transportation to a ski resort or other recreational destination where parking is limited, but they will not take public transportation to get groceries or do errands. Period.

So once it is recognized that in the Tahoe Basin, especially in the small villages/centers like Incline and Tahoe City, who need to drive to facilities located in Carson or Reno, few if anyone will not need a car.

REDUCED PARKING IS THE BASIS FOR AFFORDABLE HOUSING

The reason a car is so critical and parking space is so critical, is because it is the most important way that consultants have of reducing the cost to develop affordable housing. More than increasing height, density, and coverage, providing onsite covered parking is the single-biggest factor affecting cost.

So naturally, the consultants (who likely have never spent a winter in Tahoe) decided the most effective way to achieve affordable housing and lure developers to build it, is to reduce parking minimums.

EXAMPLES OF REDUCING PARKING MINIMUMS WORK IN CITIES NOT IN RURAL TAHOE

So following up on the various references for justifying reduced parking on site, I was struck by how many of the references are from urban planners in cities. In fact, with the exception perhaps of Idaho, there were NO references to reduced parking strategies in snowy mountain towns.

So once again I must tell TRPA to go back to the drawing boards. You will need to figure out how to get affordable housing WITH CARS and WITH PARKING for those cars before you have a realistic solution.

Thank you for rethinking your strategy.

Ronda Tycer
Tahoe Resident since 1991 - and through all the recent big winters

From: Yolanda Wiehe <yolanda7777@rocketmail.com>
Sent: 12/5/2023 3:43:16 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Revised letter for the 12/6 TRPA Advisory Planning Commission

Dear TRPA Advisory Planning Commission,

The Staff Report, agenda item 5A included in the packet for the 12/6 meeting is INACCURATE. Looking at 2010-2020 does not take into account all the Californians who migrated to Incline Village due to COVID-19 during the latter 1/2 of 2020, and during 2021. I don't think that the staff report took into consideration that this last Summer's road delays were worse than ever before. This last Summer the travel time during the day from Incline Village to Kings Beach (which is 4 miles) could take up to 2 hours and from Incline Village to Hwy 50 (13 miles) during the day, could take up to 1 hour. The reasons for all the traffic delays are N-DOT road repair, IVGID effluent pipeline repair, Nevada Energy trimming trees, a house being built in Crystal Bay on Hwy 28 and so forth. The other concern about our roads, is the time it will take to evacuate in case of a fire. Our area may not look congested, but in case of a fire, can we evacuate in a timely manner? I don't think so. Also saying our area is NOT CONGESTED doesn't take into consideration lack of parking. We have thousands of visitors during the Summer and a small bus station won't accommodate the visitor's cars. In the Winter parking is even more limited due to snow removal.

Please correct the staff report with ACCURATE information, otherwise the TRPA will vote in their new building codes, we will be URBANIZED, increasing height and density, ADUs allowed and they will not require enough parking. I WANT YOU TO KNOW, if we have a fire and are unable to evacuate-WE WILL BLAME YOU.

Thank you,
Yolanda Knaak
Incline Village Resident

From: Yolanda Wiehe <yolanda7777@rocketmail.com>
Sent: 12/5/2023 3:24:31 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: From Yolanda Knaak, Incline Village Resident

Dear TRPA Advisory Commission,

The Staff Report included in the packet for the 12/6 meeting is INACCURATE. Looking at 2010-2020 does not take into account all the Californians who migrated to Incline Village due to COVID-19 during the latter 1/2 of 2020, and during 2021. I don't think that the staff report took into consideration that this last Summer's road delays were worse than ever before. This last Summer the travel time during the day from Incline Village to Kings Beach (which is 4 miles) could take up to 2 hours and from Incline Village to Hwy 50 (13 miles) during the day, could take up to 1 hour. The reasons for all the traffic delays are N-DOT road repair, IVGID effluent pipeline repair, Nevada energy trimming trees, a house being built in Crystal Bay on Hwy 28 and so forth. The other concern about our roads, is the time it will take to evacuate in case of a fire. Our area may not look congested, but in case of a fire, can we evacuate in a timely manner? I don't think so. Also saying our area is NOT CONGESTED doesn't take into consideration lack of parking. We have thousands of visitors during the Summer and a small bus station won't accommodate the visitor's cars. In the Winter parking is even more limited due to snow removal.

Please correct the staff report with ACCURATE information, otherwise the TRPA will vote in their new building codes, we will be URBANIZED, increasing height and density, ADUs allowed and they will not require enough parking. I WANT YOU TO KNOW, if we have a fire and are unable to evacuate-WE WILL BLAME YOU.

Thank you,
Yolanda Knaak

From: Gavin Feiger <gavin@keptahoebblue.org>
Sent: 12/5/2023 3:20:33 PM
To: Public Comment <PublicComment@trpa.gov>; Brendan Ferry <Brendan.Ferry@edcgov.us>; John Marshall <jmarshall@trpa.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Julie Regan <jregan@trpa.gov>; Jacob Stock <jstock@trpa.gov>
Cc: DarcieGoodman-Collins <Darcie@keptahoebblue.org>; Stacy Wydra <SWydra@placer.ca.gov>; Emily Setzer <ESetzer@placer.ca.gov>;
Subject: Comments on APC Agenda Item No. VI.A. Placer County Tahoe Basin Area Plan Amendments
Attachments: [image001.png](#), [LTSLT Comments on TBAP Amendments for APC 2023.12.06.pdf](#)

Good afternoon APC Chair and TRPA and Placer County staff,

Please see our comments attached for the meeting tomorrow. These are very similar to our comments over the past year as these amendments have been working their way through the process.

As always, I'm happy to chat in detail about our concerns any time.

Gavin Feiger

Policy Director, League to Save Lake Tahoe

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2608 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 | 530.541.5388 | keptahoebblue.org



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**KEEP
TAHOE
BLUE[®]**

League to Save Lake Tahoe

December 5, 2023

Tahoe Regional Planning Agency
Advisory Planning Commission (APC) and TRPA staff
128 Market St, Stateline, NV 89410
Submitted via email

Re: Agenda Item No. VI.A. Placer County Tahoe Basin Area Plan Amendments

Dear APC Chair, members, and TRPA 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 or 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 or Regional Plan), the Regional Transportation Plan (RTP), and various Tahoe Basin Area Plans.

The League was a key stakeholder in the years leading up to the 2017 TBAP adoption and has tracked progress and amendments since. We have been closely following the proposed Amendments through meetings with County Planning staff, meetings with members of the public, as well as public meetings.

We have adjusted our written and oral comments several times over the last year as the proposal has changed, but at this point most of our concerns and requests have still not been addressed.

Because the County did not consider the cumulative impacts under the Tahoe Regional Planning Agency's (TRPA's) new environmental threshold for Vehicle Miles Traveled (VMT), and did not do a review of plan and mitigation measure implementation progress since the original 2017 TBAP and the most recent amendments from 2021 in time to inform the currently proposed Amendments, and considering the volume and intensity of community feedback over the past year, we do not see the justification for, or how the Lake would gain additional environmental benefit from, the Amendments. Due to these deficiencies, findings cannot be made that the proposed amendments conform with the Regional Plan.

We do not fully agree with the County's economic development-based approach that the north shore just needs more development of all kinds. It is obvious that we need more housing for the local workforce, but incentivizing deed-restricted residential development is secondary to development in general. Our concerns remain that more commercial, more condos that become short term rentals, more high-end hotels – each with added parking, and efforts to provide alternatives to the private vehicle not matching the pace of development – will not result in the community benefits and environmental protection that we believe are shared goals.

We continue to believe that the County must conduct more analysis as described below, and undertake a more comprehensive California Environmental Quality Act (CEQA) review of the proposed Amendments, in order to create proper mitigation for likely impacts.

Our concerns are summarized here and detailed below.

Summary of Concerns

1. Demonstrated need for the Amendments. Several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments.
2. Regional Plan conformity. Based on the lack of evidence and analysis showing that local and Tahoe-wide environmental protection goals will be enhanced by these Amendments, combined with the considerable community feedback, these Amendments cannot be found in conformance with the Regional Plan.
3. Environmental analysis - cumulative environmental impacts and new information. The Addendum and Errata used to analyze potential impacts from these Amendments is not sufficient. Impacts from all of the projects in progress, especially Palisades Specific Plan, including those not considered under the RPU and 2017 TBAP. We must also note Truckee's General Plan update that will bring more traffic to Tahoe. The Palisades project is just a few miles from the edge of the TBAP plan area and will undermine the County's ability to measure and mitigate the environmental impacts on the plan area. The impacts from the TBAP and these near-Basin projects must be analyzed under TRPA's updated VMT threshold and Placer County's Transportation Study Guidelines standards of significance created due to California's SB 743 mandates.

Our continued unfulfilled requests

1. Provide a review and report on progress toward mitigation and achieving goals and policies from the original 2017 TBAP, the 2021 amendments, and the 2020 Resort Triangle Transportation Plan (RTTP), which is tasked with mitigating many of the traffic impacts related to growth in the TBAP area and beyond, including Palisades and Truckee. *We very much appreciate the County creating the "2023 Placer County Area Plan Implementation Report" that we have been asking for since last year, there was very little time to review it and providing it at this stage in the Amendment process means that it is not being used to inform the proposed Amendments.* Details on this can be found under "Demonstrated Need" and "Cumulative Impacts" below.
2. Create visual aids. Create some 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 would show 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 similar to the "pro formas" created for the TRPA Tahoe Living working group. These should include parcel-level examples.
3. Consider including transition zones. To reduce scenic impacts and drive more orderly development, create transition zones in zoning and allowances for height/length/density, 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.
4. Consider including adaptive zoning/trigger zoning. This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, 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.

Concerns in Detail

Demonstrated Need for the Amendments

Based on the Implementation Report (Attachment K), several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments. If the Amendments are targeting one or two specific potential projects, we cannot support them. *Area Plans are supposed to be comprehensive plans, and we do not support project-driven amendments.*

With the late-in-the-process development of the implementation Report, it was not used to inform the proposed Amendments, which makes the report interesting but not useful for this purpose.

We can all agree there is a demonstrated need for affordable and workforce housing, but the proposed Amendments do not focus on incentivizing those projects over commercial, hotel, or short term rentals. *The proposed Amendments should be updated based on the initial progress and results from the 2021 TBAP amendments which were aimed to incentivize affordable housing, but not reported on in the Implementation Report.*

Regional Plan Conformance

Town centers – one of the common themes running through all of the Regional Plan documents¹ is concentrating development in town centers. There are dozens of goals, policies, and sections of narrative that enforce this theme.² To realize the vision of the Regional Plan, and achieve the related performance measures, benchmarks, and environmental thresholds, all plans and codes must adapt to changing conditions and focus on implementing the Regional Plan.

Considering and comparing the TRPA Code of Ordinances for conformance findings,³ and the Regional Plan Consistency Checklist in your agenda packet:

- Code section 13.6.5.A.6 (Checklist item J.6): Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas.
 - Placer’s Checklist notes: ““The TBAP amendments would not alter the zoning of established residential areas. The amendments would modify setbacks, articulation, massing requirements, and lot widths and minimum lot sizes in Residential Subdistricts to accommodate smaller dwelling units. The amendments would not change density or potential growth rates of the plan area (See TBAP Implementing Regulations Sections 2.09.A & B and 3.04).”
 - *How is community character being preserved? Zoning is not the same as character and character is what the community is worried about.*
- Code section 13.6.5.C.1 (Checklist item J.10): Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection.
 - *Not listening to the community – there have been consistent and numerous comments about the “one size fits all” approach.*

¹ The Regional Plan is a regulatory framework that includes several initiatives and documents, all of which can be accessed here: <https://www.trpa.gov/regional-plan>

² See Regional Plan Goals and Policies and public comment submitted “Kaufman Planning comments for Housing Amendments November 2023.”

³ TRPA Code section 13.6.5.

- Code section 13.6.5.C.6 (Checklist item J.15)
 - Placer’s checklist notes: “The existing TBAP was reviewed in an EIR/EIS, which identified beneficial effects on threshold standards including water quality. The proposed amendments were evaluated in an IEC and EIR addendum, which identified no impacts that would interfere with attainment of threshold standards.”
 - *See detailed comments on this below, in the “New Information – Vehicle Miles Traveled” section of our comments.*

A more comprehensive CEQA review must be conducted for the proposed Amendments

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 portion of the County and we prefer to see it 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. This puts a larger burden on Placer County to reduce environmental impacts from development within the County. There is an argument that new or updated plans or 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, 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 RTTP. While the “2023 Placer County Area Plan Implementation Report” (Attachment K to the agenda packet for the October 16 Board of Supervisors meeting) is a good overview of progress, and we appreciate the County preparing it and applaud the progress in general terms, a new EIR must address the ability for the County 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?*

Additionally, details on mitigation measure implementation from the 2017 EIR are missing and it is necessary to determine whether they need to be updated or if additional mitigation measures are needed:

- *How is Placer progressing on implementing mitigation measures and achieving goals and policies from the original 2017 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 was supposed to be done within two years of adoption, by the end of 2018. Has this been done? 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?*

New Information – Vehicle Miles Traveled

1. Given the Village at Palisades Tahoe Specific Plan (VPTSP) Revised Environmental Impact Report (REIR) release, and the new vehicle miles traveled (VMT) threshold adopted by TRPA in 2021, 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 new VMT threshold.
2. These impacts are reasonably foreseeable and significant.

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 the impacts of other projects the County itself is considering approving.

It is important to note that we specifically asked that the County address these issues with a supplemental EIR to the 2017 EIR as the minimum level of analysis. Instead, the County prepared a 17-page Addendum to the 2017 EIR, which does not have much substance and does not consider new information or environmental setting changes. The errata to that Addendum, prepared after concerns expressed at the Planning Commission meeting in December 2022, provides just three more pages of analysis. Specifically looking at VMT, the Addendum reiterates that the TBAP will reduce VMT, and the errata claims that the proposed Martis Valley West project that was rescinded can be replaced by the proposed Palisades project for the purposes of analysis. This claim is not supported by facts – the proposed Martis and Palisades projects would create different impacts in different places and at different times. Additionally, both projects are still being considered in the Addendum and errata as if it was still 2017 resulting in an outdated analysis of VMT and level of service (LOS).

The TBAP was not analyzed under TRPA's new VMT requirements. The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045. While the TBAP approved in 2017 may not have caused the old VMT threshold to be exceeded at the time, it may undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard and this needs to be analyzed.

TRPA's VMT threshold is closely aligned with Placer County's SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update.

Regardless of the County's interpretation of how the Project's impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County's Transportation Study Guidelines) standards of significance. Because the 2017 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations.

The impacts of the Palisades plan also need to be analyzed. The County claims in its Errata that there would be a tradeoff between traffic generated by Martis Valley West that is not currently an active project, and Palisades proposed expansion for impacts that would be offset. This needs to be analyzed as you can't just substitute two very different projects in different places for the purpose of environmental review. One project impacts Highway 267 and the other a two-lane road Highway 89 leading from Truckee to Tahoe City.

There are three issues we need to see specifically addressed:

1. How TBAP-adjacent projects will affect VMT (i.e., Palisades, Truckee General Plan).
2. How the *overall* 0.3% reduction in VMT projected in the 2017 EIR relates to the *per capita* reduction now required under TRPA's VMT threshold.
3. How progress toward the projected 0.3% reduction in VMT is going, for example based on the mitigation measures details in Cumulative Impacts, below.

Based on the above facts, and as demonstrated by the increasing analysis the County has admitted to needing through the Addendum and Errata, a more comprehensive CEQA review is necessary.

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, and conducts additional analysis and environmental review, we will similarly continue to adapt our comments.

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

Sincerely,



Gavin Feiger
Policy Director
on behalf of the League to Save Lake Tahoe

From: leah kaufman <leah.lkplanning@sbcglobal.net>
Sent: 12/5/2023 2:46:14 PM
To: Vince Hoenigman <vhoenigman@yahoo.com>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Shelly Aldean <shellyaldean@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; haley.a.williamson@gmail.com <haley.a.williamson@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; Brooke Laine <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; John Hester <jhester@trpa.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Emily Setzer <ESetzer@placer.ca.gov>; Stacy Wydra <swydra@placer.ca.gov>
Cc: leah kaufman <leah.lkplanning@sbcglobal.net>; Public Comment <PublicComment@trpa.gov>;
Subject: [BULK] Fw: Kaufman Planning Housing comments for TRPA, APC & Governing Board
Attachments: [TRPA RPIC Meeting Comments November 8th \(3\).docx](#) , [2023.01.30 LTSLT Comments on Palisades \(VPTSP\) RDEIR.pdf](#) , [2023.10.31 LTSLT Comments on TBAP Amendments for Placer BoS.pdf](#)

Hi,

Sorry about any confusion. I sent the TRPA GB and APC two emails- one yesterday and one today.

I am attaching my 36-page comment letter to this email along with two letters from the League that were also submitted yesterday. The League letters are more pertinent to TBAP.

(As you are aware there are two concurrent planning processes- TBAP amendments approved by Placer County October 31, st, 2023 and now subject to a lawsuit but still needing TRPA APC and Governing Board approval and the TRPA housing code changes which you will be reviewing on December 13th).

The email submitted earlier today, was a response to Supervisor Gustafson's comments at RPIC last month, asking where the public had come up with "Achievable housing " rents being \$2,430 /month. The attachment was the actual TRPA presentation, from Cascadia who is a housing consultant from Portland, Oregon that TRPA hired.

Cascadia's analysis for "achievable housing" is the whole basis for the TRPA proposed housing code amendments. Their proforma is based on twenty-four 640 sf units on a 12,000-sf parcel, with 100% land coverage, no setbacks, .75 parking spaces per unit and 65 feet of five story height.

Not even looked at by TRPA or Cascadia or the Tahoe Living Working Group were proformas on lots larger than 12,000 sf which would result in less height and less density proposals, and is more realistic. Not considered in any of the proposals are the impacts of unlimited density on parcels outside Town Centers on large acreage. Not considered are the TRPA Goals and Policies and 2012 EIS to concentrate development in Town Centers.

I also made one mistake in my earlier email.

Land coverage outside Town Centers is proposed up to 70%. It is up to 100% in the centers. I said 100% outside centers. Sorry. Density proposals are 100% for both outside and inside the centers.

PLEASE TAKE THE TIME TO READ THE LETTER IT IS CALLED TRPA RPIC

Thank you,

Leah Kaufman

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December 2, 2023

To APC and Board of Supervisors, Planning Staff and Legal counsel,

Please accept this letter as comments regarding the proposed code changes for TRPA's "Achievable/Affordable housing" that will be heard in front of Governing Board on December 13th, 2023, as well as my comments for the November 6th APC hearing regarding the Tahoe Basin Area Plan (TBAP) amendments running a parallel course with TRPA code changes. I am also responding to Cindy Gustafson, Vince Hoenigman and Shelly Aldean who commented at the November 15th RPIC meeting regarding TRPA's proposed Housing code.

TBAP amendments were approved by the Placer County BOS on October 31, 2023, but also require approval by TRPA APC and TRPA Governing Board. The TRPA Governing Board hearing on December 13, 2023 (same day as TRPA housing amendments) for TBAP amendments has been postponed.

This letter is a compilation of **hours** of research, reading codes, TRPA environmental reports, and TBAP red-lined amendments, conversations with northshore community members, and the five conservation groups. I am also interjecting my own two cents as a local business owner (land use planner) living on the northshore for 45 years and prior TRPA employee.

As land planners we are trained to examine words carefully, read code, make findings for our projects, and offer mitigations if there are impacts. It is with this level of detail I am analyzing the TRPA proposed code changes.

My comments are all sourced, and *suggestions* are offered throughout the document and in the summary section of this *long* letter based on solutions from other resort communities in their quest to address workforce housing needs.

In my opinion, the APC and Governing Board), are ushing substantial housing code of ordinance changes prematurely for both TBAP amendments as well as for TRPA code changes.

This is not a stall tactic; it is because the amendments are based on flawed assumptions from one housing consultant, looking at only one parcel size (12,000 sf) to create the codes. There are too many loose ends, and unanswered questions.

This letter points out errors in tracking bonus units, inconsistencies between the TRPA housing codes and TRPA Goals and Policies implementing the 2012 Regional Plan, and mixed messages leading to confusion between concurrent planning processes, (TRPA code changes and Tahoe Basin Area Plan (TBAP) amendments).

Placer County amendments and TRPA code changes bypass the years of hard work that went into crafting Area Plans that are detailed and address the unique character of each community, provide the nuts and bolts of planning policy and guided development and protections for the environment.

The “one size fits all” code changes do not address changes to land use patterns, , or account for very different development proposals between the north and south shores of Lake Tahoe. The codes were written specifically for developers, and it appears maybe one or two large Town Center projects.

“Unlimited density” is non sensical, it does not exist in any other resort community I could find in my research except for Los Angeles and 16 other metropolitan cities in California with an 80% affordable “low and very low” and “20% moderate income housing requirement, a 5-minute headway transit system, and a supporting dense population with millions of people.

The environmental analysis for the TRPA code changes is a checklist stating **NO IMPACT** for every resource topic and is the fourth major plan revision to the TRPA codes since 2012, all changes based on a checklist tiering off the 2012 EIS. There is no analysis of the impacts of the code amendments on changing land use patterns, community, neighboring impacts, shade on more than just the ground floor, and parking reductions without management plans in place etc.

The weak mitigation measures do not differentiate between the impacts of building on 12,000 sf lots or five acre parcels or provide protections for the natural built environment such as saving specimen trees, air quality, traffic and other resource topics.

The code amendments do not concentrate development in Town Centers but promote sprawl with the inclusion of Multiple Family zoned properties outside of Town Centers, and Transition Areas ½ mile in each direction from the Town Center boundaries. On the Northshore this includes a large portion of Incline Village, Kings Beach, the Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, parcels around the Tahoe City Golf Course, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma.

(Source: GIS.TRPA.org/housing/Placer County TBAP).

Expansion outside the Town Center boundaries for the added density, height, land coverage etc. is in direct conflict with policies in the TBAP EIR, and 2021 TRPA Regional Plan goals and policies.

TBAP: The Tahoe Basin Area Plan (TBAP) 2016 EIR states that:

“TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.”

Additionally,” 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.”

TRPA Goals and Policies The amended April 28th, 2021 Goals and Policies document under Land Use states:

Goal 3.3 of the TRPA Goals and Policies document

“DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP.”

Specific Goals under Land Use:

LU-1.2 REDEVELOPING EXISTING TOWN CENTERS IS A HIGH PRIORITY. Many of the Region's environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area's natural resources. To correct this, environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority.

LU-2.7 The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation.

GOAL CD-1 ENSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.

GOAL CD-2 REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.

iv. Town Center Boundaries: Land Use Design criteria includes that Buildings located within Town Centers should have transit **within a ¼ mile radius to the use.**

TRPA codes propose additional density, height, and land coverage in areas that are ½ mile distance to transit which is farther than envisioned in the Regional Plan.

Areas zoned for multiple family are not necessarily close to major services, transit is not reliable to run regularly in winter and runs at 30 minute and 1-hour headways on a good day. Tart Connect only will drive within a three-mile radius for pickup and delivery. The ski areas do not appear to shuttle employees, some of whom live 20 miles away from the resorts, and 96 percent of basin workers have cars. (66% have one to two cars). (Source TRPA).

There is limited infrastructure (bike trails and sidewalks), so it is unrealistic to expect that promoting density in these areas will lead to walkable communities.

See pictures below of typical snow days (Kings Beach) and parking overflow on side streets from workers in Incline Village (Southwood Drive) who need cars based on their jobs.



Worker Cars parked along Southwood Drive in Incline Village 12/3/2023



Typical snowy winter day in Kings Beach

- **Flawed Assumptions**

The entire premise for the TRPA code changes is based on a flawed assumption from one housing consultant (Cascadia), that “achievable housing” developments will be on 12,000 sf parcels. There is no proof that future development will be on this size of parcel. There is no inventory of parcels to inform the agency of what is affected by the rezoning changes i.e., size, occupancy, (vacant or developed), and location of parcels affected by the code amendments, and parcel size. Based on review of assessor parcel maps it appears the basin wide these amendments will affect thousands of parcels.

Note: TRPA staff threw out a number at RPIC that there are 500 vacant parcels but gave no source for this number or a total basin wide count of parcels affected by the code changes on developed land or size of parcels. Since land is valuable, we are sure that redevelopment will be on more than just vacant parcel lots.

The examples given by Cascadia do not take into consideration that **heights** may **not** need to be as tall if the parcel sizes are larger.

The examples given by Cascadia do not consider that **density** may be less if the parcels are larger.

The proforma that the code changes are based on is for twenty-four (640 sf units) in a five-story building, in a Town Center, on a 12,000-sf parcel with .75 parking spaces per unit, and 100% land coverage, eliminated setbacks, and a 12% rate of return for the developer. Rents are stated as \$3,000 to \$3,300/month. Subsidies and modular construction could reduce rents to \$2,430/month. (Source Karen Fink Housing presentation to Incline Village Advisory Board May 2023). This represents a density of approximately 66 units per acre. (I sent this link directly to Cindy). This proforma analysis was also found on the TRPA website.

Note: We have asked TRPA several times to ask their housing consultant to provide additional examples and a proforma analysis of proposed projects on lots larger than 12,000 sf with heights within the current allowable for Town Centers at 56 feet. We have asked TRPA to provide an analysis of Multiple family dwelling lots outside Town Centers on larger than 12,000 sf lots with unlimited density proposals and parking minimums.

Proposals for 100 % land coverage do not take into consideration that we live in snow country and that snow storage is an issue in winter. There is no room for screening and tall buildings will change the visual character of the community. Both Sugar Pine Village and the application for Dollar Hill Crossing are on acreage parcels, propose density between 15 and 21 units per acre and have over 11 acres of land to support their developments. Are there specific projects that we are catering to that require 100% land coverage and 65 feet of height incentives?

No response

More effort should be put into solutions for fixing the existing basin problems as identified by the thousands of members in community and conservation groups instead of shutting us out, ignoring our suggestions, and insulting our intelligence. Basically, we expect more from the TRPA than to be told: "We are working on it."

TRPA must set aside TBAP housing amendments and TRPA code changes until a complete environmental analysis has been prepared and reviewed. Conservation groups, community members, visitors, and businesses owners have legitimate concerns about the “one size fits all” regulations, proposing density and height only found in 17 California metropolitan cities (with millions of residents and multiple forms of transit), relying on one housing consultants’ opinion based on an inadequate incomplete environmental checklist that is insufficient.

REASONS TO SET ASIDE TBAP AMENDMENTS AND TRPA Housing Codes

Years of work and a thorough environmental analysis went into crafting the Basin Area Plans involving actual input from the community members. Jurisdictions with existing adopted Area Plans or having affordable housing projects either in the planning stages or on the ground have met or are meeting their obligation to provide workforce housing in the basin. In other words, TRPA’s housing policies are not evaluated with the same level of environmental review or community input and scrutiny that was part of crafting the Area Plans.

The Governing Board members **do not have** to take staff’s recommendation that TRPA code amendments must supersede Area Plans as some of the jurisdictions are already showing progress towards state inclusionary housing goals and providing affordable housing in the basin.

TRPA board members can REQUEST staff to go back to the drawing board and tighten up policies, that protect the environment and evaluate the impacts of housing codes on parcel size. Board members can ask that a slower based approach with performance-based benchmarks are required for some of these larger projects, as well as identify suitable specific sites. Supervisor Gustafson suggested this and upon contemplation it is a good idea.

A priority should be incentivizing existing blight and boarded up structures like the Garni and Norfolk Woods Inn to redevelop as they already have the infrastructure and parking.

New York City has a pilot program to pay 15 homeowners \$395,000 to build additional housing on their property - ADU’s- (Source Kendall Green November 22, 2023 as reported by Fox 5 News).

Questions raised by the public should be answered and more work needs to be done to tighten up the codes to prevent loopholes and inconsistencies and impacts to the neighborhoods and natural environment.

- **Mixed Messages**

The Placer County BOS approved County housing amendments on October 31, 2023, closing the public hearing without taking public comment. While Placer County height proposals to 72 feet were removed from the Placer County amendments due to lack of public support, the County and Board members had the knowledge that the TRPA was running a parallel planning course proposing major changes to TRPA's housing code of ordinances affecting heights to 65 feet, unlimited density, 70-100% percent land coverage allowances, reduced setbacks, parking reductions, and changes to Town Center boundaries.

In the court of public opinion this was perceived as surreptitious. The Northshore community was led to believe by Placer County legal counsel that the most restrictive rules between the two agencies (TRPA and Placer County) would apply, which is clearly not the case.

TRPA's housing code (Section HS -3.1) states *"TRPA shall adopt development standards to promote 100% deed -restricted affordable housing that supersede local jurisdiction's standards including in approved area plans."*

"Local jurisdictions may propose within an area plan, alternative development standards that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed restricted affordable housing."

As stated above, Placer County and other jurisdictions are demonstrating that they are facilitating the construction of deed restricted housing and should not have to do further environmental analysis.

Page 76 of the Placer County Tahoe Basin Area Plan (TBAP) states that " because TRPA standards are generally stricter and more detailed than other County requirements, the TBAP utilizes the Regional Plan and TRPA Code of Ordinances as its foundation." This is also not true.

The TBAP has more restrictive zoning for density and height. Height regulations are lower in the TBAP (56 feet in Town Centers) than the 65 feet TRPA is proposing, and density is less for all housing types not “unlimited density zoning” as is proposed by the TRPA.

Town Center boundaries as part of the TBAP are also more restrictive with the exception of transition areas. These boundaries are proposed to be expanded as part of TRPA’s code changes.

TRPA code changes promote sprawl with height, unlimited density, increases in land coverage, reduction of setbacks, and reduction of parking into Transition Areas and areas zoned for Multiple Family Dwellings effecting thousands of parcels basin wide as stated previously.

What is the rush?

- **California Inclusionary Housing Requirements are met**

It is not the case that TRPA has to adopt more California Inclusionary housing requirements or they will be fined.

Placer County has existing and proposed affordable housing either on the ground or in progress and is meeting its California State inclusionary housing requirement by rezoning 74 parcels for a maximum density of 30 units per acre in Placer County.

Other large projects in the planning process are 110- 140 units of affordable housing at Dollar Creek Crossing. We have identified at least 100 units planned for “achievable housing” in the planning stages. In addition, Placer County has a fair number of conversions of existing commercial and motel buildings for workforce housing. The City of South Lake Tahoe is building 248 affordable units called Sugar Pine Village, with additional projects in the works.

California inclusionary housing laws are not uniform policy and give local governments broad discretion to realistically advance affordable housing in a creative manner. In everything I have read there must be some requirement for including a minimum percentage of dwelling units that are affordable to very low- low- and moderate-income households.

➤ Will “achievable” housing meet the Inclusionary Housing requirements?

Eastern Placer County has shown great progress in meeting affordable housing objectives. In fact, if you count the reserved bonus units inventory provided by Karen Fink, California (north and south shore) has 470 bonus units reserved to Nevada’s 21 bonus units for Boulder Bay.

Douglas County was one of the first area plans to be approved by TRPA and lacks an affordable housing policy. TRPA acts as the lead agency not the local jurisdiction for this plan, even though TRPA is a regional planning agency, but abdicated responsibility to require “affordable housing” to the local jurisdictions. (Mistake)

Case in point is Latitude 39 in Stateline, Nevada with a recent approval for 40 luxury condos, pickleball, a dog washing station, restaurant and 94 feet of height with zero affordable component because *they did not have to* according to attorney Lew Feldman.

Lew was also the attorney pushing the rezoning in Incline Town Center of the Nine 47 Tahoe four story condo project. (“Effortless Luxury meets Endless Adventure”) with a starting asking price of 2.5 million dollars. There is no requirement for the developer to ever build affordable housing on the lot across from his development, and if he does what will the units rent for? The proposed 5 one-million-dollar condos are hardly “affordable.”



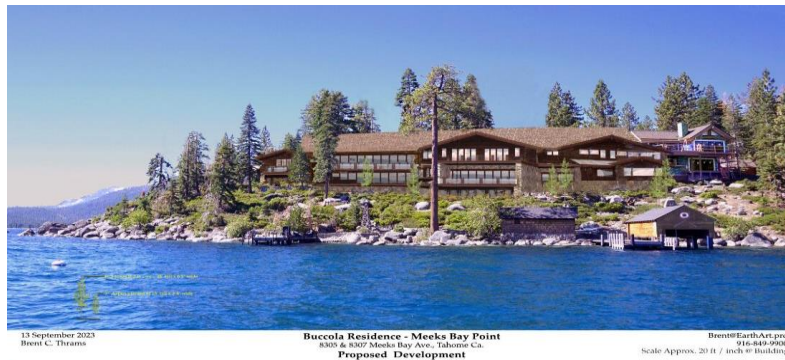
Nine 47 Tahoe- Incline Village luxury condos

The existing TRPA code of ordinances facilitate the continued approvals for luxury condo developments and McMansions that are getting even more outrageous with underwater hockey pools, sports courts, salt rooms, bowling alleys, golf tees,

hair salons, and convention sized gathering spaces , and STR permits, all of which require a workforce that these projects create. There are no code proposals to address the magnitude and neighborhood changing characteristics of these Mega Homes or require these projects mitigate the workforce they create. Business as usual will ensure that more will get constructed without the need to mitigate their workforce.



Underwater Hockey Pool Lakeshore Drive



Proposed 14,000 sf single family dwelling with two STR permits overlooking Meeks Bay replacing two small historic cabins.

There is nothing in the proposed code amendments that will encourage or require a fair and equitable “affordable housing” policy between both states.

- Density

I have researched other locations in California and found only one reference to “unlimited density” in density bonus legislation and programs for affordable housing projects.

1. *California State Code AB2334*- allows increased “unlimited density” if the project is located in an urbanized very low vehicle travel area, and

housing is 100% affordable. 80% of the units are restricted to lower income households and no more than 20% are for moderate income households. Senior citizen housing is also allowed. There is also a limitation on height. There are seven counties and cities in Southern California such as Los Angeles and ten Northern California cities such as Alameda, San Francisco and Sacramento that have been identified as qualifying. Otherwise,

2. *California Government Code 65915* is a statewide mandate which allows developers who meet the requirements to build up to 50% over the maximum allowed density on rental or ownership projects in exchange for affordable housing.

Other towns in California that allow a Density Bonus Program are cities with transportation systems running more frequently than once an hour or 30 minutes and are far more populated.

3. San Diego - 35% bonus density override for affordable housing only.
4. Glendale-up to 50% bonus density override that must include for sale units at affordable levels.
5. Encinitas— maximum density bonus up to 50% with the following provisions- 44% of the housing must be moderate, 24% Low income, and 15% very low income.
6. AB 682 is a Density bonus law for affordable and senior housing, maximum height is 33 feet plus a density study is required. The developer may submit a base density study to the community, including all applicable objective development standards such as allowable floor area ratios, setback requirements, open space and parking requirements.
7. Placer Co rezone- 74 parcels proposed to be rezoned for 30 units per acre maximum density. Meets CA State inclusionary housing requirements.

“Unlimited density” as proposed for the TRPA housing code changes is inappropriate for a rural mountain community. We do not have the transit headways or reliability of service, the population, or the restaurants, grocery stores, and other services offered by metropolitan cities. Developer bonus density in major cities (as referenced above) do not exceed 50 percent of current zoning densities and come with requirements to provide low- and moderate-income housing not “achievable housing which is a definition not in State housing codes and was developed by the Mountain Housing Council for Tahoe and Truckee.

The TRPA staff has said that developments outside Town Centers are to encourage smaller duplex, triplex, and multi-family projects. However, there are no policies, regulations or ordinances that would guide these types of non-controversial proposals and in fact, density as of May 2023 outside of Town Centers was proposed at 60 units per acre but that was also changed in favor of “unlimited density” with no explanation to the public or concern for the environmental impacts that unlimited density could create on parcels larger than 12,000 sf.

- **Code Language Changes between TRPA and TBAP**

TRPA and TBAP amendments are confusing and conflict as per the following examples.

Single family proposals

TRPA- height to 65 feet is based on 100% deeded affordable/achievable housing **No** single-family dwellings or market rate condos are allowed However, 50% of the project could be mixed-use non-deed restricted. Chapter 36.13

But then- TRPA- HS pg 9 allows conversions of existing multifamily to single family dwellings condos via the (two-step process) providing 50 percent of the units are deed restricted affordable but,

TBAP- New single families- (townhomes and condos) are allowed. Projects are not required to be 100% affordable if the market rate condos are 25% or less of a project development. Unsure is if these units are eligible for the incentives.

- County allows 75% affordable deed restricted housing for single family uses and allows 25% market rate. Do these units qualify for extra height and other housing incentives?
- County allows 15 multiple family dwellings approval by right with no environmental review. Does TRPA review these projects?
- TRPA requirement is that 50% of housing must be deed restricted if proposing a mixed-use commercial development and requesting the extra 10 feet of height to 65 feet but allows conversions to single family dwellings as part of a two-step process if 50% of the units are affordable. Do the two-step conversions qualify for the additional height and other bonus incentives?

TBAP- TBAP has reduced parking to no minimums **for all uses** except TAU development in Town Centers regardless of if it is deed restricted or not.

- TRPA- has no parking minimums for affordable deed restricted housing in Town Centers, and .75 parking spaces per unit outside Town Centers for Multifamily developments.
- Does TRPA have parking minimums for other uses within the Town Centers?
- Do TRPA parking minimums apply only for deed restricted or market rate housing or both?

However, TBAP- TBAP supersedes TRPA Code of Ordinances Chapter 36 Mixed Use and Chapter 34 parking. (Page 1 of TBAP).

- So, in reality who supersedes who?

Help!

TBAP- Allows Reduced lot width and size of lot to 2,999 sf to promote tiny homes.

TRPA- small lots (less than 3,000 sf) do not receive good IPES scores if vacant or are only allowed base land coverage (600 to 900 sf depending on Land Capability)

- Would this provide enough land coverage to build on?
- TRPA ordinance allows 1,200 sf of land coverage for ADU's exempting driveway land coverage. How does this work on the reduced lot parcels?

TBAP- proposes all housing land uses (Multi person dwelling, employee housing, multifamily etc. in every area where multiple family zoning is allowed. Density for multiple persons per acre has been increased from 25 persons per acre to 62 persons per acre as part of TBAP. Placer County reported that this increased density matches TRPA zoning, but TRPA code has not changed from the 25 persons per acre density. **Please clarify.**

Suggestion: TRPA should prepare a flow chart that assists the public and planning staff to navigate the code changes between TRPA and TBAP.

- **Achievable Housing**

We appreciate that Vince Hoenigman is asking for more analysis of the “achievable housing” definition in the TRPA housing codes. The definition must have an income cap.

The looseness of the current definition will lead to loopholes.

Lack of enforcement will lead to loopholes.

Not having an income qualifier or “affordable housing” component requirement in every project will lead to loopholes.

Last year the Tahoe Living Working group had an income qualifier in this definition that required renters to qualify at no more than 120% of the AMI.

This was removed. WHY?

The other ski resort communities look at second residence ownership, time occupying a lease, and a physical location for the jobs. Density bonus programs in other locations in California come with a requirement to build “low, very low and moderate” affordable housing to receive density increases which should also be a

requirement as part of the TRPA amendments and is identified in the Housing Element of the TRPA Goals and Policies as stated below:

POLICIES: HS-1.1 SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW-INCOME HOUSEHOLDS (50 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME)

- Based on my calculations there are 712 bonus units remaining that could be used for Achievable Housing that does not assist lower or median income families and since “achievable housing” does not come with rent control how is one to know it would even be affordable?

Developers building the achievable housing have no rental caps or requirements to make the rents affordable.

The minimum wage in California is currently at \$15.50 per hour.

Suggestion: Tighten up the “achievable definition” and put in benchmarks that allow for revisiting the definition and requirements to ensure that these units do not become condos for second homeowners and that the target market is indeed being served. Some type of income qualifier and rental cap may be necessary as there are no guarantees that rents will be affordable.

J-1's who service our ski areas, restaurants, grocery stores, and retail, can only pay approximately \$200/week +/- for their housing. Even a \$30/hour employee would have to pay over 60% of his or her income to live in the “achievable housing” based on TRPA's proforma of \$2,430 to \$3,000/month for rent. The single high school math teacher I spoke to a few days ago said it would be a stretch to pay \$1,500 a month for his housing so he lives with roommates.

Suggestion: Perhaps a percentage of low, and moderate housing units should be mixed in with the achievable housing.

The Alpine View Housing developer at the meeting stated that their projects would be affordable to the workforce but did not identify what specifically this meant? The website <http://www.dollarpoint.com> advertises brand new

underground parking, one-to-three-bedroom apartments, with elevator and private balconies designed to elevate the lifestyles of the middle-class Tahoe Workforce. Sounds fabulous just concerned what the rents are proposed to be.?

Suggestion: Truckee, bordering the Basin has similar STR, tourist management, and workforce issues like what we face in the basin, has similar transit headways, is located in snow country, and has the track record for projects constructed. Workforce housing in Truckee includes For sale- for rent- affordable low and moderate income projects in different locations.

A list of these projects with number of units, apartment/room sizes, number of bedrooms, monthly rents and/or for sale price tags, tenancy requirements, with the pros and cons of each development, subsidies received, etc. would help us in the Basin to craft good projects. We don't have to reinvent any wheels or guess what will be effective when our neighbors have already crossed this bridge.

- **Bonus Unit accounting**

There is a discrepancy in bonus unit accounting. Staff at RPIC mtg said there are 946 bonus units remaining. They, however, did not break down what is available for “achievable housing” but said that the past bonus units have been for affordable housing at low- and moderate-income levels. Taking this information, I came up with the following:

The TRPA housing website says the starting bonus pool is 1,124 bonus units and that half of them are for affordable “low and moderate income” housing and half could be “achievable housing.” However, the 2012 EIS states there are 1,440 bonus units available as part of the 2012 Regional Plan which is 312 more units. Staff reports state 960 remaining bonus units.

➤ So what is it? 1,124 bonus units or 1,440 bonus units?

- 1,440 bonus units would result in 720- Achievable – 720 Affordable

- 1,124 bonus units would result in 562 Achievable and 562 affordable.

TRPA staff also said that 480 bonus units have been used for affordable housing leaving 960 bonus units left either reserved or available.

If you subtract 480 from 1,124 then you would have 644 units. If you subtract 480 from 1,440 you would have 960 units. If the regional plan EIS 1,440 bonus units are correct, then.

- ***240 of the remaining units 960 units are required to be “affordable.”**
- **720 +/- bonus units left can be “achievable.”**

***Sugar Pine Village is proposing to use 248 of the affordable housing bonus units thus leaving all the remaining 712 bonus units to be “achievable housing.”**

- **Bonus Unit Inventory**

TRPA staff provided a bonus unit inventory of both used as well as reserved bonus unit projects. It does not appear to be complete for Placer County as identified below. (email dated November 14, 2023, from Karen Fink)

960 Bonus Units remaining

- 140 Dollar Creek Crossing-Dollar Hill
- 70 Crossings- south shore
- 74 39 North-Kings Beach
- 120 Sugar Pine remaining phases-south shore
- 20 Silver Dollar-south shore
- 24 Boulder Bay-Crystal Bay
- 12 Homewood-West shore (California)
- 8 Aspens-South shore
- 9 ADUs

In reviewing the Placer County projects that are in the planning process or have been approved what appears to be missing are:

- Boatworks project (Tahoe City) affordable component?
- Tahoe City Lodge (Tahoe City) affordable component?
- Chalet Blanc (Tahoe City)- 18 “achievable units that just received 1.5 million in TOT funds from Placer County for “achievable housing.”
- Alpine View (Dollar Hill)- 24 “Achievable units.”
- **Conversions:**
 - Wandas flower shop to dorm style housing - Approx 28 beds. Conversion from CFA.
 - Dollar Hill Apartments- 17 studio and one-bedroom units- conversion from CFA.
 - TAU conversions- Employees housed in hotels and market rate developments. Example: (Palisades purchased the Tahoe Vistana hotel in Tahoe Vista and apartments on Brockway Hill in Kings Beach for employee housing). Tahoe Vistana holds approx. 50 employees, Brockway Hill Apartments house approx. 15- 20 employees +/- . (Source Snow Brains/Sierra Sun May 26th, article).
 - Tahoma Meadows Cottages
 - Garni Lodge
- How are conversions tracked by TRPA?
- Employees in hotel rooms that were once TAU’s or conversions from commercial to residential use represent a major change of use category. Are these conversions from tourist accommodation to residential uses or from commercial to residential uses required to obtain bonus units (employee housing) or Residential Units of Use (RUUs) or any other type of entitlement?

- Is there a time frame to submit project applications for changing a use by converting?
- Do converted projects used for employee housing come with the same TRPA housing incentives as are allowed for bonus units? i.e., Extra height, density, coverage, reduced setbacks, and parking reductions?
- Are both TRPA and County permits required for conversions?

None of these questions asked previously have been answered.

In 1987, the public utility districts and TRPA required that all existing development identify under what category of use they wanted to be or were operating as i.e., commercial, residential, mixed use, tourist accommodation, public service, recreation etc. It is obvious that many of these uses have clearly changed since originally inventoried. I.e., conversions, the use of market rate housing and hotels for employee purposes, public service going to commercial, TAUs to long term tenancy etc.

- Chapter 6.3.1 of the TRPA Code of Ordinances requires tracking of entitlements. How current is this?

The proposed TRPA housing codes propose encouraging long term residency in hotels. Counties collect TOT taxes from hotels and motels (short term under 30 day rentals) which goes to support infrastructure and affordable housing projects.

- Has this been vetted with local jurisdictions that could lose possible revenue? How many hotels have been converted basin wide?
- Is there a limit on the number of tourist accommodation properties that can be converted to long term tenancy?
- Do conversions come with the requirement to update BMP's and fix dilapidated structures to make them safe and habitable for the employees occupying such units?
-



Garni Lodge Crystal Bay

Local utility districts have different requirements/fee schedules based on use. There are sewer pressure tests required and a change in fees going from tourist or commercial to residential. The fire department considers changing occupancy very seriously and has much more stringent requirements under fire codes for residential use than commercial. Fire sprinklers etc.

(The IEC says no effect for any of the topics involving public services). We beg to differ that effects could be significant if not mitigated and should be identified as such.

- **Environmental Analysis**

The lack of a thorough environmental analysis is perplexing. As stated previously, housing amendments are proposed to be approved with a simple environmental checklist in which minimal findings are made, mitigation measures are lacking, and every resource topic question is either a “no” or there is no stated environmental impact for both TRPA as well as California CEQA code changes. The checklist references the 2012 Regional Plan but there is no discussion as to what benchmarks have been made since 2012, status of the thresholds, and if required mitigation measures as part of the regional plan have been implemented.

There is no cumulative impacts analysis of projects or changes from outside influences specifically the 25,000,000 million annual visitors that impact the basin carrying capacity during peak seasons resulting in gridlock and a lake that is suffering from microplastics, trash, snails, and other invasive species because of human influence.

An environmental checklist has been used for Phase 1 housing amendments (conversions), transfer of land coverage between hydrologic areas, and transfer of entitlements around the basin. None of these code amendments were analyzed in the original 2012 EIS document.

- An EIR was required for the Area Plans tiering off of the 2012 Regional Plan. TBAP was approved in 2016 setting the standards for height, density, zoning, setbacks, parking, and Town Center Boundaries in Placer County.
- An EIR is required for the REZONE process as part of the California States Regional Housing Needs Assessment (RHNA) for 74 properties identified for a MAXIMUM density increase to 30 units per acre to accommodate a mix of affordable housing. The Placer County rezoning as described above, requires an EIR analysis for a maximum 30 units per acre density proposed on 74 parcels.
 - Please explain why rezoning of 74 parcels with a maximum density of 30 units per acre requires a full EIR under CEQA, but the TRPA proposed code changes affecting areas outside of Town Centers, changing zoning on thousands of potential parcels basin with unlimited density, and up to 100% land coverage allowances, and reduced or no parking minimums is evaluated with only a checklist?
 - Please explain why the 2016 Area Plan required an EIR analysis as it was also based off of the 2012 EIS and was the document that regulates density, height, setbacks, and parking. The TRPA amendments are proposed to supersede the Area Plans with substantial proposed changes to height, density, parking and land coverage with only a simple checklist. TBAP crafted height, density, parking, setbacks, and Town Center boundaries with a full EIR.
 - The “findings” discussion at RPIC was incredibly confusing, but I think if I understand it right, the TRPA staff said if amendments are allowed without being considered a “special use” there would be a lessened amount of environmental review resulting in possible loss of protections to the community? Please clarify.

➤ What triggers environmental review for proposed projects?

Please note that many projects previously requiring TRPA and or County review are now exempt under TBAP.

These questions asked previously have not been answered.

A recent lawsuit filed by three conservation groups and supported by others charges that Placer County with the TBAP should have prepared an EIR (Environmental Impact Report) to assess the changes proposed by the Placer County amendments as the checklist addendum prepared was not adequate.

The League letter to the BOS (copy enclosed) points out that traffic was not addressed under TRPA's new VMT requirements. "The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045. While the TBAP approved in 2016/17 may not have caused the old VMT threshold to be exceeded at the time, it may undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard and this needs to be analyzed.

TRPA's VMT threshold is closely aligned with Placer County's SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update.

Regardless of the County's interpretation of how the Project's impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County's Transportation Study Guidelines) standards of significance. Because the 2016 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations."

“The impacts from the Palisades plan also need to be analyzed. The County commented in the Attachment M errata that there would be a tradeoff between traffic generated by Martis Valley West that is not currently an active project, and Palisades proposed expansion for impacts that would be basically offset, This also should be analyzed as you can’t just substitute two very different projects in different places for the purpose of environmental review. One project impacts Highway 267 and the other a two-lane road Highway 89 leading from Truckee to Tahoe City.

Additionally, there are concerns regarding cumulative impacts, and questions regarding the benefits of the amendments that do not just address housing opportunities.

Other changes include Reno issued 12,002 building permits in one year alone in 2022, (Source-Washoe County local jurisdiction report 2022 Census for Building Permits issued), growth in Truckee, Sacramento and other regions affecting the Tahoe Basin and the impact of 25,000,000 annual tourists (Source NDT) more than three times the number of visitors as Yosemite. (Source- Fodors Lake Tahoe has a People Problem November 17, 2022 resulting in traffic jams, packed beaches and decreased lake clarity). Analysis of the amendments do not provide mitigation measures for land use pattern changes, impacts to the natural built environment, and there is no analysis of a roadway-by-roadway plan for fire evacuation etc.

The TBAP code changes come with a lot of “collaborate, suggest, promote support”, but lack the wording “require” when it comes to policy and actual regulations that will affect change. Please refer to DP-P-11 regarding “supporting redevelopment of aging lodging, products and encourage revitalization and creative new high-quality lodging.” Support is empty without the resources to back it up.

Suggestion Do not approve TBAP housing amendments until there is more research and analysis of the issues raised above.

- How can TRPA say their code amendments are in conformance with the 2012 Regional Plan EIS and the local Area Plans (TBAP 2016) when neither the Regional Plan EIS or the individual Area Plans environmental documents ever analyzed “unlimited density” zoning, heights above what was approved in the Area Plan, reduced parking with no parking plans in place or firm requirements to provide parking solutions (TC-P-19) does not require a parking management plan to be in place.
- increased land coverage proposals up to 100% coverage affecting neighbors and the natural built environment, shade on more than the ground floor and changes in community character, no room for walking paths, snow removal and landscaping? The plan documents never analyzed what these similar proposals would be on parcels located out of the Centers and in Transition Areas or on parcels larger than 12,000 sf.

- **Lack of Transparency and Community Frustration**

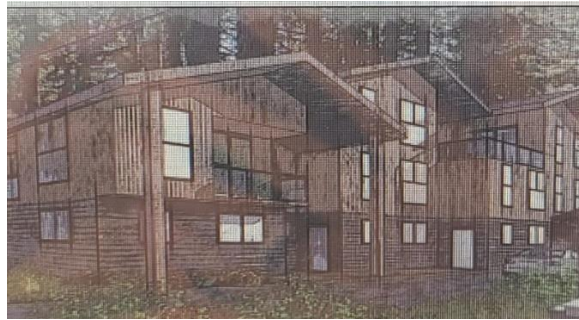
This is a big one for me and very unsettling. Trust of Placer County and TRPA is at an all-time low and could have been avoided by actively involving the community that was responsible for crafting the Area Plans in 2016. 35 members of the community collaborated and came up with policies they felt their communities along the northshore should look like and regulations to enhance redevelopment. If this wasn't working fast enough for staff or wasn't enticing enough for developers, then there should be communication with the team. Failed CEP projects were not the fault of agency regulations, they attracted the wrong kind of people and were too ambitious. The financial market has also not helped.

Desired community character has been communicated to staff numerous times and in numerous ways. TRPA staff has tried many ways to “Solicit Support for Height” with exhibits, flash vote surveys, attendance at Farmers Markets and at the Summit and with their own housing website. The community has continually pushed back that they do not want the height and in fact height is not necessary if TRPA would examine projects with parcels greater than 12,000 sf.

1). Exhibits

Heights for the buildings are represented at different heights depending on who they are being shown to. For example, this triplex rendering shown at RPIC last month was stated to be 48 feet tall, however TRPA staff represented in writing that this is 36 feet tall.

(E mail from Alyssa Bettinger dated August 16, 2023 stated this triplex is 36 feet and appropriate for areas zoned for multiple family dwellings).



TRPA has never shown the public 65-foot-tall buildings, to solicit “Support for Height” which they **would not** get. 65 feet is approximately the height of five stories.

The gentleman who spoke at RPIC said if a ballot measure was taken in the basin of the proposed housing amendments, it would fail, and he is right. The public has consistently told TRPA and the local Placer County representatives they do not want any additional height over what is currently allowed in the Area Plans. (56 feet) which was more than the community wanted to begin with.

2). Flash vote comments:

Hundreds of Flash vote comments, and comments from community and five environmental groups representing thousands of people have raised consistent messages regarding their concerns with these proposed amendments. (Part of the 675 pages in your board packet). Consistent themes are issues with lack of Cumulative Environmental analysis since 2012, addressing the real Need in Workforce Housing (Affordable vs Achievable), Increased Density impacts, Decreased Parking requirements vs reality of the need for an auto, Height changing character of Communities, and Fire Evacuation. Most public comments

made multiple points and indicated questions that have continued to be unanswered by TRPA. The public preferred smaller multiple family projects and concentration of development into Town Centers.

The community's comments are summed up on page 31 of the November Moonshine Ink Magazine Opinion Piece written by eight of us including planners, designers, architects, realtors, business owners and attorneys.

When attending meetings, it is obvious that (with a few exceptions), only developers, paid consultants, the Resort Associations, the Tahoe Living Working Group, and the Prosperity Center want more height and are in favor of the amendments as presented.

3). Ineffective three-minute speeches

It is frustrating to attend meetings, point out loopholes or inconsistencies, ask the same unanswered questions, and request clarifying language of the code changes in three-minute speeches when staff and the board have unlimited time to banter back and forth. The public does not believe these short speeches are effective nor do they feel that the public's questions are addressed, or concerns mitigated as part of the public process. In fact, the public feels that boards are scurrying to rush code changes as fast as possible and are quite annoyed that the public is involved at all.

This was evident at the APC when the Washoe County representative did not even care to see missing environmental documentation in his eagerness to approve the code changes. One of the APC members even stated that in 12 years of being on APC he had never received so much correspondence from the public and did not feel comfortable with moving forward with a rushed recommendation to the Governing Board as so many questions remaining unanswered. Unfortunately, not everyone felt the same way and only two other members voted no.

On October 31st the BOS voted to approve amendments without further public input. In my years of planning, I have not seen this happen before.

Even if completely legal that (APC and Governing Board members) who have authorship and sit on the committees creating the amendments, are the ones

pushing, and ultimately approving these amendments, the court of public opinion thinks that this is a conflict. (Urban Plan for Tahoe Flawed, shortsighted- November 3, 2023, Reno Gazette Journal).

Only one conservation member representative (the League) is on the Tahoe Working Living Group, which is heavily represented by Resort Association, housing developers, Governing Board and APC members. Not one of the 35 community plan team members who originally crafted the 2016 Area Plans was consulted. Most of the meetings were held during covid. It is unfortunate and saddens me that the conservation community had to resort to a lawsuit to be heard. It is not productive, and it serves to further divide the community from the lawmakers. In my opinion, this could have been avoided.

- **Community Character**

In 45 years of planning this issue has come up time and time again. Communities should be able to craft their own look and feel. Homogenizing the lake is not the answer.

South Shore has more infrastructure, (sidewalks and bike trails), a loop road for access around the main road and density. The City of South Lake Tahoe alone has a resident population of over 21,000 people, almost half of the entire Lakes' population of approximately 44,000 residents. Tall casinos, large hotels and NorthStar type villages are located at Stateline and ski run.

The commercial corridor is a strip along Highway 50 affecting the entire length of town on both sides of the road. Residential uses are mainly located behind the commercial core. Buildings in the casino core are up to 200 feet tall.

North Shore is much more rural, rustic, and less populated. Highway 28 bifurcates the lake on one side and mixed residential and tourist accommodations on the other. Commercial and other services are pretty much concentrated in specific Town Centers (Tahoe City, Kings Beach, and Crystal Bay/Incline Village). The Northshore character is low key, artsy, and slower paced. The North shore has less overall infrastructure than Southshore and the majority of all the buildings with a few exceptions are not over two stories in height.

It is apparent from public comments that the North Shore does not embrace the South Shores village concepts even though there are those in the agencies and boards who would like to see projects like this on the northshore. It is not even the goal of the Regional Plan to force the “one sized regulations” that do not maintain or protect a community’s desired character.

Land Use “**GOAL CD-2 REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW**”



Proposed 39 North Village concept proposed for Kings Beach

Suggestion: TRPA should rely on the Area Plans to craft their own standards for height and density. The basin does not have to be homogenized with the same rules and regulations as the Area Plans are different for every community.

A separate and parallel analysis should have been part of housing code changes to identify community character along with guidelines on preservation and enhancement, safety and community welfare. A character analysis would include an inventory of the built environment as well as identification of vacant parcels within the areas proposed for rezoning. Existing development should identify single family, duplex, condo, commercial, uses, etc. type of architecture, scale, massing, density, historical status, number of stories, open space, setting, (forested, urban, Lakefront), topography, location of specimen trees, scenic views, public parking availability, existing services, distance to recreational opportunities, wildfire routes, etc. TRPA codes could benefit from policies that address the character issue in the basin. If Tahoe City would like a different look and feel than Kings Beach then that is appropriate.

The only response received was “there is no existing character in your communities on the northshore” and in fact your communities are S.... While we all agree that redevelopment of the boarded-up buildings and aging structures should be prioritized we disagree that our north shore communities lack character or are S....

Summary:

Contrary to claims from business-funded non-profits and the Tahoe Regional Planning Agency (TRPA), the Tahoe Basin does not have a shortage of housing units. What it does have is a shortage of housing units available to those who seek to live and work here. (Source- Quote from Alex Tsigdinos in Tahoe Daily Tribune Opinion article December 24, 2023- Basin wide short term rental caps must be part of TRPA’s Housing Plan). “The housing shortage may be more of a management problem and should be solved in tandem with building new developments”.

The Housing amendments proposed by TRPA leave a lot of unanswered questions and come with a lack of policy guidelines that are too broad based, do not address preserving the desired character of a community, do not analyze the true environmental impacts of such proposed changes, are not performance based and have not evaluated proposals on larger than 12,000 sf lots.

There is no distinction between the north vs the south shore. Density proposals are equal to Los Angeles and other urban counties and cities with populations in the millions with multiple forms of transit. The rezoning of transition areas and multiple family zoned parcels for development outside Town Centers violates every policy the Regional Plan and TBAP EIR goals stand for.

The affordable housing shortage is a worldwide dilemma not just a local issue. Tahoe, however, is unique and a national treasure and should be treated as such with realistic codes and policies that are appropriate for our area and that result in helping those in the most need).

There are too many loose ends and unanswered questions to approve these amendments (Placer County TBAP and TRPA code changes). OPT OUT or Vote against TRPA requiring their code policies to supersede the area plans.

HOUSING SOLUTIONS

1). *STR'S- Cities and towns all over the world are severely reducing short term rentals (STRs) and even locally. (Measure T in City of South Lake Tahoe), which results in more residences becoming available for long term families based on Harvard studies.*

Placer Conty STR reductions are only based on hotel rooms being created which will take years and immediate action is needed now. The Tahoe basin has approximately 6,000 STR's. TRPA has discussed if STR's should be TAUs but differed this decision to the local jurisdictions because it is such a hot topic and money-making proposition for second and third homeowners.

2). *TRPA could if they wanted to and thought about in 2004, could require STR policies that regulate the number of vehicles, and location of use. The basin has become a floating hotel for 25,000,000 tourists. Placer County could also reduce STR's immediately as is happening in Hawaii (Source- Oahu suspends STR rules to help Maui April 16, 2023). (Source- The challenge short term rental are creating for local Governments October 8, 2021).*

3). *ADU's- Other communities are encouraging the construction of ADU's by making it easier on homeowners, (New York City is using housing funds to pay 15 owners up to \$395,000 to build them). (Source Business Insider November 23, 2023)*

4). *Redevelopment-There are plenty of boarded up and tired buildings with existing infrastructure that should have the highest priority for redevelopment including using subsidies, grants, TOT taxes, forgivable loans, vacancy tax, imposing a demolition tax, etc.*

Target specific sites and require conformance towards removing and reducing blight- Buildings that come to mind include the Garni Lodge, Norfolk Woods Inn, and Tahoma Lodge, and adjacent boarded up cabins on the west shore to start.

(It was good to hear from Supervisor Gustafson that Placer County now has a new ordinance with timeframes for owners to either fix or remove their boarded-up and or dilapidated structures). It would be good to know the details of this ordinance.

Senator Padilla from California is working on Legislation to encourage redevelopment of existing properties to introduce a 1.5 billion dollar “Affordable Housing Redevelopment Act (S580) to help renovate and rehab old, vacant, and boarded up buildings. (Source- form letter from Senator Padilla- December 2023). All of us should write letters in support of this bill.

5). *Vacancy Tax- Over 50% of the homes in Tahoe are vacant. (Source TRPA). Vacancy taxes that create millions of dollars have been imposed in San Francisco, and Oakland. (Source- San Francisco passes strongest vacant housing speculation tax Fortune- Housing October 21, 2023).*

6). *Conform with TRPA Land Use policies adopted in 2021.*

LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS AND ENVIRONMENTALLY SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGES.

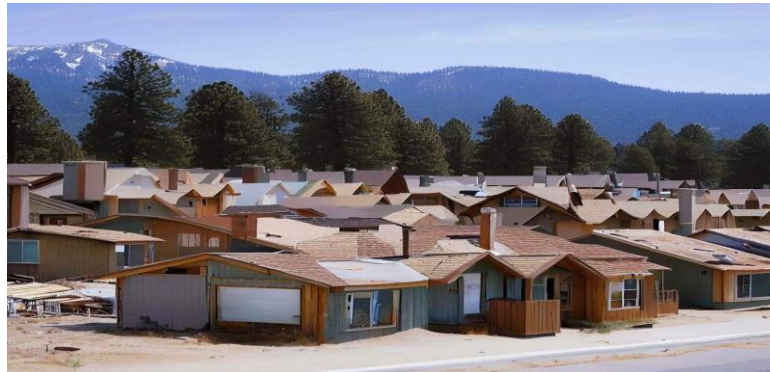
- Staff claims that “The areas adjacent to town centers are approved zones for multi-family buildings and where much of Tahoe's existing multi-family units exist. The proposed code amendments are tailored to encourage builders to construct duplexes, triplexes and small-scale multi-family homes in areas already zoned for multi-family housing.”

7). *Emphasis should be on the duplex, triplex and 10 and fewer multifamily developments that were supported by 66% of respondents in the flash vote survey.*

The codes do not reflect this claim for the small density projects, as staff changed in June or later from 60 unit per acre density proposals to unlimited density with no explanation.

8). *Language should be specific for the types of uses desired as stated above. However, again, there are different sized parcels that would have different types of impacts with the same set of rules.*

Specific regulations must be written into the codes to protect desired community character, preservation of specimen trees, open space, setbacks to allow for snow removal and walking paths, appropriate land use patterns on the larger acreage parcels in the Multiple Family Zoned areas with the same code regulations eliminating loopholes and undesired results.



Unknown Artists tongue and cheek rendition of “unlimited density” housing on a large acreage parcel.



Three-acre Tahoe Vista Parcel that has been clear cut for development under existing planning and land coverage rules. The Original site plan provided to TRPA and the public showed preservation of specimen trees.

9). *The go-slow planning approach suggested by the League based on performance benchmarks, and progress towards environmental goals is a good idea. Adopt Adaptive zoning!*

10). *Adopt a concurrent code that addresses community character. Summit County requires that preservation of mountain character and sense of place are emphasized with planned housing projects. The developer must prove that the proposed projects are in the best interest of the general health, safety, and welfare of the residents. TRPA housing code only makes a reference to ground floor shade requirements and design of buildings. The residents are left out of the equation.*

11). *Candidate sites should be considered in locations that are in concentrated areas with a chance to be walkable such as in Town Centers utilizing the existing 56 feet of height and subsidies reserved for those projects and the redevelopment of boarded up structures.*

12). *Bonus units should be equally distributed between the states instead of on a first come first serve basis. An equitable housing policy between Nevada and California should be required.*

13). *Mandate that all the deed-restricted housing is in Town Centers and is affordable with at least 80% of the housing for low/affordable (below 80% of AMI) and 20% for moderate (81% to 120% of AMI) housing categories if unlimited density is proposed. Suggest a sliding scale that allows more achievable housing for reductions in both height and density. There are approximately 712 remaining bonus units that can be “achievable” so defining this use is imperative.*

Adopt the suggestions of (MAP) including:

14). *Require new developments (hotels, retail, etc.) AND large existing resort employers to provide workforce housing on site.*

15). *Support community land trusts or other non-profits with mechanisms designed to increase affordable housing.*

16). *Ensure that there is monitoring and that fines and enforcement measures to ensure compliance are implemented and funded.*

17). Fund programs such as [Lease to Locals](#).

18). Provide incentives toward repurposing abandoned buildings and converting existing structures from empty commercial spaces to housing instead of focusing only on new building units.

19). All deed-restricted housing must meet stormwater regulations in their jurisdiction. The current amendments set up a process by which off-site stormwater facilities, which could be undersized to handle the excess flow, take the flow whether undersized or not. Do not pass...

20). Increase the frequency, duration, and reliability of Tahoe's transit system BEFORE any new development is approved as it currently does not meet the needs of the workforce that often hold several jobs in different locations nor do the housing policies address the needs of the workers who have cars.

21). To better understand the issue of affordable housing, start tracking how large the problem is, which areas in the Basin are worst affected, and what income levels are truly affected.

22). Address code language to require large McMansions and Nevada luxury condo projects to contribute to a housing fund or build actual workforce housing to support the workforce these projects are creating.

Placer County has asked TRPA to **“review their scenic standards that limit the ability to achieve the permissible height, density, coverage, and visual massing. Support the reevaluation of scenic requirements to achieve reinvestment in Town Centers. This is targeted toward Town Center redevelopment and/or new development that supports a diversity of housing types”** This speaks to me of changing threshold based on specific project proposals and if the case the projects themselves should show how they could attain or improve thresholds not changing of the thresholds to fit the projects. Unless very specific language is introduced this will lead to even more loopholes

A large portion of the existing blight in Kings Beach is the result of the Community Enhancement Projects (CEP) some of which are owned by Placer County. The projects were too big, and too expensive. The developers lacked the experience to complete.

Fixing the existing problems should be the highest priority before TRPA attempts piecemeal planning with Phase Three Amendments. That would be the icing on the wedding cake especially if TRPA intends to recharge development rights and entitlements that will lead to further growth and environmental consequences.

Respectfully submitted,

Leah Kaufman

Leah Kaufman

Planner

January 30, 2023

Placer County

CC: Patrick Dobbs, Crystal Jacobsen, Stephanie Holloway, Cindy Gustafson

Submitted via email: cdraecs@placer.ca.gov

Re: Comments on Proposed Village at Palisades Tahoe Specific Plan

Dear Placer County Commissioners and County Planning Staff,

The League to Save Lake Tahoe (League) appreciates the opportunity to provide comments on the partially Revised Draft Environmental Impact Report (RDEIR) for the proposed Village at Palisades Tahoe Specific Plan (VPTSP, Project).

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 and compliance with policies contained within Tahoe's regional land use and planning documents, including the Bi-State Compact (Compact), the 2012 Regional Plan Update (RPU), the Regional Transportation Plan (RTP), and Tahoe Basin Area Plans.

The VPTSP, while not located within the Tahoe Basin, will impact the Tahoe Basin and undermine efforts within the Tahoe region to implement adopted plans and policies, and to protect the environment.

The League opposed the same project when it was proposed in 2012 as the Village at Squaw Valley Specific Plan, and continued to oppose it as it was approved by Placer County in 2016. We continue to oppose the Project in this, its most recent iteration. Consistent with our 2012 concerns, still unaddressed, the League's opposition is due to the significant, unanalyzed, and unmitigated impacts to Lake Tahoe's environment.

The League's Main Concerns Are:

- The VPTSP will undermine the Tahoe Regional Planning Agency's (TRPA) federal directive to attain and maintain Threshold Standards.
- The environmental/regulatory setting and the significant environmental impacts to Tahoe – including but not limited to vehicle miles traveled (VMT), water quality, and wildfire – remain inadequately analyzed in the RDEIR and wholly unmitigated in the Project plan.
- Substantial changes have occurred to the proposed Project since the Environmental Impact Report (EIR) was first released, leading to new or substantially more significant effects.
- New and pertinent information has become readily available since the EIR was certified which shows that new or substantially more severe significant impacts will occur.

Due to the inadequacy of the RDEIR in terms of addressing the Court of Appeal's ruling requiring decertification of the FEIR, and the lack of commitment from the County or the Project proponent that impacts will be addressed, these concerns can only be addressed with a new recirculated EIR. The new EIR must accurately analyze significant impacts using the best currently available science within the current environmental and regulatory setting and mitigate impacts with specific projects and programs implemented or funded by the Project.

Environmental Setting and Impact Analyses

The RDEIR does not provide sufficient information or citations to support its claim that the Project would not result in any significant impacts on the Lake Tahoe Basin, failing to act in accordance with the Court of Appeal's order.

Environmental and Regulatory Setting

The court found that the adopted EIR failed to provide adequate environmental and regulatory setting information for Lake Tahoe, which made it "impossible" for the EIR to properly evaluate the Project's impacts on Lake Tahoe.¹ The flawed environmental setting description could have provided the court with sufficient cause to require the FEIR to be decertified. The RDEIR does not correct the description of the environmental and regulatory setting, which leads to the inadequate analysis of impacts to Lake Tahoe.

Tahoe Regional Planning Agency Thresholds

Regarding the regulatory setting, the TRPA is federally required to set, attain, and maintain environmental thresholds. The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980, Compact) created the TRPA and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region. The Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards.²

Page 9-10 of the RDEIR claims that "TRPA's regulations do not apply to the proposed project; however, its vision for the transportation network within the Tahoe Basin is applicable." It is exactly this transportation system vision, as conveyed in the 2020 Regional Transportation Plan, that is not prepared to mitigate the significant impacts to Tahoe from the Project.

¹ RDEIR pg. 13-2, and *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th pg. 10.

² TRPA Ordinance 2021-03 adopting the new VMT threshold: <https://www.trpa.gov/wp-content/uploads/documents/2021-03-AQ-ThresholdStandard.pdf>; also see : *League to Save Lake Tahoe et al. v. County of Placer et al.* (2022) 75 Cal.App.5th 63, pg. 84 and RDEIR pg. 10-12.

The TRPA Governing Board's Legal Committee met on November 16, 2022 and had a discussion about "out of Basin projects."³ The Committee noted the TRPA's need to be engaged with the Project due to its impacts on Lake Tahoe. A CEQA provision was also discussed that requires the lead agency (Placer County) to consult with and request comments on the draft EIR from TRPA: "for a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project [emphasis added]."⁴ This statement and the clear and significant impacts on TRPA's thresholds provide further justification that TRPA's thresholds should be analyzed, and they identify another deficiency in the RDEIR. Through email, TRPA may have been contacted regarding this Project, but the lack of citations and misrepresentation of the purpose of TRPA's Thresholds, and details about the link between water quality and VMT in the RDEIR, reveal a need for TRPA to provide official comments on the project. The TRPA's December 22, 2015 comments⁵ on the Project still largely hold true (especially if the new VMT threshold is substituted for the old one).

The TRPA made the following case in their 2015 letter, and as the RDEIR says "nothing has changed." In this case, we agree. We hope that TRPA will become a key stakeholder to this process as encouraged by CEQA statutes and guidelines. Their 2015 statement is below, edited for conciseness and clarity, and with League notes added in italics:

- By proposing to increase the bed base and attractions at the Village to the project, if implemented without adequate mitigation, would significantly affect Lake Tahoe's physical environment through increased vehicle trips into and the amount of VMT within the Tahoe Basin.
 - *We note here that attractions have already been increased with the 2022 addition of the base-to-base gondola, which serves the sole purpose of making the resort more attractive.*
- Both vehicle trips and vehicle miles traveled are considered standards of significance for projects within the Tahoe Basin. As part of the Regional Plan Update in 2012, TRPA established a mitigation measure for exceeding the VMT threshold. This mitigation measure limits in-Basin development, however, it only applies within the Tahoe Basin.
 - *If this project were located a few miles to the east, TRPA's mitigation requirements would be required. Those few miles make no measurable change to the impacts to Tahoe, only to the ability to mitigate those impacts.*
- In the 2012 Regional Plan Update, TRPA recognized the critical need to redevelop aging infrastructure with new, environmentally beneficial development. The environmental redevelopment of places like Tahoe City and Kings Beach (*which would be the most significantly impacted communities in Tahoe*) would result in substantial reductions of fine sediment and nutrient deposition, the pollutants degrading Lake Tahoe's famed clarity and blueness. As a result of VMT capacity created elsewhere, i.e.

³ <https://www.trpa.gov/governing-board-documents-november-16-2022-hybrid-meeting/>, audio recording available.

⁴ PRC sect 21092.4 and Guidelines section 15086(a)).

⁵ TRPA (2015) comments on the Village at Squaw Valley Specific Plan DEIR: <https://unofficialalpine.com/wp-content/uploads/2016/02/TRPA-letter.pdf>

by the Project, efforts to protect Lake Tahoe may suffer without the ability to approve in-Basin projects.

- *This all still holds true, and is exacerbated by the 2020 Regional Transportation Plan and 2021 VMT Threshold Update which include larger consequences for not meeting VMT threshold targets.*

Finally, TRPA standards of significance for VMT align with Placer County's guidance under California's SB 743, and those were not included in the RDEIR analysis.

Vehicle Miles Traveled is Not Properly Analyzed in the RDEIR

The RDEIR analyzes VMT under the old TRPA VMT threshold, which is inadequate and inaccurate because a new VMT threshold was adopted in 2021. Even assuming the unsubstantiated claim in the RDEIR that VMT does not affect water quality, the point is moot – the County must analyze the impacts to the new VMT threshold. The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045.⁶ While the Village at Squaw Valley Specific Plan approved in 2016 may not have caused the old VMT threshold to be exceeded at the time, *the VPTSP will undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard.*

The RDEIR identifies a 0.8 percent increase over the Tahoe Basin's total annual average daily VMT of 1,483,050. Any increase in VMT would be inconsistent with TRPA's new per capita VMT reduction threshold, including project level criteria that aligns with CA SB 743, signed into law in 2013 and taking effect July 1, 2020.

This increase in VMT and the associated impacts on Lake Tahoe are not analyzed properly with the new threshold. Rather, the RDEIR argues that added VMT does not reach a level of significance. The additional VMT that the Project will bring to Tahoe is unmitigated, which is not consistent with TRPA's new Threshold Standard. In order to adopt the new VMT threshold, TRPA had to find that it would be able to attain the threshold. The environmental findings state that the threshold will be attained principally by implementing the Regional Plan (RPU) and the 2020 Regional Transportation Plan (RTP).⁷ There are no specific mitigations, projects, or policies in the RPU or RTP designed to mitigate impacts from the VPTSP. The lack of mitigation in the VPTSP would undermine TRPA's federal obligation to achieve and maintain its adopted Threshold Standards. This will put a larger burden on the Tahoe Region, and Placer County in particular, to reduce VMT from future projects, which will make those projects more difficult to get approved and more costly to implement.

Page 13-20 of the RDEIR claims that the Project includes "policies, amenities, and actions that reduce reliance on the automobile for travel," which "are consistent with TRPA policies for reducing VMT," and "therefore, in many ways, the Village at Palisades Tahoe Specific Plan

⁶ Draft adopted April 28, 2021: <https://www.trpa.gov/wp-content/uploads/2021/04/Attachment-A-VMT-Threshold-Update-Standard-Recommendation-and-Implementation.pdf>

⁷ Threshold Standard Amendment Adopting Findings: https://www.trpa.gov/wp-content/uploads/documents/Attach-K_Draft-Findings_Threshold-Amendment.pdf

aligns with TRPA efforts to have projects include components that reduce VMT.” The RDEIR ignores TRPA’s specific requirements for VMT reduction, dismissing them based on the assertion that “components” are included to help reduce VMT by an undisclosed amount. What is clear is that even with policies, amenities, and actions that are not required through mitigation measures, the Project would still generate an estimated 23,842 peak daily VMT into the Tahoe Basin which do not exist today.

The RDEIR, inaccurately and without proper citations, claims that there is not a link between VMT and fine sediment input to the Lake. There is in fact a link. Just because it is not a “direct,” measurable link, and “not a cost-effective” way to reduce fine sediment pollution,⁸ is not justification to dismiss the analysis or ignore the impacts of transportation on water quality in Lake Tahoe. Further, it is not the role of the VPTSP RDEIR to determine how VMT affects Tahoe’s environment, but the RDEIR must analyze the impacts of the VPTSP on Tahoe’s Threshold Standards and mitigate those impacts, which it fails to do.

The VPTSP will undermine TRPA’s federal directive to attain and maintain the new VMT Threshold Standard. To avoid this, and comply with California’s and Placer County’s SB 743 Guidelines (standards of significance), VMT must be reduced to somewhere between no-net increase in VMT and 15% below average VMT, for the different land uses that are part of the Project.

Water Quality is Not Properly Analyzed in the RDEIR

Water quality impacts from transportation were not properly analyzed in this RDEIR. TRPA clearly states that “Lake Tahoe’s clarity and environment are threatened by vehicle impacts to the region including greenhouse gas emissions affecting climate change and roadway runoff degrading lake clarity.”⁹ This RDEIR dismisses the clear linkage between vehicles and lake clarity, ignoring the best available science and data. Water quality is dismissed without utilizing the best available science, and multiple aspects of the analysis – even including the baseline description of the hydrologic basin – are uncited (see RDEIR 13.2.2 Lake Tahoe Basin Regional Hydrology). Additionally, page 13-18 of the RDEIR makes the spurious claim that VMT is not linked to water quality. The RDEIR states that “the proposed project would result in a potentially significant impact if it would substantially degrade Lake Tahoe water quality or water clarity, including if it would conflict with TRPA Threshold Standards related to Lake water quality.” The RDEIR attempts a creative approach by repeatedly stating that there is no “direct” link between VMT and water quality. “Direct” has nothing to do with the CEQA language in this context; VMT is in fact linked to water quality (directly or indirectly is not of concern), thus the VMT threshold is related to water quality and potential significant impacts must be analyzed.

Impacts from the Palisades EIR include transportation impacts on water quality, which are well documented in Lake Tahoe. However, impacts were improperly analyzed, dismissed, and referenced without mitigation.

⁸ *ibid*

⁹ <https://www.trpa.gov/transportation/funding/sustainable-funding-initiative/>

As part of this dismissal, relevant plans were not referenced or used in the analysis of impacts.

- Neither Tahoe’s 2008 Plan or Basin Plan were considered beyond small mentions of their existence. Standards and science in those plans are relevant to the VPTSP’s impacts to Tahoe’s water quality.
- Tahoe’s 2012 Regional Plan includes specific water quality thresholds and policies, none of which are included in the RDEIR’s analysis on water quality impacts.
- Tahoe’s Total Maximum Daily Load (TMDL) Program contains plenty of science-backed analyses of mobile sources’ (e.g., private automobiles) contribution to clarity loss. Instead of using the facts and available science developed through the TMDL Program, the RDEIR relies on “meetings” with TRPA staff in 2021 to substantiate its claims of no impacts. It is also important to note that the RDEIR provides average Tahoe Basin VMT, but the TMDL specifically uses “peak” VMT assumptions.

The RDEIR also erred in dismissing impacts from transportation on Lake Tahoe Basin water quality when it failed to analyze tread pollution from tire wear, which is now considered 1,850 times worse than exhaust emissions and can easily degrade into Lake Tahoe, which has already detected microplastic pollution through research completed by the Desert Research Institute and the Tahoe Environmental Research Center¹⁰. The 2022 “State of the Lake” assessment conducted by the UC Davis Tahoe Environmental Research Center¹¹ identifies microplastics as a significant Lake pollutant, and in 2020 the U.S. EPA awarded nearly \$100,000 to address microplastic pollution in Lake Tahoe. The two most common types of microplastics found in the Lake are polyethylene and polypropylene. When the new recirculated EIR is developed, it must include an assessment of the Project’s potentially significant contribution of microplastics to Lake Tahoe from Project VMT. Any increase in VMT would lead to an increase in treadwear pollution and microplastic impacts. As Ezra Miller, a scientist at the SFEI with expertise in microplastics and fish contamination states, “Tire particles are especially harmful because of their small size. People think they’re breaking down, but the way they’re breaking down is into smaller particles,” said Miller. “The smaller the particle, the more these contaminants leak into nearby watersheds,” he explained.¹² Not only do tires break down into microplastics, they are extremely toxic, as detailed in 2021 research completed by Washington State University scientists entitled, “[A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon.](#)” The impacts from VMT on water quality as they relate to tires and microplastics need to be analyzed in the RDEIR as they relate to VMT and Lake Tahoe’s water quality. The only solution that we have control over in reducing pollutants from tires is driving less; this Project must take that action here to prevent pollution of Lake Tahoe.

Though the RDEIR states that “increased VMT could result in an increase in the amount of pollutants entering Lake Tahoe” and that “the project could have a direct physical effect on lake clarity and water quality via VMT in the Tahoe Basin generated by the project,” these impacts are not analyzed in the RDEIR. Instead, *the analysis seeks to refute the tie between VMT and*

¹⁰ <https://www.emissionsanalytics.com/news/gaining-traction-losing-tread>

¹¹ UC Davis – TERC (2022) State of the Lake:
https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022_SOTL_complete-reduced_1.pdf

¹² <https://www.sierraclub.org/sierra/more-cars-road-clean-or-not-means-more-microplastics>

water quality instead of analyzing the impact of the Project and its associated increase in transportation and VMT on water quality as required in the Court of Appeals ruling.

Wildfire Baseline Conditions Have Changed Significantly since the Release of the DEIR

Wildfire behavior has changed, and catastrophic fires like the Caldor Fire, much further away than the project location, have entered Lake Tahoe and have impacted the Tahoe Basin significantly since the Palisades EIR was first completed. As co-chair of the Tahoe Science Advisory Council Dr. Sudeep Chandra states, “These fires, the Dixie, the Tamarack and the Caldor clearly show that we have to protect Lake Tahoe by thinking about actions *outside of the Lake Tahoe Basin*.”¹³ The climate is changing, and this RDEIR needs to incorporate the best available science that discloses the known impacts on water quality, soils, and public health and safety in Lake Tahoe from the increased risk of wildfire from the VPTSP. Fires that start outside of the Basin now pose a significant risk to the Tahoe Basin as fire behavior has changed and the increased wildfire risk from this project needs to be considered. The Olympic Valley CWPP not only includes details on the high risk of wildfire within the Valley itself, but includes a significant portion of the SR 89 evacuation corridor. TRPA and the California Tahoe Alliance now recognize the importance of climate resilience and mitigating wildfire risk and have created regional strategy documents ([Tahoe Climate Resilience Action Strategy](#), [Integrated Vulnerability Assessment of Climate Change in the Tahoe Basin](#), [Lake Tahoe Basin Forest Action Plan](#)) to reduce wildfire impacts coming from both in and out of the Tahoe Basin. As stated in the Vulnerability Assessment, “An elevated number of extreme heat events is expected to occur [in parts of El Dorado County] outside of the Basin, including locations as close as ten miles from the Basin, especially in the latter half of this century.” (page 71, Vulnerability Assessment).

Similarly, the Olympic Valley Public Service District published the Olympic Valley Community Wildfire Protection Plan in 2022.¹⁴ This plan directly contradicts the opinions of Chief Bansen which the RDEIR relies on: “Located in the middle of tens of thousands of acres of wildland, with hundreds of wooden homes and commercial structures, the Olympic Valley community has a very high exposure to catastrophic wildfire losses.”

Where once a project like this may not have posed a significant risk to wildfire in the Tahoe Basin, the agencies and science show that wildfire behavior has no boundaries and impacts need to be analyzed and mitigated to protect Lake Tahoe’s resources.

The RDEIR is Inadequate

The RDEIR does not comply with the Court’s order due to insufficient description of the environmental and regulatory setting, inadequate analysis of impacts to Tahoe, and substantial changes and new information resulting in more severe and unmitigated impacts to Tahoe.

¹³Caldor Fire impact on Lake Tahoe’s clarity, ecology studied amidst ongoing wildfire season.

<https://www.unr.edu/nevada-today/news/2021/caldor-fire-lake-tahoe>

¹⁴ [Olympic Valley Community Wildfire Protection Plan](#)

The RDEIR claims that there have been no changes to the project (other than the name) since certification of the EIR in 2016. The RDEIR does not substantially address the issues that were overturned in the court and there is a new/expanded use - the gondola connecting Palisades to Alpine completed in 2022 which needs to be analyzed under the new VMT Threshold. The gondola was built to make the resort more attractive. Additionally, renaming the resort to include “Tahoe” shows the link, and desire to be linked, to Tahoe.

The RDEIR must analyze the Project under the new VMT Threshold, which is part of the current regulatory setting. The RDEIR’s attempt to take advantage of loopholes it creates with either vague or specific language is an obvious ploy to avoid conducting the further analysis called for by the court.

TRPA’s new VMT Threshold also constitutes new information since the time the EIR was certified and analyzing the VPTSP under the Threshold would show that new or substantially more severe significant impacts would occur to Tahoe.

As stated above, TRPA’s VMT threshold is closely aligned with Placer County’s SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update. Regardless of the County’s interpretation of how the Project’s impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County’s Transportation Study Guidelines) standards of significance. Because the 2016 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations.

Impacts to Tahoe must be adequately analyzed and mitigated

The VPTSP RDEIR needs to adequately analyze the impacts on Tahoe’s Threshold Standards, particularly under the new VMT Threshold. Those impacts then need to be mitigated to the relevant standards of significance. The new VPTSP EIR must:

1. Recognize that VMT is a threshold that TRPA has to achieve and maintain, and the VPTSP will undermine TRPA’s ability to do so.
2. Identify appropriate and enforceable mitigation measures. For VMT, this includes paying TRPA’s Mobility Mitigation Fee for the impacts to Tahoe *and* including specific and enforceable mitigation measures to reduce VMT to the standard of significance (no-net VMT for commercial/recreation and 15% below average VMT for tourist and residential uses¹⁵, also in line with California’s SB 743¹⁶) for the life of the Project.
 - Placer County itself makes this claim in its 2016 response to the December 2015 TRPA comment letter on the Project: “While this EIR examines the environmental

¹⁵ TRPA Project Impact Assessment Guidelines: <https://www.trpa.gov/wp-content/uploads/documents/PIA-Guidelines-Draft.pdf>

¹⁶ OPR Technical Advisory (2018): https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

effects on resources outside the jurisdiction of the lead agency (Placer County), the EIR uses the thresholds of the lead agency, as is required and anticipated under CEQA analyses.”

- Potential projects and programs for ongoing mitigation can be found in Placer County's 2020 Resort Triangle Transportation Plan (RTTP)¹⁷ such as: transit priority lanes on Highway 89, ongoing transit operations funding (Placer County must identify the cost required to enhance TART services to meet the required VMT reduction and the Project must pay its fair share), parking management (paid parking, carpool incentives, etc.), employee trip reduction programs, and the Truckee River Access Plan).
- Additionally, Placer County now has a required Trip Reduction Program that Palisades Tahoe must comply with.¹⁸
- Appendix C to the REIR includes some project aspects that might help reduce VMT. It is important to note that there are no “teeth” to these because they are not mitigation measures. Appendix C also does not reflect the current environmental or regulatory setting - the project amenities and proposed activities to reduce VMT are largely pulled or updated from the decertified FEIR.

Thank you for the opportunity to comment on the VPTSP's impacts to Tahoe's environment. We look forward to responses from Placer County in the near-term and a more fully revised and recirculated EIR with sufficient impacts analysis and mitigation measures in the longer-term.

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

¹⁷ 2020 RTTP: <https://www.placer.ca.gov/DocumentCenter/View/58036/Resort-Triangle-Transportation-Plan-PDF?bidId=>

¹⁸ https://library.qcode.us/lib/placer_county_ca/pub/county_code/item/chapter_10-article_10_20

October 30, 2023

Placer County
Board of Supervisors
CC: Emily Setzer, Placer County Principal Planner; Stacy Wydra, Placer County Senior Planner;
Crystal Jacobsen, Acting Community Development Resource Agency Director.
Submitted via email to BoardClerk@placer.ca.gov

Re: Agenda Item 12.A Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments

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 various Tahoe Basin 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 meetings with County Planning staff, meetings with members of the public, as well as public meetings.

We have adjusted our written and oral comments several times over the last year as the proposal has changed, but at this point most of our concerns and requests have still not been addressed.

Because the County did not consider the cumulative impacts under the Tahoe Regional Planning Agency's (TRPA's) new environmental threshold for Vehicle Miles Traveled (VMT), and did not do a review of plan and mitigation measure implementation progress since the original 2016 TBAP and the most recent amendments from 2021 in time to inform the currently proposed Amendments, and considering the volume and intensity of community feedback over the past year, we do not see the justification for, or how the Lake would benefit from, the Amendments.

We do not fully agree with the County's economic development-based approach that the north shore just needs more development of all kinds. It is obvious that we need more housing for the local workforce and could benefit from a few new businesses, but other development types do not seem justified. Our concerns remain that more commercial, more condos that become short term rentals, more high-end hotels – each with added parking, and efforts to provide alternatives to the private vehicle not matching the pace of development – will not result in the community benefits and environmental protection that we believe are shared goals.

Based on the lack of evidence and analysis showing that local and Tahoe-wide environmental protection goals will be enhanced by these Amendments, combined with the considerable community feedback, these Amendments are not ready for final approval.

We continue to believe that the County must conduct more analysis as described below, and undertake a more comprehensive California Environmental Quality Act (CEQA) review of the proposed Amendments, in order to create proper mitigation for likely impacts.

Our comments are summarized here and detailed below.

What we like – summary

1. The remaining development allowed in Placer County under TRPA's 2012 Regional Plan (RPU) being focused into Town and Village Centers.
2. Reduction in height and building massing compared to the initial proposal.
3. Requiring deed-restricted housing and mixed-use development in Town Centers in some cases.
4. Parking – We fully support the County's parking changes as proposed. We need to find places for people to live, not cars.
5. In theory, the Guide "for allocation and conversion of commodities" (Guide).

Our concerns – summary

1. Demonstrated need for the Amendments. Several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments.
2. Cumulative environmental impacts from all of the projects in progress, especially Palisades Specific Plan, including those not considered under the RPU and 2016 TBAP,. We must also note Truckee's General Plan update that will bring more traffic to Tahoe, and Homewood's potential to privatize. The Palisades project is just a few miles from the edge of the TBAP plan area and will undermine the County's ability to measure and mitigate the environmental impacts on the plan area. Truckee and Homewood are adjacent to Placer County and Tahoe.
3. The Guide – It needs a public process when it is developed, and it should be adaptively managed to make sure we are meeting goals and effectively encouraging affordable housing and mixed-use development in Town Centers, rather than simply intending to.

Our continued requests

1. Provide a review and report on progress toward mitigation and achieving goals and policies from the original 2016 TBAP, the 2021 amendments, and the 2020 Resort Triangle Transportation Plan (RTTP), which is tasked with mitigating many of the traffic impacts related to growth in the TBAP area and beyond, including Palisades and Truckee. We very much appreciate the County creating the "2023 Placer County Area Plan Implementation Report" that we have been asking for since last year, there was very little time to review it and providing it at this stage in the Amendment process means that it is not being used to inform the proposed Amendments. Details on this can be found under "Demonstrated Need" and "Cumulative Impacts" below.
2. Create visual aids. Create some 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 would show 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 similar to the "pro formas" created for the TRPA Tahoe Living working group. These should include parcel-level examples.
3. Consider including transition zones. To reduce scenic impacts and drive more orderly development, create transition zones in zoning and allowances for height/length/density, 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.

4. Consider including adaptive zoning/trigger zoning. This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, 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.

A more comprehensive CEQA review must be conducted for the proposed Amendments

1. Given the Village at Palisades Tahoe Specific Plan (VPTSP) Revised Environmental Impact Report (REIR) release, and the new vehicle miles traveled (VMT) threshold adopted by TRPA in 2021, 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 new VMT threshold.
2. These impacts are reasonably foreseeable and significant.

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 the impacts of other projects the County itself is considering approving.

It is important to note that we specifically asked that the County address these issues with a supplemental EIR to the 2016 EIR as the minimum level of analysis. Instead, the County prepared a 17-page Addendum to the 2016 EIR, which does not have much substance and does not consider new information or environmental setting changes. The errata to that Addendum, prepared after concerns expressed at the Planning Commission meeting in December 2022, provides just three more pages of analysis. Specifically looking at VMT, the Addendum reiterates that the TBAP will reduce VMT, and the errata claims that the proposed Martis Valley West project that was rescinded can be replaced by the proposed Palisades project for the purposes of analysis. This claim is not supported by facts – the proposed Martis and Palisades projects would create different impacts in different places and at different times. Additionally, both projects are still being considered in the Addendum and errata as if it was still 2016 resulting in an outdated analysis of VMT and level of service (LOS).

There are three issues we need to see specifically addressed:

1. How TBAP-adjacent projects will affect VMT (i.e., Palisades, Homewood).
2. How the *overall* 0.3% reduction in VMT projected in the 2016 EIR relates to the *per capita* reduction now required under TRPA's VMT threshold.
3. How progress toward the projected 0.3% reduction in VMT is going, for example based on the mitigation measures details in Cumulative Impacts, below.

Based on the above facts, and as demonstrated by the increasing analysis the County has admitted to needing through the Addendum and errata, a more comprehensive CEQA review is necessary.

What we like – details

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. 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 very much support the requirement for single-family development of more than one unit to be comprised of 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 the vision of walkable, livable Town Centers where people can live and work.*

Transportation and Parking

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

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

Our concerns – details

Demonstrated Need for the Amendments

Based on the Implementation Report (Attachment K), several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments. If the Amendments are targeting one or two specific potential projects, we cannot support them. *Area Plans are supposed to be comprehensive plans, and we do not support project-driven amendments.*

With the late-in-the-process development of the implementation Report, it was not used to inform the proposed Amendments, which makes the report interesting but not useful for this purpose.

We can all agree there is a demonstrated need for affordable and workforce housing, but the proposed Amendments do not focus on incentivizing those projects over commercial, hotel, or short term rentals. *The proposed Amendments should be updated based on the initial progress and results from the 2021 TBAP amendments which were aimed to incentivize affordable housing, but not reported on in the Implementation Report.*

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 portion of the County and we prefer to see it 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. This puts a larger burden on Placer County to reduce environmental impacts from development within the County. There is an argument that new or updated plans or 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, 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 RTTP. While the "2023 Placer County Area Plan Implementation Report" (Attachment K to the agenda packet for the October 16 Board of Supervisors meeting) is a good overview of progress, and we appreciate the County preparing it and applaud the progress in general terms, a new EIR must address the ability for the County 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?*

Additionally, details on mitigation measure implementation from the 2016 EIR are missing and it is necessary to determine whether they need to be updated or if additional mitigation measures are needed:

- *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 was supposed to be done within two years of adoption, by the end of 2018. Has this been done? 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?*

Developing a Guide for allocation and conversion of commodities

This general idea could be really helpful for affordable housing, somewhat, not at all, or even negative. 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 is the current system (first come, first served) resulting in, and is there a waiting list?*
- *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 priority.*
- *Do not allow multi-family conversion to single-family unless it will result in a 100% deed-restricted development.*

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, and conducts additional analysis and environmental review, we will similarly continue to adapt our comments.

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

Sincerely,

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

Gavin Feiger
Policy Director
on behalf of the League to Save Lake Tahoe

From: Sophia Heidrich <sophia@mapf.org>
Sent: 12/5/2023 1:57:31 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Alexis Ollar <alexis@mapf.org>;
Subject: Public Comment Re: 12/6 APC Item VI.A, TBAP Amendments
Attachments: [12.5 TBAP Comments_TRPA APC_MAP.pdf](#)

Hello TRPA Staff,

On behalf of Mountain Area Preservation, please distribute the attached comments regarding Placer County's Tahoe Basin Area Plan amendments to the advisory planning commissioners and other appropriate parties ahead of tomorrow's APC meeting.

Thank you,



mountain area preservation

Sophia Heidrich

Advocacy Director, Mountain Area Preservation
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Office: 530.582.6751

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"I do have reasons for hope: our clever brains, the resilience of nature, the indomitable human spirit, and above all, the commitment of young people when they're empowered to take action." — Jane Goodall

Please consider the environment before printing this email.

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December 5, 2023

Advisory Planning Commission
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Re: Item VI.A, Placer County Tahoe Basin Area Plan Amendments, December 6th
Advisory Planning Commission Meeting

Dear TRPA Advisory Planning Commissioners,

We appreciate the opportunity to provide comments on Placer County's proposed Tahoe Basin Area Plan (TBAP) Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, protection of natural resources, open space, and preservation of mountain character in Truckee Tahoe since 1987.

We have been participating in the TBAP amendments process since we first learned about the proposal in the fall of last year. Since then, there have been various public input opportunities, including a workshop on March 9, 2023. Following that workshop, Placer County staff removed the increased building heights proposal from the package of amendments. Many community members involved in the planning process greatly supported and appreciated this move. However, we later learned about the TRPA's housing amendments, including the increased height proposal, which we believe will supersede the requirements in the TBAP unless Placer County chooses to opt out of the TRPA's amendments and come up with an alternative plan to incentivize affordable, moderate, and achievable housing.



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From the public perspective, these parallel planning processes have been confusing at best and underhanded at worst. Whether it was Placer County's intent, it feels as though they simply punted the building heights discussion and proposal to the TRPA to avoid the controversy at the local jurisdiction level. It is unclear whether the TBAP, which is now set to be considered for adoption after the TRPA's housing amendments, will supersede the TRPA's code changes or vice versa. The TRPA's housing amendments also include vague language about the mechanisms that a local jurisdiction can use to demonstrate that they have provided enough justification to "opt-out" of the TRPA's amendments.

In the future, we hope that the TRPA will better coordinate with the local jurisdictions on their planning processes so that this type of confusion can be avoided. Land use planning is already tough to understand without the additional perplexity that this particular situation has presented.

Attached are the comments we submitted to the Placer County Board of Supervisors before their hearing on October 16th. Please consider those comments as you judge the merits of the TBAP amendments.

Sincerely,

A handwritten signature in black ink that reads "Alexis Ollar". The signature is fluid and cursive.

Alexis Ollar, Executive Director

A handwritten signature in blue ink that reads "Sophia Heidrich". The signature is fluid and cursive.

Sophia Heidrich, Advocacy Director



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October 13, 2023

Placer County Board of Supervisors
Placer County Planning Services Division
775 N Lake Boulevard
Tahoe City, CA 96145

Re: Tahoe Basin Area Plan Amendments

Dear Placer County Board of Supervisors,

Thank you for the opportunity to provide comments on the proposed Tahoe Basin Area Plan (TBAP) Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, protection of natural resources, open space, and preservation of mountain character in Truckee Tahoe since 1987. We want to ensure that any amendments to the TBAP are consistent with and amplify the community's shared vision for North Lake Tahoe.

We understand the need for redevelopment and revitalization of North Tahoe's Town Centers, but we have serious concerns about the TBAP Amendments process and Environmental Impact Report (EIR) Addendum. Our goal is not to employ a delay tactic but to ensure that the community and decision-makers have all the necessary information and facts to provide informed feedback and make an informed decision on these code amendments. Today's decisions will have lasting implications on North Lake Tahoe's and the region's future, as land use and development do not occur in a vacuum.

During several public meetings last fall and winter, the community pointed out how critical it is for Placer County to comprehensively analyze and understand the community and environmental impacts resulting from adopting the TBAP

amendments. In what appeared to be a genuine response, Placer County promised additional public input opportunities and an updated environmental analysis that would fully consider concerns related to height, building shading, scenic impacts, wildfire risk and mitigation, climate change, traffic/congestion, emergency evacuation, changed conditions, and cumulative impacts. The public recognizes that the community has changed since 2016, when the baseline conditions for the existing Environmental Impact Report (EIR) were established, and a number of new or evolving land-use applications have been submitted in that timeframe.

Inadequate Environmental Analysis

New Data and Information

Placer County staff hosted a workshop last March to garner additional public feedback, which we greatly appreciate and support. However, the updated environmental analysis is severely lacking. The 17-page EIR Addendum does not sufficiently analyze the environmental impacts and prematurely concludes that the proposed amendments would not result in any new significant environmental impacts. The public was promised a full environmental review, but that simply is not what we got. It is incomplete and does not comply with the California Environmental Quality Act (CEQA).

The EIR Addendum provides no new analysis even though new information and conditions must be considered under CEQA. The community now has much better information about wildfires than in 2016, and we know that [climate change is exacerbating wildfire risks in California](#) due to an increase in temperature and dryness, with record-breaking forest fires becoming the new norm. Several nearby wildfire disasters have occurred, including both the Camp Fire in 2018 and the Caldor Fire in 2021, which had the potential to devastate all of Lake Tahoe and [didn't follow the plan](#). These occurrences provide valuable lessons for our community moving forward and should be analyzed in the context of the TBAP amendments. One of the main takeaways is that [wildfire behavior is extreme](#) and much more challenging to predict than it once was, but unfortunately, it is a way of life in the Tahoe Basin. The California Attorney General's Office also released [best practices for analyzing and mitigating wildfire risks under CEQA](#). This guidance is directly applicable and should be utilized by local jurisdictions in their planning efforts.

In addition to wildfire and climate change, we now understand the heartbreaking truth that [microplastics are accumulating in the lake](#), primarily due to over-tourism and roadway use. Not only are microplastics plaguing Tahoe's pristine waters, but the invasive [New Zealand mud snail has also been found](#). Lake Tahoe was even added to [Fodor's No List](#) in 2023 because the area has a "people problem" related to the "great migration" that occurred during the pandemic, with more people relocating to Lake Tahoe or living in the area more permanently. With 17 million day visitors and the accumulation of exacerbated environmental threats, these are critical aspects to consider in an updated environmental review.

Existing Conditions

Under CEQA, the County must note when the environmental conditions have changed for an environment, especially when considering new and more intense land uses. CEQA Guidelines, Section 15125 (A1), "states the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective". With EIR data from 2016, our conditions have changed, yet the TBAP EIR Addendum does not mention or analyze the changes North Lake Tahoe has experienced since adopting TBAP in 2017.

Impacts associated with population, traffic, congestion, wildfire safety, evacuation, and new land use patterns with a significant amount of new, remote-work community members living in the region, and the majority of our workforce commuting from Reno and beyond, these are the exact conditions that need to be analyzed to ensure appropriate planning and mitigation are considered. That is Placer County's job and duty to its residents, taxpayers, and business stakeholders.

Placer County wants to deny that the population has changed since 2016, but the people who live here know that the conditions are different. Even if folks aren't calling Tahoe their first home, they spend more time in the Sierra Nevada than ever before. We also have a significant increase in visitors, with traffic jams to prove it. Where there was once only major traffic during peak seasons in the summer and winter, it is now a daily occurrence. SR 28 has also been changed

from four lanes to two lanes since the TBAP was adopted. All of this and more must be considered under CEQA.

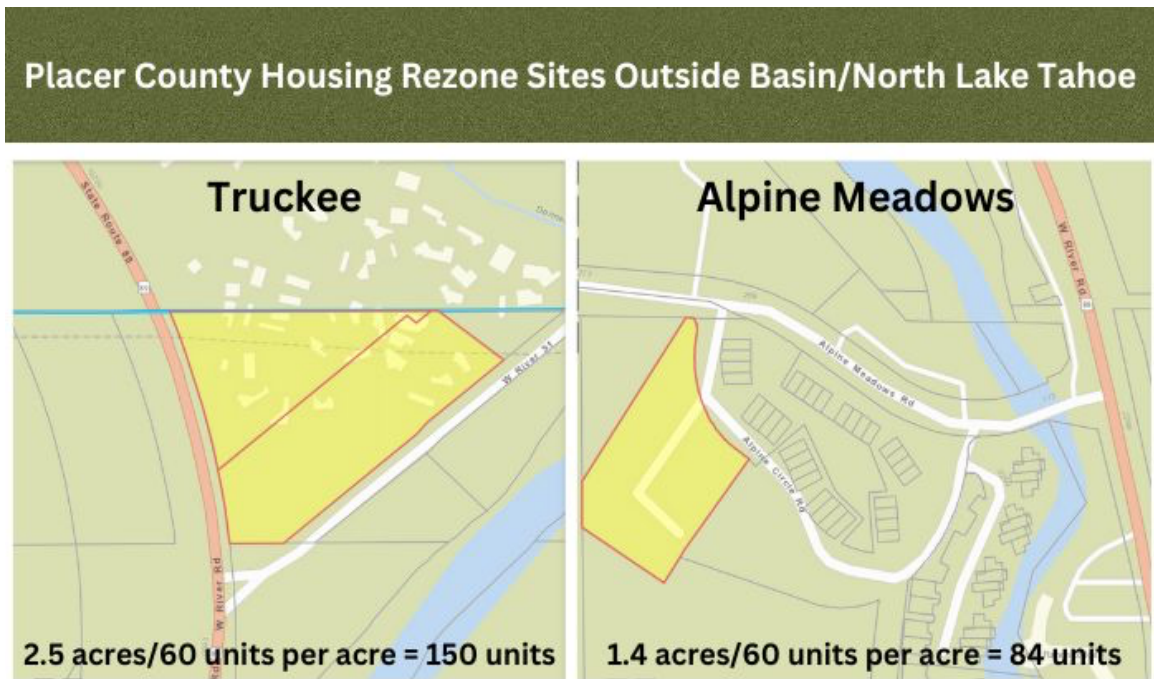
Cumulative Impacts

North Lake Tahoe is not in a bubble, and the regional growth implications and changes to land uses in and around North Lake Tahoe need to be considered. Many new sites in the Town of Truckee have been afforded increased density and height. Additionally, with the California Density Bonus program outside the basin, there is an opportunity for more units, mixed-use, and multi-family residential to come forward in height, mass, and scale that has never been seen in Truckee Tahoe. We can address housing needs with new development and redevelopment without sacrificing Tahoe's special character, rural nature, and non-urban environment. Allowing tall, dense, no parking development and mountain sprawl outside of town centers will negatively impact the basin for residents and visitors, especially during a wildfire evacuation. We cannot ignore Tahoe's changing conditions.

Under CEQA law, there is a requirement for an EIR to discuss and disclose cumulative impacts for foreseeable growth and development as a function of law and safety to notify the public and decision-makers of potential changes in land use. CEQA Code Section 15130 states, "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3)." While the addendum prepared for the TBAP amendments ignores this legal obligation, the Placer County Board of Supervisors (BOS) should request a new cumulative impact analysis by an outside consultant. This is a critical step for any new land use process in Tahoe. Yet, every jurisdiction wants to disregard this analytical component while our environment is trampled by over-tourism.

The 2017 EIR/EIS cumulative impacts analysis is outdated and does not consider a number of regional land use changes in and outside the basin. There is now a new [Placer County Housing Rezon Program](#) within Placer County, with 69 sites currently slated for upzones to accommodate the County's Regional Housing Needs Allocation Number (RHNA). We recognize this is a mandate from the State. Yet, the TBAP EIR Addendum did not consider the two sites that have been identified outside the basin in the North Lake Tahoe area that are proposed to accommodate 60 units per acre, which is a very high density for

Tahoe, more suited for an urban environment, with consistent transit systems, to accommodate much larger populations, along with increased tourism. Please include the Alpine Meadows & Truckee West River sites below in an updated cumulative impact analysis. These two sites are planning for 234 units collectively, which needs to be considered and analyzed as part of the TBAP Amendments.



The Truckee 2040 General Plan Update alone serves as a need to conduct a thorough cumulative impact analysis and consider the regional growth plan and the associated impacts, with zoning changes, upzones, and projections of a 50,000-person population on the horizon for your jurisdictional neighbor in Truckee. Yet, TBAP considers growth projects and conditions to remain the same, which is far from the reality for North Lake Tahoe. Additionally, as the BOS is aware, the Village at Palisades proposal is back on the table for consideration, and the public is awaiting a response to comments on the Revised Draft EIR. With more than 2,629 public comments, this will be another large land use consideration, with, yet again, inadequate environmental analysis.

Piecemeal Planning

After over a year of engagement, it has become apparent that there is major public process disconnect and a need for coordination and transparency

between Placer County and the Tahoe Regional Planning Agency (TRPA). While residents and environmental stakeholders have been told these processes have been happening for the past couple of years, actual information was not available on the TBAP Amendments until September 2022. Additionally, the [TRPA Housing Amendments](#) started in the midst of the pandemic, but the public was not aware of the drastic land use and code changes being dreamed up by the Tahoe Living Working Group/TRPA until May of 2023.

These ever-changing amendments for the definition of achievable housing, heights, coverage, and potential elimination of parking for 957 deed-restricted bonus units in the basin need specific environmental analysis, with consideration for constraints, topography, viewsheds, habitat, natural resources, transit solutions, and mitigation plans for site-specific parcels, which is yet to be done. How will the TBAP and TRPA amendments fit together? The confusion around the height is enough to lose complete faith in both jurisdictions to, let alone care about what North Lake Tahoe looks like, along with the safety of adding in dense, parking-free "deed-restricted" housing with no new mitigation measures in place, on top of the tourism abuse that Tahoe is facing right now. The public also has no assurance that existing mitigation measures are being implemented, which is illustrated in the BOS Special Meeting Staff Report for TBAP.

To retract the building heights and allow it to come back later through TRPA code changes is also wholly disingenuous. TBAP started with 71 feet from 56 feet, then came down to 65 feet in March 2023, to no height increase in August 2023. Now we know that TRPA will push forward basin-wide amendments by the end of the year, including 65 feet for deed-restricted housing, which is not supported by MAP nor the majority of the North Lake Tahoe community members that have participated in the public process thus far. We have also been told that specific developments, such as 39 North, will be considered separate. The developers have stated they need the height to make it pencil, so why sever these amendments? Again, this builds no trust in Placer County or TRPA for residents, taxpayers, and stakeholders such as MAP that look at development through a 20 to 100-year planning lens. The community is not looking for a quick fix or band-aid and knows the importance of getting it right.

It is your job to ensure that these amendments will further the community's shared vision, and actually incentivize the needed redevelopment rather than market-rate luxury condos, and will not degrade the natural or human

environment that makes North Lake Tahoe magical. We are still not convinced that these amendments will foster the desperately needed projects, primarily the revitalization of Town Centers and true workforce housing, and we still do not understand what impacts will result from these amendments as no analysis has occurred. Concerns about allowing the workforce to live in cars in parking lots, street vendors, mobile vendors, and how dense multi-family projects function with deed restrictions and enforcement warrant more attention for this planning process.

We respectfully request that a revised EIR/EIS addendum be completed that meets CEQA's requirements; until then, the TBAP Amendments should not be approved. Land-use studies must be initiated to evaluate the changes in our existing conditions, along with the proposed heights and building mass, as those are coming forward through the TRPA's separate planning process, which is frowned upon in the law of CEQA.

Thank you again for considering our comments and those of the community members who know and love Lake Tahoe. The future of this national treasure depends on you, and it is critical that we get this right; there's no scaling back in land use, so let's be sure all of the information is on the table.

Sincerely,



Alexis Ollar, MS & GISP
MAP Executive Director
530.582.6751
Alexis@mapf.org



Sophia Heidrich, MA
MAP Advocacy Director
Sophia@mapf.org

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 12/5/2023 12:04:48 PM
To: Public Comment <PublicComment@trpa.gov>; Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>
Subject: Email 2 of 2
Attachments: [Attachment B1- 2016 EIR KB Traffic Capacity.pdf](#) , [Attachment D - Questionable Growth Management Data.pdf](#) , [Attachment C - Pages from TBAP EIR Final Roadway Evacuation Analyses.pdf](#) , [Attachment E - Achievable Housing Technical Information.pdf](#) , [Attachment F - Significant Changes - New Information Since 2016 Certified EIR.pdf](#) , [Attachment G - Comments From Former TRPA Planners.pdf](#) , [Attachment A - Fire Dept Retired Professionals Letter - Opposition to TBAP.pdf](#) , [Attachment B - Flawed Traffic Data and Assumptions.pdf](#)

Dear APC Members:

Email 2 of 2

Please make this electronic written public comment, including the Exhibits and attachments in both Email 1 and 2 part of the record in connection with Agenda Item VI.A., of the December 6, 2023 TRPA Advisory Planning Commission meeting.

Agenda Item:

VI. PUBLIC HEARINGS

A. Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

Email 1 of 2 contained four **Exhibit** attachments

Email 2 of 2 contains attachments A, B, B1, C, D, E, F, and G

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

Result of Hwy 28 Capacity Reduction in 2018

CalTrans Counts	Saturday 7/14/2007 4 lane Hwy KB-W	Saturday 7/20/2019 2 lane Hwy KB-W	Saturday 7/16/2022 2 lane Hwy KB-W
Hour			
10 am	698	605	640
11 am	860	618	655
12 NOON	893	561	643
1 pm	931	519	596
2 pm	867	545	621
3 pm	869	616	622
4 pm	932	544	622
5 pm	995	580	665
6 pm	886	529	610
7 pm	761	509	649
10 hr Count	8692	5626	6876
24 hr Total	12614	8745	9863
% of Daily	69%	64%	70%
Average Count/hr	869	563	632

Attachment D

Questionable Cumulative Growth Management Data

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

TRPA's Cap/Accounting and Placer County's TBAP reliance on it as limit to Development Obscures the Real Facts.

The Tahoe Regional Planning Agency's (TRPA) existing 2012 Regional Plan has created such an unbelievable web of complexity, that TRPA, as author of its Cumulative Accounting Dashboard fails to clearly and adequately describe TRPA's cap on development. The document has numerous omissions and inconsistencies. <https://www.laketahoeinfo.org/cumulativeaccounting/index>.

Yet TRPA's cap on development is continually referred to in Placer County's Tahoe Basin Area Plan as the justification for Placer's claim there will be no increase in population or density. The cap on development is really a cover for development.

The corrected accounting must include a discussion of the topics and entitlements below and an analysis of their environmental impacts with updated numbers before more Placer Tahoe Basin Area Plan or TRPA Regional Plan amendments go forward:

1. Short Term Rentals- are not included in the TRPA accounting which is the supposed cap on development which guides TBAP. Short Term Rentals (STRs) are really Tourist Accommodation Units per the TRPA definition. See #8 below. STRs must be counted, and their environmental impacts described regarding increases in tourists, cars/vehicle miles traveled, water usage etc. Currently 3900 STRs are allowed in Placer County.
2. Bonus Units-Failure to consider or enumerate Bonus Units (2 units for each existing unit deed restricted for achievable, affordable, or moderate housing), originally 1400, now 960 left. 440 already used. 562 Bonus units available for achievable deed restricted units.
3. Conversions of Use- Fails to account for conversions of use and transfers from one area to another such as south shore to north shore. For instance, Colony Inn Tourist accommodation Units went from South Shore to the Waldorf Astoria in Crystal Bay at north shore. Tahoe Inn units went from north shore to west shore at the Homewood project.

<https://www.laketahoenews.net/2015/02/placer-county-buys-south-lake-tahoe-hotel/>

2015 Placer County Board of Supervisors voted to buy the A&A Lake Tahoe Inn for approximately \$1.4 million.

4. Additive Accessory Dwelling Units, Junior Dwelling Units, or Tiny Homes aren't counted- Cap on development accounting fails to consider existing or potential build-out of these increases of use to single family zoning. 1 single family residence could become the equivalent of a tri-plex use.

5. California Conservancy entitlements banked or otherwise such as asset lands, Nevada State Lands development rights banked or otherwise, and local jurisdiction's entitlements- are not enumerated or analyzed for environmental impacts in the accounting. These allocation pools must be calculated.

6. 2019 data is old- Current data, not 4-year-old information is required to make good future decisions. <https://www.laketahoeinfo.org/cumulativeaccounting/index>

7. Morphing- of motel size Tourist Accommodation Units (usually 200 sf) into large condo/tel units such as Boulder Bay's 5k sf penthouses wasn't considered or the impacts on population, traffic and the environment. Tahoe Beach Club 140+ small mobile homes became 140+ 1800-3500 sf condos.

Additionally, TRPA only considers more coverage growth, not morphing as evidenced by the WALT project. The original Biltmore project was 115k sf of build out, but TRPA approved the new WALT project at over 800k sf. That is growth by any measure.

8. Conversion of Commercial Floor Area(CFA) to Tourist Accommodation Units(TAU) and Residential Units of Use (RUU) or TAU's to (RUU)- Per TRPA rules which guide Placer County, there is 72k sq of CFA remaining from the 1987 plan (see chart below). For every 300 sf of CFA converts to 1 TAU or 1 RUU. That conversion could equate to an additional 240 TAUs/RUUs. One TAU converts to one RUU or a potential of 342 RUUs. The definition of a TAU per TRPA is a "Tourist Accommodation Unit is a unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis." The potential conversion of TAUs, Multi-family, CFA or RUU's could have significant impacts on the Tahoe region and there was no analysis of its environmental impacts or totaling of potential build-out scenarios. TAUs could be a hotel, single family homes, condo/hotel, Short term rentals homes, or timeshares.

RUU's, TAU's, CFAs are not identical uses. Development can't be effectively metered, or the public adequately informed without having a coherent and up-to-date accounting system. Everything is up for grabs in TRPA's Regional Plan.

Regulations without boundaries are all just suggestions. Agencies depend on public trust and this kind of failure in accounting and environmental analysis should be setting off alarm bells.

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary [RC Associates 2014]*), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (per Table 6-8) was factored by an estimate of the proportion of employees commuting from outside the Plan area (per the employee survey data presented in the **Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)**), and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area, Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan’s Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional polices include the following:

- **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes



AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

Attachment E

Achievable Housing Technical Information

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County in their Tahoe Basin Area Plan relies on the TRPA definition of “achievable”.

A new environmental analysis is required for the Tahoe Basin Area Plan because Placer County failed to properly vet “achievable” housing deed restrictions with the public and the term remains poorly defined. “Achievable” is a construct made up in 2018. In the Placer County’s Tahoe Basin Area Plan, the 2016 EIR and the 18-page 2023 Addendum to the previously certified Environmental Impact Report fails to adequately describe the “achievable” concept and its environmental impacts.

In the 2023 Addendum to the 2016 EIR, the Housing section refers to affordable, moderate, and achievable housing with only a partial accompanying definition. The document provides no metrics or examples for “achievable”. It refers the reader to the TRPA Chapter 90 definition ⁽¹⁾ for “achievable”. Yet if 100 percent of multi-family and employee housing is deed restricted, no use permit is required even though new code changes reduce setbacks and parking requirements, but increase height, density and coverage. There are no supplied numbers on the potential number of “achievable” units. In addition, bonus units are available for “achievable” units.

Human beings and developers are driven by a profit motive. If the “achievable” deed restricted housing allows buyers or renters to qualify without an income cap, someone who works or has someone in their family who works or self-reports to work 30hr/week in the area qualifies. Self-employed individuals have an easy time getting a local business license and self-reporting. The result will be larger market rate units with significant impacts to the Tahoe region...\$1m plus condominiums with more cars and people.

In public meetings, TRPA has said they are hiring to enforce deed restricted housing and will only sample 10% of the units for compliance. TRPA has a poor history of code enforcement except for “regular Joe’s”. The wealthy get special dispensations from the TRPA.

The TRPA “achievable” definition does say it “may” include asset limits. If they did it would keep a billionaire’ son from qualifying, but it doesn’t say that. If the requirement for deed restricted housing was an equal percentage of low income, moderate and achievable it would appear more in line with “supporting workforce housing” as stated in the TBAP ordinance to repeal. But it doesn’t say that either.

“Achievable” housing is an excuse for more development.

1. Tahoe Regional Planning Agency’s Definition: April 2023

Achievable Housing Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria: 1. Have a household income not in excess of 120 percent of the respective county’s area median income (AIM) (moderate income households and below); or 2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or 3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years. The employment requirement may be waived for

accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes. Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: Bonus Unit Incentive Program. Achievable deed-restrictions issued before June 26, 2023 may utilize this definition or the definition of "achievable" in effect from December 20, 2018 to June 26, 2023

Attachment F

Significant Changes and New Information Since the 2016 Certified EIR

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

The following changes and new information have occurred since the 2016 Certified EIR, of which were not known and could not have been known with the exercise of reasonable diligence at the time the 2016 EIR was certified.

These significant and substantial changes, and new information, were however known by Placer County during preparation of the August 10, 2023 (except for the Traffic Data and Questionable data evidence presented in **Attachments B and C**, and the new discovery of New Zealand mud snail proliferation). The cumulative list below must be discussed and properly analyzed, in connection with their individual and cumulative environmental and safety impacts, in a subsequent EIR.

1. The CEQA October 2020 California Attorney General Guidance, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”, which discusses best practices for wildfire evacuation planning, roadway capacity evaluation and prudent public safety development project planning.

The guidelines state that “the addition of new development into **high wildfire risk or adjacent areas** may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire.”

<https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>

Per the California State Fire Marshal, the entire TBAP built environment is classified as a **Very High Fire Hazard Severity Zones (VHFHSZ), and** within or adjacent to the “**Wildland Urban Interface Defense Zone.**”

https://osfm.fire.ca.gov/media/nl1ndqjj/fhsz_county_sra_11x17_2022_placer_2.pdf

2. Demonstrated fire and winter evacuation safety perils due to lack of roadway capacity caused by human overcapacity as demonstrated by the August 2021 Caldor and the January 2017 snowmageddon mass evacuation event. This includes wildfire evacuation tragedies since 2017 documented during the Paradise and Lahaina wildfires fires.
3. The many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. (See **Attachments B and C**).
4. Increased environmental and wildfire safety and evacuation impacts on SR 267 and SR 28 from Brockway Summitt through Kings Beach in both directions from **the use of the East Shore Trail, placed in service in July of 2019.**

5. Substantially significant increases in the changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species and invasive species including the New Zealand mud snail proliferation.
6. The increase in tourism from the Bay Area, Truckee, Reno, and Carson City population growth of which impacts on the basin has not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation).
7. Increase in Short-Term Rentals (STR's) with 3,400 active permits in eastern Placer County alone, including cumulative addition of the Washoe County approval of Short-Term Rentals within Incline Village, NV (Approx 900+ are active).
8. The UC Davis State of the Lake Reports since the certification of the 2016 EIR.

Attachment G

Comments From Former TRPA Planners

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

Leah Kaufman

Kristina Hill

(Both former TRPA employees and Land Use Planners at Tahoe for over 30 years)

TRPA = Tahoe Regional Planning Agency

TBAP = The Placer County Tahoe Basin Area Plan

EIR = the 2016 Placer County Certified Environmental Impact Report adopted January of 2017 by the TRPA

EIR Addendum or **Addendum** = the current Placer County proposed EIR addendum to the TBAP made public at the August 10, 2023, Placer County Planning Commission Meeting

CEQA = California Environmental Quality Act

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

LOS = Loss of Service

Comments concerning the TAHOE BASIN AREA PLAN (TBAP) proposed AMENDMENTS (PLN22-00490) AND ADDENDUM # 1 to the previously certified December 6th, 2016, by Placer County and adopted January 25, 2017, by TRPA, TAHOE BASIN AREA PLAN ENVIRONMENTAL IMPACT REPORT (EIR).

Dear Placer County Board of Supervisors:

We feel that the 43 policy changes and 18 regulation changes as part of the TBAP amendments cannot be approved without a substantive cumulative impact analysis and further environmental review (revised EIR) under CEQA.

CEQA was enacted in 1970 to ensure that public agencies consider the potential environmental impacts of their decisions before making them. CEQA was enacted to protect California's unique and diverse environment by ensuring that projects (policies) are carefully evaluated for the potential impact on the environment. CEQA also promotes transparency and public participation in the decision-making process. CEQA was designed for environmental analysis for potential significant impacts.

There have been substantive changes in growth since covid (2020), not addressed by your staff and changed environmental conditions since the 2016/2017 certified EIR. The amendments proposed by Placer County are significant cumulatively.

The impacts of no parking minimums for commercial, multi-family, retail, etc. to neighborhoods and businesses, increased density for multi persons per acre zoning from 25 persons per acre to 62 persons per acre, conversions of CFA to multiple family and TAU's to mimic TRPA programs, inclusion of all housing types in plan areas where they were not all considered before, requested modification of TRPA thresholds related to scenic standards, exemptions to groundwater interception, reduction of rear

setbacks between commercial and residential properties, streamlining or allowing “by right” projects involving housing, hotels, retail and other uses eliminates public review and scrutiny and are all changes that could result in significant impacts. The amendments allow luxury single family condominium projects into Town Centers with an affordable component, reduction of lot sizes to accommodate smaller and denser building sites, tiny homes, ADU’s and Jadas.

The changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species, were not considered/mitigated in the 18-page amendment package or addressed in the certified EIR. The newest concern as reported by TRPA September 23, 2022, is the New Zealand Mudsnaills never before seen in Tahoe.

The addition of new projects not previously planned/named in the 2016 EIR are also significant and need to be evaluated cumulatively.

Transportation during wildfire evacuation could cause concerns with safety, noise, air quality, greenhouse gas emissions, water quality, and land uses which are all significant.

The amendment package should have included a current traffic analysis post covid analyzing the impacts of growth and gridlock resulting from summertime July and August construction (new since 2016) resulting in level of service (LOS) F for more days of the year than initially represented which could have significant impacts to wildfire evacuation and has impacted quality of life for everyone. Idling cars produce pollutants and are bad for the environment.

The increase of tourism from the Bay Area, Truckee growth, and doubling of Reno and Carson City population all have impacts on the basin that have not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation), and a proliferation of Short-Term Rentals (STR’s) 3,400 active permits in eastern Placer County alone, are changes from 2016 conditions.

Under CEQA the County must make findings for an addendum and not a full environmental analysis. The County has:

FAILED TO PROVIDE THE REQUIRED ANALYSIS NEEDED TO FULFILL CEQA- BASED ON SIGNIFICANT EFFECTS

Pursuant to CEQA Guidelines § 15164, an addendum can be prepared to a previously certified Final EIR by a Lead Agency or a Responsible Agency when changes or additions are needed, but these changes or additions must not trigger conditions requiring preparation of a subsequent EIR. Addendums are only appropriate for inclusion of minor technical changes or additions, which is not the situation in this case.

Required CEQA Findings that pertain to these amendments and require a revised EIR include:

New Information of substantial importance, which was not known and could not have been know with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, show any of the following:

The project will have one or more significant effects not discussed in the previous EIR.

There is no one project that is part of the amendments however, the amendments enable many projects to be allowed either “by right” or with streamlining virtually eliminating environmental review which is contrary to the County stating that “the TBAP Amendments would require future projects within the plan area to be reviewed pursuant to CEQA and TRPA requirements through a project specific environmental review which would include required mitigation measures for any significant environmental effect.” How can a project be reviewed through CEQA if the County deems it is exempt from review and allowed “by right”? Hotels, motels, restaurants, building materials and hardware stores, repair services etc. currently require public notice and CEQA review. Under the amendments many of these uses would not have any or a very scaled down review.

Placer County is relying on an “Envision Tahoe” report obtained by the Tahoe Prosperity Center (TPC) as a basis for the TBAP amendments to conclude that impacts will not be significantly increased by the actions it is taking. This claim is unsupported by substantial evidence based on the potential changes and impacts as referenced above.

TPC is a self-appointed quasi-governmental entity that relied on old data (2020) and disputable conclusions. The Sacramento firm, ICS, LLC, the third party that they hired is primarily a PR and crisis management firm. There is little mention of Tahoe’s environment in the report. The amendments are also driven by the Economic Sustainability Needs Assessment and the Resort Triangle Transportation Plan, as the County has not achieved the growth and redevelopment that they would like to see within our communities. The addition of “achievable housing” into the definition of low and moderate housing types will ensure that true workforce housing will not be built by developers as “achievable” rents for \$2,450/month for a 650-sf space.

“Achievable” for purchase is probably around \$800,000 (hardly affordable). The J-1’s, who are our true workforce servicing our restaurants, ski areas, and other retail and housing venues, can afford \$200/week for their housing needs. This housing will not serve the needs of the families who want a yard and house and have thus moved off the hill.

§ 2017 EIR, AND EIR ADDENDUM RUN COUNTER TO CEQA 21000. LEGISLATIVE INTENT

The 2016 EIR, associated with the proposed TBAP amendments runs counter to CEQA, Chapter 1: Legislative Intent by the failure to identify critical population capacity thresholds within Town Centers.

CUMMULATIVE IMPACTS AS A RESULT OF NEW PROJECTS

The County must also complete a cumulative impacts analysis that includes the above effects as well as the large number of projects that are slated for development and have not been included in the 2016/2017 EIR. i.e., Tahoe Inn, Cal-Neva redevelopment, 39 Degrees, Neptune Investments, Kings Beach Lodge, Jasons, Laulima, Dollar Creek Crossing, Boatworks Mall Redevelopment, Palisades, and Martis Valley West.

In addition, there should be a complete review and accounting of the mitigation measures that have not been completed from past projects and required as part of the 2017 EIR in order to implement the existing TBAP before any new amendments are allowed.

Furthermore, basing these amendments on an economic study, whose conclusions are entirely subjective and provide little if any evidence for its claims, is unacceptable, particularly due to its effects on Lake Tahoe, a nationally treasured lake.

Substantive changes since the 2016/2017 certification of the TBAP EIR include:

WILDFIRE

CEQA 21000, Chapter 1

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The 2016 EIR and resulting proposed amendment package fails to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist Placer County and the TRPA during their environmental public safety review process.

Even though the 2016 EIR states that “While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and a legitimate concern”, the 2016 EIR failed and continues to fail, to take immediate steps to identify and evaluate critical turn by turn roadway by roadway capacity thresholds during a wildfire which does not address the identified concerns.

This failure may be due in part to the lack of technology modeling tools which were not available in 2016, but regardless, are available today, and this technology must be employed to help identify critical turn by turn roadway by roadway wildfire evacuation capacity thresholds based on worst case wildfire scenarios. Evacuation could be impacted by adding different housing types into plan areas where they do not currently exist. i.e., industrial areas of upper Kings Beach, and more density into Carnelian Bay with inclusion of multi- person housing where it does not currently exist. Elimination of setbacks could also potentially prevent fire truck access onto properties in the Town Centers.

The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Determine if the older private water systems have the capacity or working fire hydrants needed to put out a home fire let alone assist with wildland fire issues.

- Consider or discuss NEW Best Practice CEQA wildfire recommendations published by the California Attorney General in October of 2020, as such guidelines and recommendations were not available in 2016.

This, even though every TBAP community is identified by the State of California to be in a very high FIREHAZARD SEVEITY ZONE <https://egis.fire.ca.gov/FHSZ/> it is contrary to the agencies stating that concentration in town centers would reduce wildfire risk.

Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly address building evacuation and wildland fire prevention, the codes do address adequate requirement regarding wildfire evacuation.

In light of this, fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, Placer County must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within the geographical TBAP boundaries, when developing the proposed TBAP regulations and associated EIR.

The 2016/2017 EIR fails to consider or discuss and analyze “collective” (cumulative) area wide effects of increased human capacity and construction gridlock. This includes cumulative adverse environmental and wildfire effects on visitor residents and visitors during wildfire evacuation and therefore runs counter to CEQA, § 21002.1.(d) i.e. USE OF ENVIRONMENTAL IMPACT REPORTS; POLICY (d) The lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project.

The 2016/2017 EIR fails to provide substantial evidence, based on the best achievable technology, developed since 2016, to adequately determine the “collective” (cumulative) wildfire emergency limitations on roadway evacuation within the entire geographical area of the TBAP, which includes the communities of North Stateline, Kings Beach, Tahoe Vista, Carnelian Bay, Dollar Point, Tahoe City Sunnyside, Homewood, and Tahoma.

The 2016 EIR errs by failing to provide substantial evidence in order to reach the following agency EIR conclusions:

“While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.”

...” operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact” (Area Plan EIR pg. 18-23).

...the TBAP “could result in a modest increase in the number of visitors in the plan area, and thus, the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”

The conditions with traffic, congestion, and people management have in fact changed in North Lake Tahoe and the surrounding region since 2016, yet the Addendum includes no grounded analysis or data, just studies from the Tahoe Prosperity Center and Mountain Housing Council, supporting the proposed changes in 16 pages of opinions.

Roadway capacity impacts, and construction traffic during July and August are new since 2016 and have jeopardized the safety and lives of both residents and visitors to the Basin. Reduced setbacks and elimination of minimum parking standards will result in cars parked along the roadways and in neighborhoods, further contributing to congestion and gridlock. It is unrealistic to expect that eliminating parking standards will result in the workers abandoning the very cars and trucks they need to work. i.e., the contractors, tradesmen, teachers, hospital workers, etc. to take a bus. This also degrades the ability of those currently located in town centers to safely evacuate. A roadway-by-roadway fire evacuation capacity evaluation driven by accurate and substantial data is needed and should either be incorporated into the Basin-wide environmental analysis or done separately.

As the California Attorney General has recommended in this Guidance to Local Governments to Mitigate Wildfire Risk from Proposed Developments in Fire-Prone Areas, there must be a thorough evacuation analysis performed.

To quote the Best Practices guidance, “[t]he CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.” Tahoe Basin is obviously and most definitely a wildfire risk area. Therefore, the California Environmental Quality Act (CEQA) requires that this analysis be completed.

LAND USE

CEQA law requires that all affected stakeholders should be represented in any public participation process. The amendments were proposed with no input from the 35 original plan team members who spent four years crafting the TBAP. These developer and tourist driven amendments are the result of the County consulting with a handful of people representing tourism, and developers including the (North Lake Tahoe Resort Association, The North Tahoe Business Association, The Downtown Association, The Prosperity Center) etc. leaving the entire rest of the community out of the process.

In a general plan process, the entire community is involved. Stakeholder groups may include: • Community and neighborhood groups • Environmental groups, School districts, charter schools, and county offices of education • Transportation commissions • Utilities and public service providers, etc. The Planning Commission approved the amendments August 10th, with no regard to the 60 business, environmental groups, and community members, or the North Tahoe Public Utility District (NTPUD) board member that told the commissioners that infrastructure is limited in the Kings Beach grid with not enough fire hydrants and that more analysis is needed before the TBAP amendments should be approved. Amendment that would create smaller lots and denser conditions. What is the point of public input if it is ignored?

Land use patterns are proposed to be changed by TBAP amendments by adding different types of housing where they did not exist before. i.e., housing in industrial areas and adding multi-person zoning

into areas previously zoned for multiple family dwellings. Reduction of lot sizes results in more compact development and changes to the built environment. There was no explanation of why certain areas in the TBAP did not originally include all types of housing in each community to begin with. The inclusion of multi person comes with a density increase-from 25 persons to 62 persons per acre in all areas allowing multiple family and employee housing from Kings Beach to Tahoma. This increase with no parking minimums has not been analyzed but is based on a weak argument that it is compatible in scale to multiple family development density allowances. The parking and traffic impacts would be very different in a comparison analysis of both housing types.

No minimum parking requirements for commercial and other housing, retail and hotel projects could cause further congestion, traffic, and air quality impacts to our surrounding residential neighborhoods as it is unrealistic to expect that people will not have cars, especially our workers. i.e., the plumbers, electricians, construction workers, teachers, hospital workers, as well as ski area employees etc. As stated previously people will park their cars in neighborhoods and on the street.

Palisades reports that 50% of their 3,000 employees have cars. 100% of their professional employees have cars. TRPA reports in their own housing initiatives that 66 % of the employees have 1 car and that only 4% do not have cars. Dollar Hill Apartments has 17 affordable 350 sf to 625 sf apartments and 25 parking spaces which the manager says is not enough and car shifting during winter months is a daily activity.

Land Coverage: According to the Placer County addendum- "The Area Plan EIR concluded that the TBAP's effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers resulting in environmental gains, and that it would not adversely effect the development pattern or land uses within the plan area and the TBAP would preserve open space and accelerate the pace of SEZ restoration with the plan areas".

Where is the evidence that more open space has been preserved and that accelerated SEZ restoration has resulted from either the existing TBAP or will happen with the proposed amendments? There is no requirement that entitlements and land coverage transfers come from outside Town Centers or that SEZ land be restored. Additionally, by reducing setbacks how does this preserve open space? In fact, the built environment will appear more congested with smaller lot sizes allowing 15 unit acre densities. Open space preservation? This is not explained but is a subjective comment not based on accounting.

PIECEMEALING

Placer County says that piecemealing is not occurring because the amendments are not specific projects however, this first step voted in by Placer County leads the way for the Tahoe Regional Planning Agency (TRPA) to solidify their proposed new development code changes that will forever change the character and quality of life of our nature based, charming, rustic, and artistic communities. To retract the building heights and mass out of the amendments and allow it to come back later through TRPA code changes is also completely disingenuous even though there is no specific project at this time driving the changes. It also creates piecemeal planning issues for Placer County and TRPA in the future when developers come in one at a time to request changes for more height and more mass.

SHORT TERM RENTALS

The impacts from 3,900 Short Term Rental permits have not been analyzed in previous environmental documents. The TRPA Basin Carrying Capacity identifies in their cumulative impact studies the remaining entitlements for residential units and tourist accommodation units yet the conversion of single-family dwellings to tourist accommodation or short-term rentals with all of the ensuing impacts of traffic, excessive noise, parking conflicts, neighborhood impacts, and reductions in available workforce housing, has not been analyzed. If each STR needed a TRPA Tourist Accommodation Allocation (TAU) then the TRPA carrying capacity in the Tahoe Basin would be far exceeded.

The Short-Term Rentals have also impacted the workforce housing resulting in a potential loss of up to 600 homes for families based on studies worldwide stating that 10-15% of the STR's would be rented to the workforce if they were reduced or did not exist. (Pew Charitable Trusts and the Harvard Business Review (HBR) have published research showing a correlation between the number of short-term rentals and the quantity of affordable housing units decrease. The effect of STR's has also been to increase rents by as much as 20% and increase housing prices up to 14% as it is big business to rent homes short term.

(The Town of Truckee has 1,550 STR's for a population of 20,000 people, and there is a mandatory waiting period of a year before an entitlement can be applied for. This eliminates the investment as the only reason for home purchase and the amount of STR's is far lower than other locations around the lake thus offering opportunities for the workforce to rent second homes).

Breckenridge, Boulder, and Aspen seem to have the most forward thinking-community conscience driven programs of all the mountain communities. Basically, the STR's are capped based on zones. 1). Tourism Zone 2). The Downtown Core 3). Residential Areas. The residential STR cap in a neighborhood is 10%. Fees are assessed based on number of bedrooms, and ALL the revenue generated by fees like our TOT taxes is earmarked for specific workforce housing related programs and STR impacts.

INVASIVE SPECIES

Lake Tahoe has now been reported to have the third highest concentration of microplastics of thirty-eight lakes studied in twenty-three countries: Lake Tahoe has a higher level of microplastics than the ocean trash heap - Los Angeles Times (latimes.com). <https://tahoe.ucdavis.edu/microplastics>
<https://www.latimes.com/california/story/2023-07-14/lake-tahoe-troubling-concentrationmicroplastics>

This is no doubt the result of the huge amount of waste that is dumped into Lake Tahoe from the recreational boating public and the enormous amounts of waste left in throughout the basin, including on our beaches by the 25 million tourists (TTD and Nevada Dept of Transportation statistics) that come to Lake Tahoe, many of whom recreate along the lake's shoreline.

SUMMARY

With EIR data from 2016, our conditions have changed, and land use proposed changes are significant. Impacts associated with a growing population from outside the basin, traffic from construction in July and August, congestion from LOS F for more days of the year than predicted with roadway capacity numbers half of what was projected, wildfire safety, evacuation, changes to land use patterns, reductions in parking and no mitigation measures identified to reduce impacts of proposed changes to less than significant levels.

We support policies and programs that will increase truly affordable housing, the County to enact policy decisions to require more affordable housing for new projects on or near project sites and to conduct studies of what housing is truly needed to support our workforce.

There must be a balance to provide new housing without sacrificing the Tahoe Basins best asset, its naturally beautiful and sustainable ecosystem. Not only does it support all of our hearts and souls, but it also supports the creatures that live here as well as our recreation and economy.

Leah Kaufman

Kristina Hill

(Both former TRPA employees and Land Use Planners at Tahoe for over 30 years)

ATTACHMENT A

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Letter From Retired or Former Fire Department Professionals and Volunteers

TBAP = The Placer County Tahoe Basin Area Plan

EIR = the 2016 Certified Environmental Impact Report adopted in 2017

EIR Addendum = the current Placer County proposed EIR addendum to the TBAP made public at the August 10, 2023, Placer County Planning Commission Meeting

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

LOS = Loss of Service

Dear Placer County Board of Supervisors,

Based on our individual and combined emergency fire and life safety response experience, we oppose the 2023 TBAP changes and associated EIR addendum for the following reasons:

1. The adoption of the amendments and supplemental EIR will most likely result in increased wildfire evacuation impacts throughout the approx. 19.5-mile long TBAP plan area, and most predominantly in “denser” more concentrated **town centers and mixed-use areas**. This, due to cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and often LOS F roadway intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP geographical area, including dense concentrated town centers and mixed-use areas exist within the “**Wildland Urban Interface Defense Zone**”, and per the California State Fire Marshal, the entire geographical area is classified as a **Very High Fire Hazard Severity Zones (VHFHSZ)**. Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control significantly impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas.

2. Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent **significant concentrated populations**.

Therefore, it is prudent and reasonable that life safety wildfire evacuation planning and conclusions, throughout the 19.5-mile planning area, including separately, within each concentrated town center and mixed-use areas, be analyzed, discussed, and implemented based on substantial evidence, including best achievable data, and the best available wildfire evacuation planning practices and tools.

This, to help determine, based on up-to-date data, whether or not the amendments further contribute to a significant impact on wildfire evacuation and emergency access. This includes conducting an evaluation of potential significant impacts to population safety, under a variety of potential wildfire behavior scenarios.

The current EIR, EIR Addendum and the EEPEP fail to adequately analyze or evaluate the approximate total population capacity, including individually within each concentrated town center and mixed-use area. This includes failure to provide the best achievable data driven reasonable wildfire evacuation scenarios.

This includes the failure to provide evacuation scenarios including discussions regarding the impact of increased population density on senior citizens, disabled persons, visitors who may have relied on public transportation to enter and traverse the Area, those on foot and sleeping in public facilities, all of which place EMS medical demand on emergency resources once injured or debilitated.

NEXT

Photos of Paradise Fire (Camp Fire) victims and location where each victim died.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

3. Increased concentrations within town center and mixed-use environments will, most likely serve as wildfire evacuation “**choke points.**” This as increased and concentrated town center and mixed-use population vehicles and foot traffic compete in a “**sudden surge,**” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing beginning on page 3.1-32 in the EIR addendum including Table 3-4 (**Attachment C**).

The EIR and EIR addendum fail to analyze, identify, and discuss the potential increased wildfire evacuation impacts, caused by these concentrated “choke points” and “sudden surge” conditions, individually and cumulatively. This includes failure to discuss or provide a variety of wildfire evacuation choke point scenarios that may result in loss of evacuation time as discussed on Page 3.1-3 of the supplemental EIR.

This includes the failure to discuss wildfire emergency evacuation scenarios, where traffic surge gridlock may take place resulting in panic among residents and visitors who feel they have no choice but to flee into nearby Lake Tahoe Waters (Example: Lahaina Town Center).

<https://nypost.com/2023/08/11/hawaii-residents-flee-into-dangerous-ocean-to-escape-wildfires-video/>

4. The EIR, EIR addendum and EEPE fail to provide substantial discussion based on current best practices and data driven wildfire evacuation scenarios, throughout the entire 19.5 mile length of the TBAP area, including concentrated town center and mixed-use of which would serve to inform planners, the public and first responders of any potential significant increase in wildfire evacuation impacts within **each** of the projected more concentrated redevelopment **existing town centers and mixed-use areas.**

Page 8 and 9 of the EIR Addendum States, “the analysis found that the total development potential would not increase, but it would be more concentrated in Town Centers and mixed-use areas than it is presently and would be consistent with the Regional Plan.”

Page 11 of the EIR Addendum States: “The amendments would encourage more concentrated redevelopment of existing Town Centers, which could result in a higher proportion of residential, commercial, and tourist uses being concentrated within Town Centers. While concentrated development could result in site-specific degradation of LOS, the Area Plan EIR already assumed that the TBAP would result in highly concentrated development within Town Centers (See Area Plan EIR pgs. 10-13 through 10-15 and Appendix G-1). Thus, the proposed amendments would result in changes that are consistent with the assumptions underpinning the LOS analysis in Area Plan EIR. For this reason, the proposed amendments would be consistent with the Area Plan EIR LOS analysis.

5. The EIR, EIR addendum and EEPE **fail to discuss** or analyze the following **significant** new and best available, **best practice evacuation guidance information** (not known to Placer County since the 2015 EEPE and the 2017 EIR but **known to Placer County Staff** during their construction of the 2023 EIR Addendum). This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine whether or not the currently proposed amendments, EIR and EIR Addendum will have a significant impact more accurately on wildfire evacuation and emergency access:

NEXT

A List of significantly relevant 2020 Calif Atty General Life Safety Best Practices, which the EIR, 2023 EIR Addendum and 2015 EEPE have failed to discuss, and analyze:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn.
 - This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.
 - Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.
- A. Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
 - B. Assessment of the timing for evacuation.
 - C. Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - D. Evaluation of the project's impact on existing evacuation plans.
 - E. Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
 - F. Traffic modeling to accurately quantify travel times under various likely scenarios.
 - G. Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - H. Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.
 - I. Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impact.
6. Additionally, page 3.1-2 of the EIR (**Attachment C**) states "Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour."

In the interest of prudent life safety wildfire evacuation planning, the above statement should not relieve the County from utilizing the now best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to **evacuation planning** discussed below. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

7. The EIR failed to analyze and discuss the significant adverse evacuation impacts and emergency access from planned "**road diet**" lane reductions and the additionally planned single **lane roundabout** at the intersection at SR 267 and Hwy 28.

NEXT

8. Section 3.1-32 of the Attached EIR EMERGENCY EVALUATION ANALYSES (**Attachment C**) stated a planning distance of approx. 15 miles from end to end however, mapping tools indicate the planning distance to be 19.5 miles leaving out 4.5 miles of significant planning area between the Stateline at North Shore and the Placer County line in Tahoma, CA. (Via SR 28 and Hwy 89). This additional 4.5 miles needs to be analyzed since it represents a key distance when it comes to accurately analyzing evacuation times.
9. The content of Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP) (**Attachment A**) does not provide the best available, best practice evacuation planning elements based on current CA Atty General Best Practices, and was apparently, except for a few geographical comment changes, cut and pasted from the 2008 version. This means that the bulk of the content of this document was created 9 years prior to the 2017 TBAP and **15 years prior** to the currently planned TBAP addendum (**Attachment B**).
10. The 2015 EEPE states: The primary roads in the area, Interstate 80 (1-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

In this case, the EEPEP, EIR and EIR supplement fail to discuss, list, or clearly indicate the “surface streets” that may potentially be designated “for evacuees and for emergency vehicle ingress.” These surface street designations should be identified in advance based on an “evaluation of the capacity of highway and street roadways to accommodate project and community evacuation and simultaneous emergency access.” This, as suggested by the CA Attorney General Best Practices.

11. Beginning on page 3.1-32, of the Final 2017 EIR EMERGENCY EVACUATION ANALYSIS (**Attachment C**), the EIR fails to discuss the new, current, and significant best practice planning opportunity information as it relates to wildfire evacuation and fire resource access. Nor does this EIR, EIR Addendum or the EEPEP discuss variety of reasonable **scenarios**, the absence of which removes the possibility to discuss life safety evacuation alternatives which may enhance informed planning decisions during a variety of evacuation scenarios. These include but are not limited to planning scenarios factoring in various wind speeds, day, or night occurrences, uphill or downhill wildfire spread, and auto collisions impacting evacuation times.
12. Conclusions made in EIR Addendum 3.1-32 “**assumes that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity**”, under current conditions the area could be evacuated in 3.77 to 4.2 hrs.

Based on our emergency response experience we consider these assumptions to be **counter to reality**, and misleading when it comes to providing accurate planning information to assist with resident and visitor life safety planning opportunities in connection with a wildfire evacuation and as related to discussions regarding fire evacuation impacts and emergency access.

This, since it is common knowledge that early “traffic surge”, initial and ongoing panic, dense and debilitating smoke, nighttime impacts, loss of cell phone service, as well as downed electrified power lines, of which lines commonly result in power loss and also cause multiple other fires in the area, are common factors in limiting traffic capacity to egress points. This includes downed energized and non-energized power lines that are often observed strung across roadways in high wind conditions.

Body Cam Footage – Evacuation from Paradise

<https://abc7news.com/camp-fire-video-bodycam-of-evacuations/4850913/>

All of these factors can cause immediate and long-term auto collisions, of which can cause injury and death within minutes and skew the projected evaluation times as discussed on Page 3.1-34 (**Attachment C**).

The EIR, EIR Addendum and the EEPEP fail to discuss common alternative scenario assumptions more closely relating to the **reality** of emergency wildfire evacuations in wind and slope wildfire evacuations. These realities, demonstrated in the following links connected with the Paradise and Caldor wildfire evacuations. **NEXT**

- CAPRDIO – July 11, 2019 – Camp Fire Evacuation Notifications – From the ignition source, approx. 7 miles from Paradise, winds of 40 miles per hour shot embers along the ground and through canyon, and within 90 minutes, the eastern side of Paradise began to burn, according to Butte County dispatch recordings, which CapRadio reviewed to better understand how agencies responded that morning.
<https://www.capradio.org/articles/2019/07/11/emergency-alert-will-you-be-notified-if-a-wildfire-is-heading-toward-your-town/>
- Caldor Fire Evacuation – Mercury News August 31, 2021
<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

SIGNITURE PAGES TO FOLLOW

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X



Printed Name:

X

DOUGLAS ESTILL

Lake Tahoe Community:

X

TAHOMA, CA

Retired Fire Professional Title and Agency:

X

FOSTER CITY FIRE DEPT - FIREFIGHTER

Date:

9-14-23

Signed:

X



Printed Name:

X

Paul J Siegel

Lake Tahoe Community:

X

TAHOMA, Ca

Retired Fire Professional Title and Agency:

X

Firefighter/Paramedic City of Mountain View Ca.

Date:

9-14-23

Signed:

X



Printed Name:

X

James Scott

Lake Tahoe Community:

X

Tahoma CA

Retired Fire Professional Title and Agency:

X

Foster City Fire Dept - Battalion Chief

Date:

9-14-23

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X *Larry Schluer*

Printed Name:

X LARRY SCHLUER

Lake Tahoe Community:

X MEEKS BAY

Retired Fire Professional Title and Agency:

X ENGINEER, SACRAMENTO FIRE DEPT.

Date:

9/20/23

Signed:

X *Julie L. Hutchins*

Printed Name:

X Julie L. Hutchins

Lake Tahoe Community:

X Jahoma

Retired Fire Professional Title and Agency:

X Battalion Chief - CAL FIRE

Date:

October 4, 2023

Signed:

X *Doug Flaherty*

Printed Name:

X DOUG FLAHERTY

Lake Tahoe Community:

X IN-LINE VILLAGE, NV

Retired Fire Professional Title and Agency:

X FIRE MARSHALL CITY OF SAN LUIS OBISPO, CA AND CITY OF ORANGE, CA
BATTALION CHIEF, CITY OF ORANGE, CA

Date:

OCT, 8, 2023

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum
Letter From Retired or Former Fire Department Professionals

Signed:

X 

Printed Name:

X Jerrold H. Cook

Lake Tahoe Community:

X Tahoe Pines

Retired Fire Professional Title and Agency:

X Apparatus Operator / Sacramento Fire Dept.

Date: 10-8-23

Signed:

X

Printed Name:

X

Lake Tahoe Community:

X

Retired Fire Professional Title and Agency:

X

Date:

Signed:

X

Printed Name:

X

Lake Tahoe Community:

X

Retired Fire Professional Title and Agency:

X

Date:

**PLACER COUNTY
OFFICE OF EMERGENCY SERVICES**

M E M O R A N D U M

To: Honorable Board of Supervisors

From: David Boesch, County Executive Officer
by: John McEldowney, Program Manager of Emergency Services

Date: November 17, 2015

Subject: 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan

ACTION REQUESTED

Adopt a Resolution Enacting the 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan.

BACKGROUND

This is a plan for the conduct of a physical evacuation of one or more communities in the unincorporated area on the eastern side of Placer County. This plan is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the "eastern side" comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area are problems that present difficulties for first responders and residents alike. These problems would complicate any emergency evacuation operation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevada's can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit cooperating agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human caused incident on the east side of Placer County.

**Before the Board of Supervisors
County of Placer, State of California**

Resol. No: _____

In the matter of: **Adoption of the 2015 Update to the
Placer Operational Area Eastside Emergency
Evacuation Plan**

The following Resolution was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, Placer County and its incorporated communities are exposed to numerous natural and manmade hazards, including flood, drought, wildfire, and severe weather. These hazards pose threats to lives, property and the economy; and

WHEREAS, the Eastside Emergency Evacuation Plan ("EEEP") creates an operational framework for potentially reducing losses from natural and manmade hazards; and

WHEREAS, the EEEP is for conduct of a physical evacuation of one or more communities in the unincorporated area on the eastern side of Placer County that is necessitated by a larger incident, most probably a forest fire or flood; and

WHEREAS, the EEEP prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit cooperating agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human caused incident on the east side of Placer County; and

WHEREAS, the EEEP applies to an evacuation of one or more communities, due to a disaster or incident response affecting all public jurisdictions on the eastern side. This plan also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas; and

WHEREAS, portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events; and

WHEREAS, the EEEP complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapter 2, Article 2.88 and Chapter 9, Article 9.32; and

WHEREAS, the need to quickly execute a rapid evacuation of residents, businesses, and pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Placer hereby approves and adopts the 2015 Update to the Placer Operational Area Eastside Emergency Evacuation Plan and authorizes the execution of the letter of promulgation, both of which are attached hereto as Exhibit "A".

NOW BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon adoption.

PLACER OPERATIONAL AREA
EAST SIDE
EMERGENCY EVACUATION PLAN

1. GENERAL

This is a plan for conduct of a physical evacuation of one or more communities in the unincorporated Placer County area on the eastern side of the County that is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the "eastern side" comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area – problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevadas can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, transients, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

Therefore, in order to meet this planning challenge, the Placer County Sheriff's Office (PCSO), Nevada County Sheriff's Office (NCSO), Town of Truckee, the five eastern Fire Protection Districts/Departments, California Highway Patrol (CHP), USDA Forest Service (USFS), American Red cross (ARC), Placer County Office of Emergency Services (PCOES), Nevada County Office of Emergency Services (NCOES) and other state and federal contributing agencies developed this plan to help increase preparedness, and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the County. While focusing on fire-induced evacuations, the plan remains applicable to all evacuations in general.

2. PURPOSE

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit contributing agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human-caused incident on the east side of Placer County.

3. ASSUMPTIONS

- a. An evacuation order is given coincident with first response/initial attack.
- b. Evacuation of the entire eastern side of the County is not required.
- c. Most, but not all, of the roads and pre-designated shelter and evacuation centers on the eastern side are available for use.
- d. Mutual aid resources for all disciplines are available.
- e. There will be limited County emergency management organization support in the initial stages of an incident.

4. SCOPE

This plan applies to an evacuation of one or more communities due to a disaster or incident, response to which affects all public jurisdictions on the eastern side. It also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas. Portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events.

For planning purposes, "evacuation" begins upon the order of the Incident Commander and concludes upon IC release of the area to general reentry. Evacuee support and damage/safety assessment activities occurring after completion of the initial evacuation but prior to general reentry are more correctly the subject of incident specific plans. However, some activities are referred to in this plan for clarity in illustrating the relationship between "incident command" as exercised by first responders and "emergency management" as exercised by the County through the Emergency Management Organization (EMO).

5. AUTHORITIES AND REFERENCES

This Plan complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapters 2 and 9.

6. CONCEPT OF OPERATIONS

- a. **Initial Response:** Initial response to a disaster or incident occurring on the eastern side is by local, state and federal resources using Unified Command methodology. Upon assessment of the incident and in consultation with other responding agencies, Incident Command (IC) makes the decision that the incident has the real potential of becoming too great to handle or is actually beyond the capability of available resources, and therefore orders an evacuation. The IC directs that notifications be made, and directs promulgation of evacuation notices throughout affected areas via emergency notification systems and television and

radio stations. As the incident is both multi-jurisdictional and multi-disciplinary, the

IC requests OES response to provide incident emergency management. Subsequently, OES activates those members of the Emergency Management Organization (EMO) needed to support the evacuation and the greater incident, and ensures either an incident EOC on the eastern side or the EOC in Auburn is made operational.

The following functions are normally present in typical evacuation scenarios:

- ***Evacuation Alerts, Warnings and Orders:***

Dissemination of evacuation alerts, warnings and orders are the responsibility of law enforcement. The Placer County Sheriff's Office (PCSO), assisting law enforcement, and other personnel as available commence evacuation notifications using all means such as door to door visits, and use of handheld, vehicular and helicopter mounted public address systems. The IC notifies dispatch as well to disseminate instructions and warnings via the emergency notification system (Everbridge) and assigns Incident PIO to provide the same evacuation instructions to the media (listed at Attachment B) for emergency broadcast.

- ***Evacuation Emergency Medical Services (EMS)***

Emergency medical services for an evacuation are provided by all fire protection districts through engine-company Advanced Life Support (ALS) and the Truckee (TFPD) and North Tahoe Fire Protection Districts (NTFPD) ambulance service. Ambulance Mutual Aid is requested through the single ordering point established by the IC. The Placer County Medical/Health Operational Area Coordinator (MHOAC) receives requests for medical mutual aid and, if unable to fill the request locally, will forward it to the Regional Disaster Medical Health Coordinator (RDMHC) for action. Requests for aerial evacuation are made from the ICP to dispatch. NTFPD and TFPD also provide Advanced Life Support (ALS) medical transport, i.e., ambulance evacuation/transportation of the medically fragile from health care facilities or homes.

- ***Evacuation Emergency Public Information***

Public information about the evacuation will be disseminated at the direction of the IC, most often through the Incident PIO. In the event of a fast-moving fire or other life-threatening situation, the Incident PIO, a member of the Tahoe PIO Team or a member of the Auburn PIO Team should be assigned to begin notifications. Using IC guidance, this person will draft, obtain approval and then disseminate the message to critical media. (Attachment B).

Once the County EOC is operational, public information officers from all agencies establish a Joint Information Center (JIC) in which advisories, warnings, traffic updates, press releases, etc. are written, edited, assembled, and, after approval of the IC, released to the public and the media. The JIC also collects and disseminates information gathered from government agencies, businesses or schools regarding evacuation centers (locations where evacuees can get information on the evacuation) and emergency shelters (with overnight provisions), pet disposition, provision of security in evacuated areas, etc. Radio and television stations interrupt regular programming to broadcast emergency instructions as appropriate. Residents and visitors will be encouraged to also monitor instructions provided over the air, on car radios, on-line, or social media. Lastly, the EOC will maintain an emergency evacuation information message on the Public Information hotline at (530) 886-5310 in Auburn, and (530) 584-1590 on the eastern side, as well as on the County website.

- ***Evacuation and Reentry***

In Unified Command, the decision to evacuate or to prioritize evacuations of multiple areas is made after consultation between Incident Commanders. Execution of the actual evacuation order is by PCSO, with assistance from all other responding law enforcement, if and as available. Individuals will be strongly encouraged to evacuate, however those who refuse evacuation will be allowed to shelter-in-place. During enforcement of the evacuation, law enforcement will encourage family, friends and neighbors to assist any who require assistance (medically fragile, aged, etc). Volunteers, if available, may also be employed to assist those needing help to include assisting those without vehicles get to evacuation bus stops when and if Tahoe Area regional Transit (TART) or Tahoe Truckee Unified School District (TTUSD) or other buses or means of public transport are used.

To facilitate a rapid and effective evacuation, the IC will identify all directly threatened and potentially threatened areas for evacuation. Evacuation centers and emergency shelters for the evacuees have been pre-coordinated and contact information determined (Attachment A). Upon consultation with OES and American Red Cross, Unified Command will select the emergency shelters and evacuation centers to be used. The decision is based on the threat and the probability that the facilities and routes of ingress and egress will remain out of danger. Pending OES arrival at the incident, the senior County representative coordinates with ARC and HHS to ensure designated facilities are put into operational order.

Reentry during active response: The Incident Commander is the sole authority for allowing individual reentry into any secured incident area, either on an unlimited or escorted basis, during active response operations. Most often requests for reentry are by homeowners wishing to recover pets or family items, but, as law enforcement maintains incident site security for any

and all incidents, any IC decision on reentry is made after full consultation with law enforcement.

Reentry after active response: Although not the main focus of this plan, upon transition from initial or extended response to remediation of the incident area, general reentry will only be allowed after completion of safety and damage assessments by numerous agencies such as DPW-Roads, Environmental Health, Building Department, and law enforcement/fire forensic investigators, etc. The Damage/Safety Assessment Teams determine the state of damage and threats to public safety from unstable structures such as fire/flood damaged and now unsupported chimneys and walls as well as from other threats such as damaged or weakened roadways, downed lines or fire weakened trees or telephone/power poles. Environmental Health as an example has the responsibility for determining the presence of hazardous materials resulting from burned structures or of contaminants left by receding floodwaters, etc. These assessments will determine, prior to any IC decision, that the area is safe or hazards are clearly marked allowing for unrestricted access by the general public.

- ***Incident Command and Emergency Management***

Tactical employment of fire, law and emergency medical resources, as well as the decision to warn, or evacuate or shelter-in-place is the purview of the IC, and is executed from the Incident Command Post (ICP). Evacuation orders issued during an active emergency response are coordinated under the direction of Incident Commanders acting in Unified Command. It is imperative that all agencies affected by the response, or having critical infrastructure affected or potentially affected by the incident, or which act solely in a support role, initially respond and send representation to the ICP. All agencies should self-refer to the ICP whenever possible rather than waiting on a request to do so.

Note: Attachment E is a guide for both fire and law incident commanders who are considering or ordering an emergency evacuation. The Attachment contains general information on the technical aspects of ordering an evacuation as well as a check list for incident commanders.

Upon the opening of an incident Emergency Operations Center (EOC) by the County, the IC may release some of agency representatives to the EOC. The senior County representative on-scene or OES meets with the Unified Command to better understand the direction the incident is taking and ascertain the best location for an incident EOC, and potentially, an incident base. With that information, the senior County representative also consults with ARC to ensure any requested County support or facility owner/manager concerns are addressed to facilitate the opening and operation of shelters and evacuation centers.

Once alerted, the local Emergency Management Organization (EMO) reports to and works from the incident EOC to provide emergency management and County coordinated support. Upon arrival on-scene, OES assumes direction of active emergency management of the incident from the incident EOC. The EMO maintains communications with the Auburn EOC (if activated) as well as with regional and state agencies, assisting agencies, and the ICP. It coordinates non-tactical matters such as emergency care and shelter, animal services, provision of DPW traffic control assets, damage and safety assessments, evacuation centers and Local Assistance Centers used during recovery, etc. It is through the EMO that the decision to issue a proclamation of local emergency is made and information needed for preparation is provided. Locations that can potentially be used for an incident EOC have been pre-designated and are listed at Attachment D.

- **Traffic Control**

CHP is primarily responsible for traffic control, however, other agencies such as the Sheriff's Office and the Department of Public Works can and often do assist on an as-needed basis. Potential issues include access and egress for emergency vehicles and evacuees alike, and minimizing or preventing unauthorized traffic entering the affected area. The Unified Command establishes evacuation priorities, and CHP further designates the supporting routes. Placer County Department of Public Works (DPW) and CAL TRANS support traffic control with traffic control implements and personnel, as requested.

The primary roads in the area, Interstate 80 (I-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

- **Transportation**

Once students and school sites are secured, school or Tahoe Area Regional Transit (TART) buses may be utilized for evacuations, if required. This may be a viable option during severe winter storms when roads are not passable to normal vehicular traffic. Other buses besides those mentioned above, if available in the area, will also be considered for use. Contact information for buses is at Attachment B.

There may also be instances where boats could be used for ferrying evacuees

across or down the lake due to lakeside road destruction or landslides that close the roads. The U.S. Coast Guard Station Lake Tahoe may be contacted for assistance in coordinating this resource.

- **Resources and Support**

Discipline-specific mutual aid for fire, law enforcement and emergency medical services is requested through the single resource ordering point at the ICP. Requests for additional or other resources such as animal services, public works, Red Cross, etc. are requested through (1) agency or OES representatives at the ICP, (2) Dispatch, or (3) once established, through the incident EOC. Requests unable to be filled locally are processed and forwarded by the activated EOC to the State Regional EOC (REOC) for fulfillment by regional, state, or federal resources.

- **Communications**

Responders, mutual aid resources and contributing agencies use existing radio communications systems on frequencies coordinated through PSAPs. Additional mobile communications support is available and is requested either through Dispatch or directly from the Communications Coordinator in the EOC. Cellular and satellite phones, as available with local agencies and personnel as well as with responding and supporting agencies, are used as local service and prevailing weather allows. Amateur radio operators, living or working on the eastern slope and in the Auburn area are also available and will be requested by OES to support any major incident involving an evacuation. Requests for Government Emergency Telecommunications Service (GETS), used to prioritize emergency communications traffic when local communications are overwhelmed, are requested by Incident Command or by the EMO Communications Coordinator.

- **Care and Shelter**

The Division of Human Services in the Department of Health and Human Services (HHS) coordinates mass care shelters as delineated in the Emergency Operations Plan (EOP). The American Red Cross (ARC) normally opens and operates one or more pre-designated shelters and evacuation centers (Attachment C), but County staff responsibility remains with Human Services. Shelters will be selected based on near- and long-term site security (based the direction of movement of fire or flooding, etc.) and ease of access.

The Medical/Health Operational Area Coordinator is a position jointly held by the Public Health Officer and the Executive Director of Sierra-Sacramento Valley EMSA (S-SV), responsible during an evacuation for assessing immediate medical needs, coordinating medical evaluations and all other

tasks assigned by the Health and Safety Code. Mental health counseling of evacuees is coordinated by the Adult System of Care Division of HHS.

- **Animal Services**

Shelters to accommodate pets/domestic animals (hereinafter “pets”) will be set up by Animal Services. However, care and evacuation of pets remains the responsibility of the pet owner. Animal Services coordinates emergency evacuation and care of pets when owners are precluded from entering an area or if pets have had to be abandoned due to the incident or the owner’s absence. Pet volunteer organizations may also be available to assist in sheltering. Pets evacuated will be transported to designated areas and held in more permanent custodial care until the incident is resolved or the animal(s) is/are claimed by owners. Local facilities will be designated and promulgated to the public by Animal Services at the time of the incident. Owners able to transport their own pets or animals during an emergency, but who still require temporary shelter, will be directed by Animal Services via traffic control, road signage or public service announcements to emergency holding areas.

- b. **Extended Response:** Unified Command continues in the field in response to the incident. The EMO operates from an incident EOC on the eastern side or from the EOC in Auburn depending on the needs of the incident. The principal focus of extended response concentrates on those activities necessary to ensure rapid reentry and comprise, among other things, damage and safety assessments and preparation and coordination with local, state and federal officials for set up and operation of Local Assistance Centers/Disaster Recovery Centers.

7. Evacuation Responsibilities by Agency

As an evacuation is only one aspect of a larger incident, all Departments and agencies listed below retain responsibility for completing EOP-listed tasks in addition to these evacuation-specific responsibilities.

A. Eastern Side Special Districts

1) Fire Protection Districts/Fire Departments

- Provide Advanced Life Support (ALS) emergency medical services, i.e., engine company ALS
- Provide ALS transport (NTFPD and TFPD only)
- Assist law enforcement with alerts, warning and evacuations as available
- Provide technical fire and geographic area expertise to Unified Command

2) Tahoe Truckee Unified School District

- Open and support use of requested school(s) for use as emergency shelters or evacuation centers.
- Provide school buses to assist in incidents/evacuations, as requested.

B. Placer County Agencies**1) Placer County Deputy CEO – Tahoe**

- Senior County representative at incident pending arrival of Program Manager, OES, or designee.
- In consultation with OES and the IC and considering the physical characteristics of the incident, select location for Incident EOC. Coordinate sites for emergency shelters/evacuation centers and ensure their operational status.
- Serve as Incident EOC Director pending arrival of OES, and direct EMO members of County staff on eastern side to report to EOC.

2) Office of Emergency Services (OES)

- Provide County emergency management support of the evacuation as part of a larger, more significant incident such as forest fire, flood, etc.
- Activate the Emergency Management Organization in Auburn or at the Incident EOC on the Eastern Slope, as appropriate. This includes County Public Information Lead/Team if activation hasn't already occurred
- Coordinate with Local, State (CalOES, CALFIRE, CHP, CAL TRANS, etc.) and federal agencies as well as other public and private entities, if deployed, for support and to provide current incident operational information.
- Consider long-term ramifications of the evacuation and begin planning for return of evacuees.
- Begin planning and coordination for incident recovery.

3) Placer County Sheriff's Office (PCSO)

- Alert and warn all persons and businesses to be evacuated, including the use of the emergency notification system, as required.
- Implement evacuation – notify residents and businesses, and certify areas as clear of inhabitants, transients, those using recreational facilities, etc.
- Provide mobile communications support for the evacuation, as requested.
- Provide Search and Rescue team support as requested to support the evacuation or evacuees.

4) Public Information Officer (PIO)

- Coordinate and prepare advisories, warnings, updates and evacuation orders for broadcast to responding agencies, school authorities, media, and the public.
- Include evacuation information in Joint Information Center (JIC) operations and provide it to media, the public, and other jurisdictions.

5) Department of Health & Human Services (HHS)

- ◆ **Human Services Division**

Provide or coordinate with ARC and other agencies for the opening and operation of shelters for evacuees.

◆ **Adult System of Care**

Provide or coordinate mental health services for evacuees

◆ **Environmental Health**

- As a member of Damage and Safety Assessment Teams, provide technical, environmental health expertise to IC for determining advisability of allowing reentry into evacuated areas during active response operations.
- Coordinate or provide testing of evacuated areas for hazardous materials, environmental health hazards and infectious diseases.

◆ **Animal Services**

- Provide or arrange transport and care of abandoned pets and those unable to be transported by their owners.
- Coordinate and manage holding areas for pets of evacuees for those unable to care for their pets or those in emergency shelters

6) Department of Public Works - Tahoe

- Assist evacuation with traffic closure level analysis and traffic control equipment, as requested
- Provide evacuation support (vehicles, personnel, etc.) as requested.
- Assist with maintaining County road access as requested in matters such as clearing downed trees, snow and mudslide removal and flood affect abatement.
- Participate in Safety and Damage Assessment Teams, as needed.

7) Planning Department – Tahoe

Land Use Manager for Tahoe Area is second in order of seniority among Placer County agency heads on the eastern side.

8) Building Department – Tahoe

Participate in Safety and Damage Assessment Teams, as needed

9) Facility Services Department

Participate in Safety and Damage Assessment Teams, as needed

C. State Agencies

1) California Highway Patrol

- Provide evacuation traffic control.
- Determine primary and alternate evacuation routes.
- Assist PCSO, as requested, in alerting, warning and evacuations.

-
- 2) **California Department of Transportation (CALTRANS)**
Assist CHP as requested with traffic control

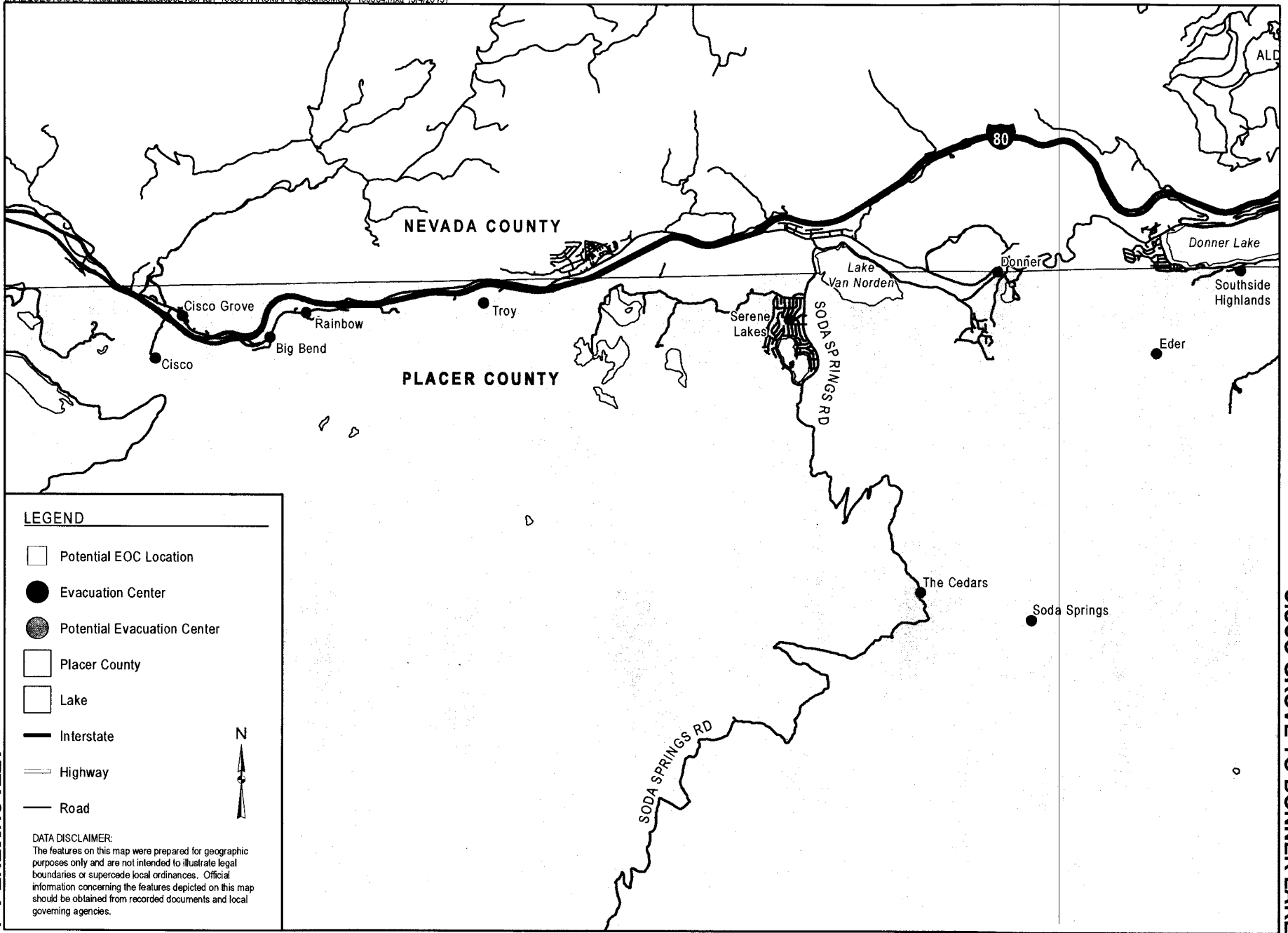
 - 3) **California State Parks**
Provide disposition and status of visitors and staff in park facilities before, during and after an evacuation.
- D. USDA Forest Service**
Provide disposition of visitors and staff in forests before, during and after an evacuation.
- E. Other Agencies**
- 1) **American Red Cross**
Open and operate emergency shelters or evacuation centers, as necessary, and coordinate local volunteer support of the shelters.

 - 2) **Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV)**
In conjunction with the Placer County Public Health Officer, execute all Medical Health Operational Area Coordinator tasks regarding provision of medical care for evacuees, coordination of medical and health resources, etc. per provisions of the Public Health and Safety Code, Sections 1797.150-153.

 - 3) **Out of County Mutual Aid Providers**
Law enforcement, fire and emergency medical services mutual aid providers in Nevada and El Dorado Counties and the State of Nevada are requested to maintain familiarity with this plan to provide mutual aid as requested.

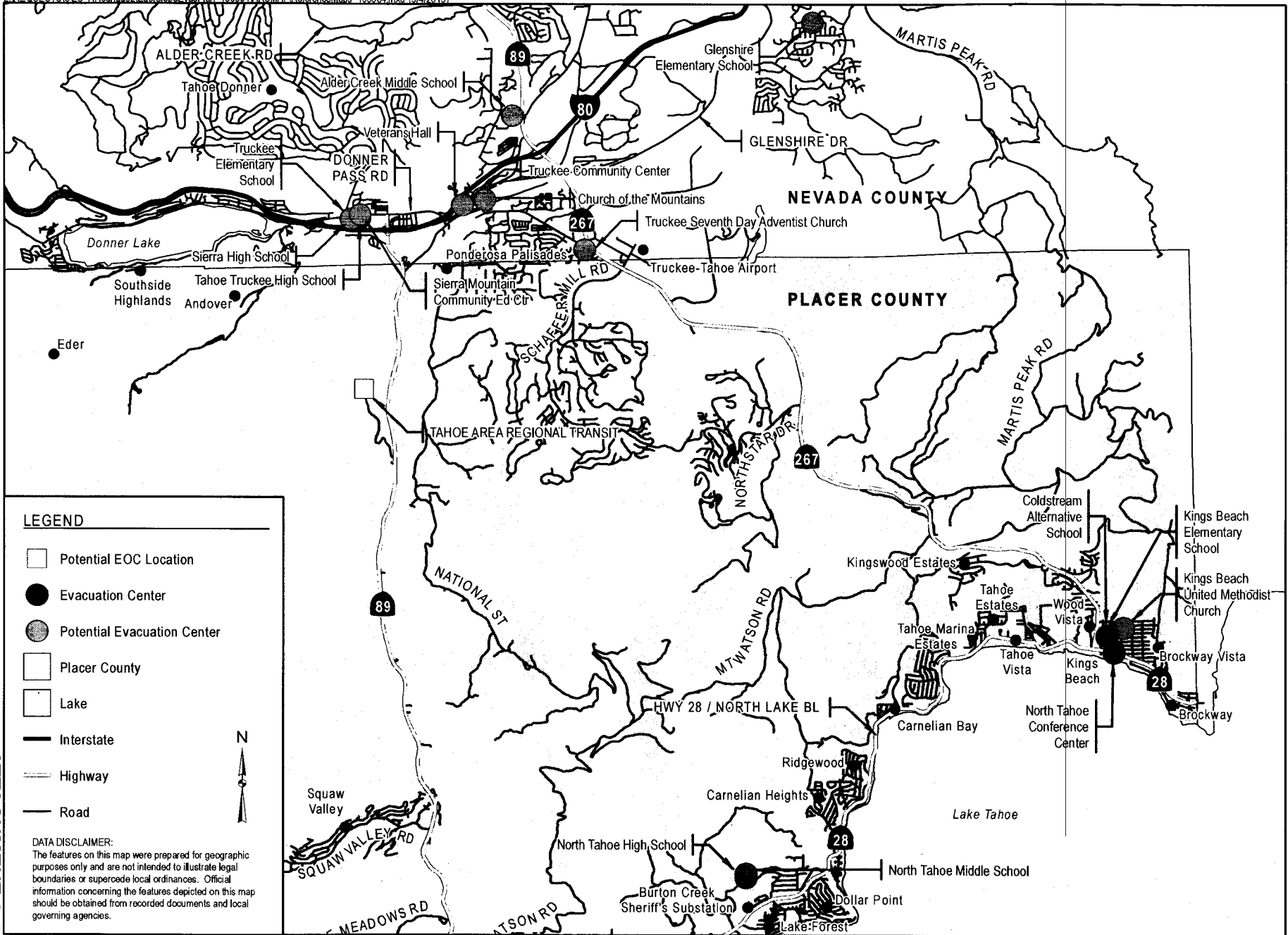
Attachments:

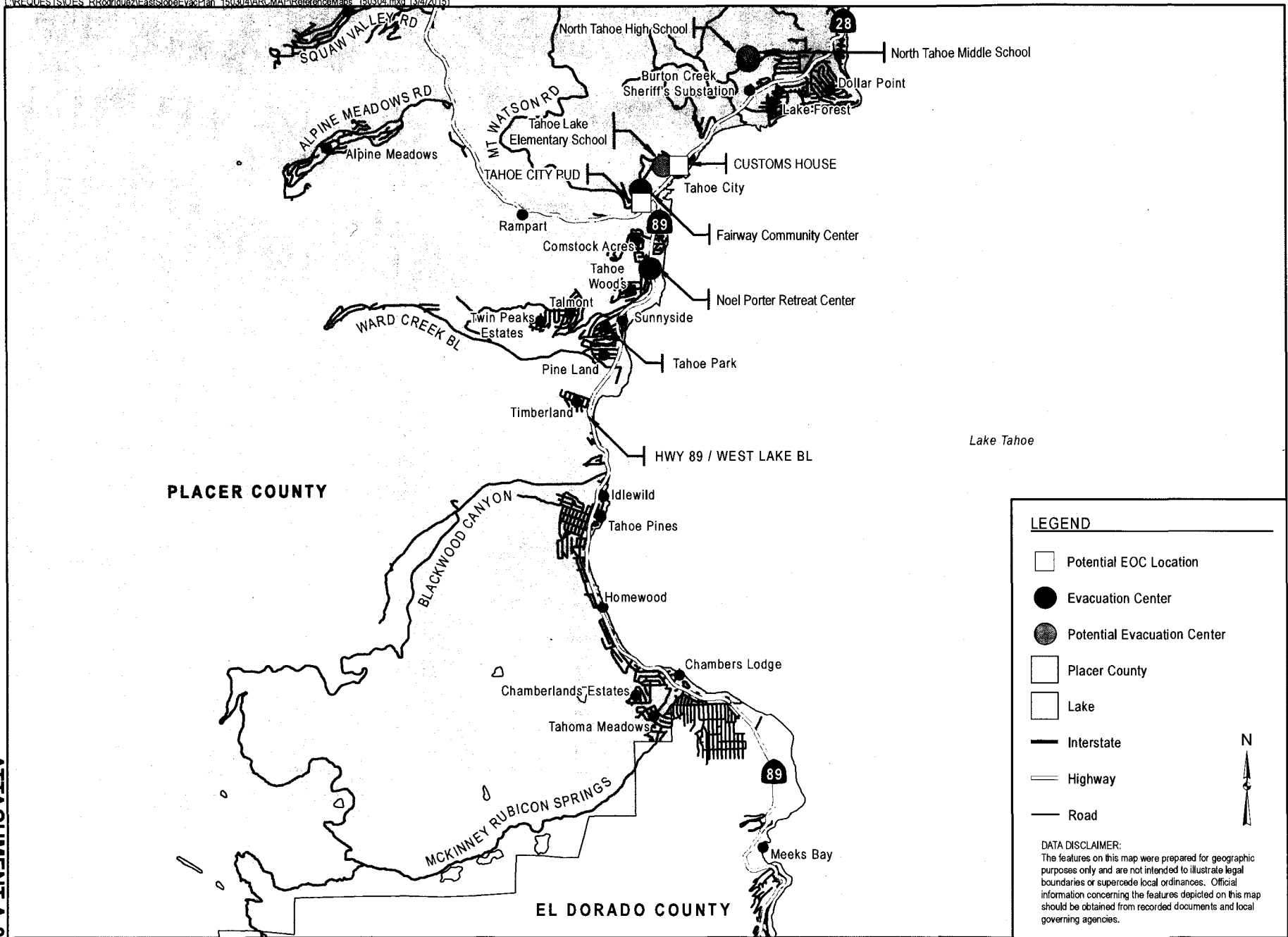
- A. Maps: Road Networks and Key Emergency Facility Locations
- B. Important Phone Numbers/Contact Information including Media
- C. Contact Information for Shelters and Evacuation Centers
- D. Alternate EOC Locations
- E. Immediate Emergency Evacuation Guidelines for Incident Commanders



CISCO GROVE TO DONNER LAKE

ATTACHMENT A-1





LEGEND

- Potential EOC Location
- Evacuation Center
- Potential Evacuation Center
- Placer County
- Lake
- Interstate
- Highway
- Road

DATA DISCLAIMER:
 The features on this map were prepared for geographic purposes only and are not intended to illustrate legal boundaries or supercede local ordinances. Official information concerning the features depicted on this map should be obtained from recorded documents and local governing agencies.

WEST SHORE TO MEEKS BAY

ATTACHMENT A-3
321

ATTACHMENT B - EMERGENCY CONTACT INFORMATION

(All Numbers are (530) except as noted)

<u>AGENCY</u>	<u>OFFICE</u>	<u>Emergency/ After Hours/Weekends</u>
American Red Cross (ARC) - Tahoe	916-993-7070	391-8234
Alpine Springs County Water District	583-2342	866-696-9608
CA Dept. of Fish & Game (DF&G)	916-358-2882	888-334-2258
CAL FIRE - Truckee FFS BC - Troy Adamson Dispatch: ECC-Grass Valley	582-9471 477-0641(ofc)	477-5761
CA State Parks - Tahoma	525-7232	916-358-0333 (Dispatch)
CALTRANS - District 3	582-7500	582-7550 (Dispatch)
CHP - Truckee Area	582-7500 (Public)	582-7550 (Dispatch)
Lake Tahoe Basin Mgmt. Unit-North	543-2600	642-5170 (ECC-Camino)
Meeks Bay FPD (El Dorado County) Office Chief - Tim Alameda	525-7548 525-7548	581-6335 448-4365
North Lake Tahoe FPD (Nevada)	775- 831-0351	775 - 831-0587
North Tahoe Fire Protection District Chief: Mike Schwartz	583-6911	583-6911 x 605 448-2524
North Tahoe Public Utility District Office GM: Cindy Gustafson	583-3796 546-4212	546-4212 546-4212
Northstar Community Service District Fire Dept Fire Chief: Mark Shadowens Gen Mgr.	562-1212 562-0747 x101	562-1212 308-1241
Placer County (Contact all through Sheriff's Dispatch if unable to call direct)		
Placer County Fire	889-0111	477-5761 (ECC-Grass Valley)
CEO Rep-Tahoe: Jennifer Merchant	546-1952	308-1243
OES	886-4600	
Emergency Operation Center (Auburn)	866-5300	<u>(DURING ACTIVATION ONLY)</u>
OES Duty Officer	886-4600	886-5375 (Dispatch)
PIO -Tahoe: Robert Miller	889-4080	308-2013
HHS - Tahoe	546-1900	

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Environmental Health	581-6240	
Animal Services	546-4260	308-1017 or 886-5375 (Dispatc
Sheriff's Office - Auburn Dispatch	886-5375	
Sheriff's Office - Tahoe	581-6300	
Tahoe Dispatch	886-5375	
Tahoe- Capt.: Denis Walsh	581-6312	
Public Works - Tahoe	581-6230	
Liberty Utilities	800-782-2506	
Reg'l Emer Mgr.: Blaine Ladd	721-7363	
Squaw Valley Fire Department	583-6111	
Chief: Pete Bansen	583-6111	523-6025
Duty Officer	583-6111	
Squaw Valley Pub Service District	583-4692	866-411-6917 (On Call)
General Manager: Mike Geary	583-4692 x 211	587-5223
Tahoe Area Regional Transit	550-1212	308-1020
Transit Manager Frank Silva	550-1212	308-1020
Tahoe City Public Utility District	583-3796	546-1215
GM: Cindy Gustafson	583-3796	546-1215
After Hours Answering Service		546-1215
Tahoe National Forest	265-4531	477-5761 (ECC-Grass Valley)
Tahoe-Truckee Sanitation Agency	587-2525	587-2525 ()
Tahoe-Truckee Unified School District	582-2500	
Superintendent Dr.Rob Leri	582-2555	626-523-1267
Placer County - continued		
Truckee		
Town Mgr.: Tony Lashbrook	550-7700	582-2901
PIO: Alex Terrazas	550-7700	265-7880
Police Dispatch	550-2320	265-7880
Truckee Donner PUD	587-3896	
Truckee Fire Protection District	582-7850	
Chief: Bob Bena		308-2703
Truckee Tahoe Airport District	587-4540	
Truckee Sanitary District	587-3804	
US Coast Guard	583-4433	583-0911
US FS - Tahoe National Forest	265-4531	
US FS - Lake Tahoe Basin Mgmt. Unit	543-2600	

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**Washoe County Sheriff's - Incline
Office
Dispatch**

**775 - 328-4110
775 - 765-9276**

**Water Quality Ctl Board-Lahontan
Admin Officer**

**542-5400 542-5400
542-5428 542-5400**

Media Contacts: (All numbers are 24x7)

Sierra Sun Newspaper	583-3488	
KTHO radio - South Lake Tahoe	543-0590	
KTKE radio - Truckee	587-9999	550-0371
KRLT radio - South Lake Tahoe	775-580-7130	775-586-9399
KKTO radio - Tahoe City/Reno	916-278-8900	
KUNR radio- Reno/Truckee	775-682-6064	775-784-1867
KOH radio AM - Reno (EAS)	775-325-9178	775-789-6700
KTVN - TV Reno	775 - 858-2222	775-861-4290
KOLO - TV Reno	775 - 858-8888	

**Cable Television Carriers
Southern link Communications
Charter**

**587-6100
775-348-2772**

**ATTACHMENT C
EMERGENCY SHELTERS AND EVACUATION CENTERS**

Kings Beach

North Tahoe Event Center
8318 North Lake Boulevard
Kings Beach 96143
564-4212 Office
564-4212 After Hours
POC: William Selter/ Chief Engineer

Kings Beach Elementary
8125 Steelhead
Kings Beach 96143
546-2605 Office
530-546-2605 After Hours
POC: Kyle Mohagen/ Principal

Kings Beach United Methodist Church
8425 Dolly Varden Avenue
Kings Beach 96143
546-2290 Office
775-831-4200 After Hours
POC: Sandy Barnstead/ Pastor

Tahoe City:

Noel Porter Retreat Center
855 Westlake Boulevard
Tahoe City 95145
583-3014 Office
386-2834 After Hours
POC: Jenny Liem/ Executive Director

North Tahoe Middle School
2945 Polaris Road
Tahoe City 96145
581-7050 - Office
386-4310 After Hours
POC: Theresa Rensch/ Principal

North Tahoe High School
2945 Polaris Road
Tahoe City 96145
581-7000 Office
362-2438 After Hours
POC: Joann Mitchell/Principal

Tahoe Lake Elementary School
375 Grove Street
Tahoe City 96145
583-3010 Office
582-2577 After Hours
POC: Mark Button/Head of Facilities

Fairway Community Center
330 Fairway Center
Tahoe City, CA 96145
583-3796 Office
546-1215 After Hours Answering Service
POC: Cindy Gustafson /General Manager
546-1215 After Hours (TCPUD)

ATTACHMENT C (CONTINUED)

Truckee:

Alder Creek Middle School

10931 Alder Drive
(530) 582-2750 - Office
(530) 550-9557 - Hien Larson
(530) 626-1403 - Steve Scott
(530) 308-7711 - Mark Button

Glenshire Elementary School

10990 Dorchester Drive
(530) 582-7675 - Office
(530) 587-2712 - Kathleen Gauthier
(530) 308-7711 - Mark Button

Sierra High School

11661 Donner Pass Road
(530) 582-2640 - Office
(530) 373-9409 - Greg Wohlman
(530) 308-7711 - Mark Button

Church of the Mountains

10069 Church Street
(530) 587-4407 - Office
(530) 550-9964 - Jeff Hall (Pastor)

Truckee Seventh Day Adventist Church

11662 Brockway Road
(530) 587-5067 - Office

Tahoe Truckee High School

11725 Donner Pass Road
(530) 582-2600 - Office
(530) 279-4683 - Logan Mallonee
(530) 786-7083 - John Carlson
(530) 308-7711 - Mark Button

Truckee Elementary School

11911 Donner Pass Road
(530) 582-2650 - Office
(530) 562-6211 - Valerie Simpson
(530) 308-7711 - Mark Button

Truckee Community Center

10046 Church Street
(530) 682-7720 -Office

Veterans Hall

10214 High Street
(530) 682-7720 - Office
(530) 582-5970 - Steve Randall

Sierra Mountain Comm Ed Ctr (TTUSD)

11603 Donner Pass Road
(530) 582-2640 - Office
(530) 308-7711 - Mark Button

ATTACHMENT D

POTENTIAL EOC LOCATIONS

* Primary location

(All phones are Area Code 530)

Custom House (Conference Room)*

775 North Lake Blvd

Tahoe City

581-6200 Office

581-6204 Fax

886-5375 After Hours/Disbatch

Tahoe Area Regional Transit

870 Cabin Creek Road

Truckee

550-1212 Office

550-0266 Fax

308-1020 After Hours

Tahoe City PUD

221 Fairway Drive

Tahoe City

583-3796 Office

583-1475 Fax

546-1215 After Hours Answering Service

Attachment E

Immediate Emergency Evacuation Guidelines

To be used by first-arriving fire and law enforcement on a threat to health and public safety causing consideration of an immediate emergency evacuation

1. **Identify map *control features* and event condition *trigger points* for directly affected or potentially affected areas.**
 - ***Control features*** are grid lines or map symbols for such things as schools, churches, hospitals, railroads, or other easily identifiable objects or landmarks.
 - ***Trigger points*** - are resource, weather or incident specific conditions that once arrived at are cause for immediate action. Examples are nearness of a fire to a structure or landmark, increasing wind speeds at a fire, approach of a rain storm, or the lack of needed resources. Any one of these can cause either an Evacuation Order to be issued or an Evacuation *Warning* to be changed to an Evacuation Order.
2. **Law enforcement and fire Incident Commanders collaborate and issue, through Dispatch, an evacuation warning, order or shelter in place order:**
 - **Evacuation Warning:** To warn the residents and the public in a potentially threatened area being considered for evacuation (Advise both the public and the media, and use map grids or *control features* to identify the limits of the area).
 - **Evacuation Order:** To evacuate areas under immediate threat (use map grids or *control features* to identify the specific area).
 - **Shelter In Place Order:** To direct residents to remain in place (issued due to hazardous conditions such as narrow roads, poor visibility, toxic gases, etc.)
3. **Use Traffic Control Points (TCP) and Closure “levels”:**
 - **Level 1** - Residents only; Escorts may be required.
 - **Level 2** - Closed to all traffic except fire, law, emergency medical services, and critical resources, e.g., public works, power, telecommunications, etc. Escorts may be required.
 - **Level 3** - Closed to all traffic except fire and law.
 - **Level 4** - Closed to all traffic. Area blocked or not safe even for fire or law.

Examples of warning or evacuation orders:

- **“An Evacuation Warning has been issued for the Alpine Meadows Subdivision as a Potential Threat Area.** No closures are in affect at this time, however if the fire reaches Secret Town Canyon, an **Evacuation Order** will be issued and **Level 1** road closure implemented. Affected area is grids A3, A4 B3, B4, C3, and A5 of the Compass Map 2002 Placer County Street and Road Atlas.”
- **“An Evacuation Order has been issued for the Sunnyside/Timberland area as an Immediate Threat Area.** **Level 3** road closure is in affect (closed to traffic except fire and law). Affected area is all area south of Ward Creek Boulevard/Pineland Drive and north of Blackwood Canyon Road. Two TCPs are set up on West Lake Boulevard – one at Pineland Drive and one at Blackwood Canyon Road ”

EVACUATION CHECK LIST

- Use standardized map symbols and grid identifiers if possible**
- Determine and consider direction of spread/threat**
- Notify and update dispatch (PCSO, ECC – Grass Valley or Camino)**
- Notify Duty Chief**
- Request PCSO Sergeant (or higher) for evacuation, if not already present**
- Establish Incident Command Post (ICP) with law, fire, others**
- Request County OES and PIO resources**
- If evacuation is significant, form Evacuation Branch and designate director**
- Assess threat with other ICs and request appropriate fire and law resources**
- Establish evacuation task force of fire/rescue, medical (ambulance) and law enforcement to evacuate non-ambulatory civilians in the threat area.**
- Establish resource staging area(s)**
- Determine threatened areas and road closure level**
- Request dispatch use emergency notification system (Everbridge (Placer County), CodeRED (Nevada County), Nixle (Town of Truckee), etc.) to notify affected area, if necessary**
- Identify trigger points and action to be taken when reached**
- Establish traffic control points (use CAL TRANS, DPW, etc., if available)**
- Establish evacuations routes**
- Identify and establish evacuation centers**
- Identify and establish potential “safe haven” locations**
- Contact Media for information dissemination (use PIO if at scene, if not utilize dispatch). Instruct media to inform the public to call 911 if unable to evacuate.**
- Establish MCI or Medical Group, as needed**
- Notify Red Cross or appropriate agency**
- Consider logistics, e.g. food, water, sanitation, blankets, shelters, counselors**
- Request animal evacuation groups, if necessary**
- Consider transport (school or public buses) for large groups (campers, church groups, senior citizen centers, etc.)**
- Request DPW or CALTRANS keep roads physically cleared of obstacles and wrecks**
- Assess feedback from command staff and field; Assess future incident potential**
- Brief public officials, politicians, media, etc. as required/requested**

Distribution:

American Red Cross
Alpine Springs County Water District
CA Department of Fish & Game
CAL FIRE – NYP Ranger Unit
CAL FIRE – Truckee FFS
CA Highway Patrol (CHP)
CA State Parks – Tahoma Office
CA Transportation (CALTRANS) – District 3
Meeks Bay Fire Protection District
Nevada County:

- Sheriff's Office
- Office of Emergency Services
- Town of Truckee

North Lake Tahoe Fire Protection District (Nevada)
North Tahoe Fire Protection District
North Tahoe Public Utilities District
Northstar Community Service District
Placer County:

- County Executive Office including
 - Asst Dir, Emergency Services
 - County Executive Officer Rep at Tahoe
- Facility Services
- Health and Human Services (HHS) including
 - Adult System of Care
 - Animal Services
 - Environmental Health
 - Human Services
- Office of Emergency Services (OES)
- Planning Department including
 - Tahoe Office
- Public Information Officer (PIO)
- Public Works including
 - Senior Engineer – Tahoe
 - Tahoe Area Regional Transit
- Sheriff's Office including
 - Field Operations and Auburn Dispatch
 - Tahoe Captain
- Liberty Utilities

Squaw Valley Public Service District
Tahoe City Public Utility District
Tahoe-Truckee Sanitation Agency
Tahoe-Truckee Unified School District
Truckee – Town
Truckee Donner Public Utility District
Truckee Fire Protection District
Truckee Sanitary District
Truckee Tahoe Airport
US Coast Guard – Tahoe

Distribution (Continued)

US Forest Service

- Lake Tahoe Basin Management Unit
- Tahoe National Forest – Truckee

Washoe County, Nevada Sheriff's Office – Incline

Letter of Promulgation
East Side Emergency Evacuation Plan
2015 Update

The preservation of life and the protection of property and the natural environment are the responsibilities of government, primarily of public safety agencies and supporting individuals, units and organizations. Therefore, due to the high likelihood of a catastrophic wild fire or other disaster occurring in one or more of the communities of eastern Placer County, the *East Side Emergency Evacuation Plan* was developed. The plan helps ensure higher survivability by coordinating individual agency plans and the County Emergency Operations Plan for evacuations brought on by a larger disaster or emergency incident. Since the onset of an incident is often very chaotic, a well-coordinated and vetted plan such as this is critical to reducing confusion, speeding the response, and ensuring the safety of the evacuees and responders alike.

The *East Side Emergency Evacuation Plan* was written in cooperation with numerous public safety and public service agencies in Placer County and Nevada County. It deconflicts evacuation plans of public safety agencies and removes some uncertainty or confusion often present when time is truly of the essence.

On _____, 2015, the Placer County Board of Supervisors adopted Resolution No. _____ thereby formally approving and adopting the 2015 Update to the East Side Emergency Evacuation Plan.

All public safety individuals and first-responder agencies, potential mutual aid providers, and concerned citizens are encouraged to read this plan, be familiar with its concepts and be prepared to help when disaster strikes.

Kirk Uhler
Chair, Board of Supervisors

Jennifer Montgomery
Supervisor, District 5

Date: _____

Dated: _____

PLACER OPERATIONAL AREA
EAST SIDE
EMERGENCY EVACUATION PLAN

1. GENERAL

This is a plan is for conduct of a physical evacuation of one or more communities in the unincorporated Placer County area on the eastern side of the County that is necessitated by a larger incident, most probably a forest fire or flood. For the purposes of this plan, the “eastern side” comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit. The dense forests, rugged terrain, and the scarcity of roads in the area – problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.

Whereas the potential exists for severe winter storms, mass casualty incidents or floods on the eastern side, forest fire remains the greatest single threat to communities. For all but the wettest of months, homes and businesses in wildland-urban interface areas are particularly susceptible to fire damage and destruction. During fire season, the combination of dense forests, heavy fuel loads, low humidity, potential for high winds and the steep terrain in the Sierra Nevadas can rapidly turn even small fires into lethal, major disasters. Despite a record of very successful evacuations in the past, the limited number of roads in the area always makes evacuations problematic. The need to quickly execute a rapid evacuation of residents, businesses, transients, and even pets, requires detailed planning, de-confliction of response actions, and cooperation between first responders and supporting agencies alike.

Therefore, in order to meet this planning challenge, the Placer County Sheriff’s Office (PCSO), the five eastern Fire Protection Districts/Departments, California Highway Patrol (CHP), USDA Forest Service (USFS), American Red cross (ARC), the County Office of Emergency Services (OES) and other state and federal contributing agencies developed this plan to help increase preparedness, and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the County. While focusing on fire-induced evacuations, the plan remains applicable to all evacuations in general.

2. PURPOSE

This plan prescribes specific responsibilities for first responders, County staff and other state, federal and non-profit contributing agencies for conducting an emergency evacuation of one or more communities as part of a larger natural disaster or human-caused incident on the east side of Placer County.

3. ASSUMPTIONS

- a. An evacuation order is given coincident with first response/initial attack.
- b. Evacuation of the entire eastern side of the County is not required.
- c. Most, but not all, of the roads and pre-designated shelter and evacuation centers on the eastern side are available for use.
- d. Mutual aid resources for all disciplines are available.
- e. There will be limited County emergency management organization support in the initial stages of an incident.

4. SCOPE

This plan applies to an evacuation of one or more communities due to a disaster or incident, response to which affects all public jurisdictions on the eastern side. It also applies to evacuations necessitated by incidents that start in the Tahoe National Forest or the Lake Tahoe Basin Management Unit that threaten County areas. Portions of this plan and agency responsibilities delineated herein are applicable for requests for mutual aid from adjacent Counties impacted by similar incidents or events.

For planning purposes, "evacuation" begins upon the order of the Incident Commander and concludes upon IC release of the area to general reentry. Evacuee support and damage/safety assessment activities occurring after completion of the initial evacuation but prior to general reentry are more correctly the subject of incident specific plans. However, some activities are referred to in this plan for clarity in illustrating the relationship between "incident command" as exercised by first responders and "emergency management" as exercised by the County through the Emergency Management Organization (EMO).

5. AUTHORITIES AND REFERENCES

This Plan complies with the Placer County Emergency Operations Plan (EOP), the California Emergency Plan and legal authorities in the California Emergency Services Act, and is developed by authority of Placer County Code, Chapters 2 and 9.

6. CONCEPT OF OPERATIONS

- a. ***Initial Response:*** Initial response to a disaster or incident occurring on the eastern side is by local, state and federal resources using Unified Command methodology. Upon assessment of the incident and in consultation with other responding agencies, Incident Command (IC) makes the decision that the incident has the real potential of becoming too great to handle or is actually beyond the capability of available resources, and therefore orders an evacuation. The IC directs that notifications be made, and directs promulgation of evacuation notices throughout affected areas via emergency notification systems and television and radio stations. As the incident is both multi-jurisdictional and multi-disciplinary, the

IC requests OES response to provide incident emergency management. Subsequently, OES activates those members of the Emergency Management Organization (EMO) needed to support the evacuation and the greater incident, and ensures either an incident EOC on the eastern side or the EOC in Auburn is made operational.

The following functions are normally present in typical evacuation scenarios:

- ***Evacuation Alerts, Warnings and Orders:***

Dissemination of evacuation alerts, warnings and orders are the responsibility of law enforcement. The Placer County Sheriff's Office (PCSO), assisting law enforcement, and other personnel as available commence evacuation notifications using all means such as door to door visits, and use of handheld, vehicular and helicopter mounted public address systems. The IC notifies dispatch as well to disseminate instructions and warnings via the emergency notification system and assigns Incident PIO to provide the same evacuation instructions to the media (listed at Attachment B) for emergency broadcast.

- ***Evacuation Emergency Medical Services (EMS)***

Emergency medical services for an evacuation are provided by all fire protection districts through engine-company Advanced Life Support (ALS) and the Truckee (TFPD) and North Tahoe Fire Protection Districts (NTFPD) ambulance service. Ambulance Mutual Aid is requested through the single ordering point established by the IC. The Placer County Medical/Health Operational Area Coordinator (MHOAC) receives requests for medical mutual aid and, if unable to fill the request locally, will forward it to the Regional Disaster Medical Health Coordinator (RDMHC) for action. Requests for aerial evacuation are made from the ICP to dispatch. NTFPD and TFPD also provide Advanced Life Support (ALS) medical transport, i.e., ambulance evacuation/transportation of the medically fragile from health care facilities or homes.

- ***Evacuation Emergency Public Information***

Public information about the evacuation will be disseminated at the direction of the IC, most often through the Incident PIO. In the event of a fast-moving fire or other life-threatening situation, the Incident PIO, a member of the Tahoe PIO Team or a member of the Auburn PIO Team should be assigned to begin notifications. Using IC guidance, this person will draft, obtain approval and then disseminate the message to critical media. (Attachment B).

Once the County EOC is operational, public information officers from all agencies establish a Joint Information Center (JIC) in which advisories, warnings, traffic updates, press releases, etc. are written, edited, assembled

and, after approval of the IC, released to the public and the media. The JIC

also collects and disseminates information gathered from government agencies, businesses or schools regarding evacuation centers (locations where evacuees can get information on the evacuation) and emergency shelters (with overnight provisions), pet disposition, provision of security in evacuated areas, etc. Radio and television stations interrupt regular programming to broadcast emergency instructions as appropriate. Residents and visitors will be encouraged to also monitor instructions provided over the air, on car radios, or on-line. Lastly, the EOC will maintain an emergency evacuation information message on the Public Information hotline at (530) 886-5310 in Auburn, and (530) 584-1590 on the eastern side, as well as on the County website.

- ***Evacuation and Reentry***

In Unified Command, the decision to evacuate or to prioritize evacuations of multiple areas is made after consultation between Incident Commanders. Execution of the actual evacuation order is by PCSO, with assistance from all other responding law enforcement, if and as available. Individuals will be strongly encouraged to evacuate, however those who refuse evacuation will be allowed to shelter-in-place. During enforcement of the evacuation, law enforcement will encourage family, friends and neighbors to assist any who require assistance (medically fragile, aged, etc). Volunteers, if available, may also be employed to assist those needing help to include assisting those without vehicles get to evacuation bus stops when and if Tahoe Area regional Transit (TART) or Tahoe Truckee Unified School District (TTUSD) or other buses or means of public transport are used.

To facilitate a rapid and effective evacuation, the IC will identify all directly threatened and potentially threatened areas for evacuation. Evacuation centers and emergency shelters for the evacuees have been pre-coordinated and contact information determined (Attachment A). Upon consultation with OES and American Red Cross, Unified Command will select the emergency shelters and evacuation centers to be used. The decision is based on the threat and the probability that the facilities and routes of ingress and egress will remain out of danger. Pending OES arrival at the incident, the senior County representative coordinates with ARC and HHS to ensure designated facilities are put into operational order.

Reentry during active response: The Incident Commander is the sole authority for allowing individual reentry into any secured incident area, either on an unlimited or escorted basis, during active response operations. Most often requests for reentry are by homeowners wishing to recover pets or family items, but, as law enforcement maintains incident site security for any and all incidents, any IC decision on reentry is made after full consultation with law enforcement.

Reentry after active response: Although not the main focus of this plan, upon transition from initial or extended response to remediation of the

incident area, general reentry will only be allowed after completion of safety and damage assessments by numerous agencies such as DPW-Roads, Environmental Health, Building Department, and law enforcement/fire forensic investigators, etc. The Damage/Safety Assessment Teams determine the state of damage and threats to public safety from unstable structures such as fire/flood damaged and now unsupported chimneys and walls as well as from other threats such as damaged or weakened roadways, downed lines or fire weakened trees or telephone/power poles. Environmental Health as an example has the responsibility for determining the presence of hazardous materials resulting from burned structures or of contaminants left by receding floodwaters, etc. These assessments will determine, prior to any IC decision, that the area is safe or hazards are clearly marked allowing for unrestricted access by the general public.

- ***Incident Command and Emergency Management***

Tactical employment of fire, law and emergency medical resources, as well as the decision to warn, or evacuate or shelter-in-place is the purview of the IC, and is executed from the Incident Command Post (ICP). Evacuation orders issued during an active emergency response are coordinated under the direction of Incident Commanders acting in Unified Command. It is imperative that all agencies affected by the response, or having critical infrastructure affected or potentially affected by the incident, or which act solely in a support role, initially respond and send representation to the ICP. All agencies should self-refer to the ICP whenever possible rather than waiting on a request to do so.

Note: Attachment E is a guide for both fire and law incident commanders who are considering or ordering an emergency evacuation. The Attachment contains general information on the technical aspects of ordering an evacuation as well as a check list for incident commanders.

Upon the opening of an incident Emergency Operations Center (EOC) by the County, the IC may release some of agency representatives to the EOC. The senior County representative on-scene or OES meets with the Unified Command to better understand the direction the incident is taking and ascertain the best location for an incident EOC, and potentially, an incident base. With that information, the senior County representative also consults with ARC to ensure any requested County support or facility owner/manager concerns are addressed to facilitate the opening and operation of shelters and evacuation centers.

Once alerted, the local Emergency Management Organization (EMO) reports to and works from the incident EOC to provide emergency management and County coordinated support. Upon arrival on-scene, OES assumes direction of

active emergency management of the incident from the incident EOC. The EMO maintains communications with the Auburn EOC (if activated) as well as with regional and state agencies, assisting agencies, and the ICP. It coordinates non-tactical matters such as emergency care and shelter, animal services, provision of DPW traffic control assets, damage and safety assessments, evacuation centers and Local Assistance Centers used during recovery, etc. It is through the EMO that the decision to issue a proclamation of local emergency is made and information needed for preparation is provided. Locations that can potentially be used for an incident EOC have been pre-designated and are listed at Attachment D.

- **Traffic Control**

CHP is primarily responsible for traffic control, however, other agencies such as the Sheriff's Office and the Department of Public Works can and often do assist on an as-needed basis. Potential issues include access and egress for emergency vehicles and evacuees alike, and minimizing or preventing unauthorized traffic entering the affected area. The Unified Command establishes evacuation priorities, and CHP further designates the supporting routes. Placer County Department of Public Works (DPW) and CAL TRANS support traffic control with traffic control implements and personnel, as requested.

The primary roads in the area, Interstate 80 (I-80) and State Highways 28, 89 and 267 comprise the major evacuation routes. Depending on the location and movement of the incident, the Unified Command designates which is or are to be used for evacuation and which for emergency vehicle ingress and egress. When necessary, surface streets will also be designated for evacuees and for emergency vehicle traffic. A map of the major road networks is at Attachment A.

- **Transportation**

Once students and school sites are secured, school or Tahoe Area Regional Transit (TART) buses may be utilized for evacuations, if required. This may be a viable option during severe winter storms when roads are not passable to normal vehicular traffic. Other buses besides those mentioned above, if available in the area, will also be considered for use. Contact information for buses is at Attachment B.

There may also be instances where boats could be used for ferrying evacuees across or down the lake due to lakeside road destruction or landslides that close the roads.

- **Resources and Support**

Discipline-specific mutual aid for fire, law enforcement and emergency

medical services is requested through the single resource ordering point at the ICP. Requests for additional or other resources such as animal services, public works, Red Cross, etc. are requested through (1) agency or OES representatives at the ICP, (2) Dispatch, or (3) once established, through the incident EOC. Requests unable to be filled locally are forwarded to the Regional EOC (REOC) for fulfillment by regional and state resources.

Numerous public and private sector resources are also available to assist in evacuations or emergencies and are delineated in the Tahoe-Truckee Area Emergency Resource List, January 2007 (published separately).

- ***Communications***

Responders, mutual aid resources and contributing agencies use existing radio communications systems on frequencies coordinated through PSAPs. Additional mobile communications support is available and is requested either through Dispatch or directly from the Communications Coordinator in the EOC. Cellular and satellite phones, as available with local agencies and personnel as well as with responding and supporting agencies, are used as local service and prevailing weather allows. Amateur radio operators, living or working on the eastern slope and in the Auburn area are also available and will be requested by OES to support any major incident involving an evacuation. Requests for Government Emergency Telecommunications Service (GETS), used to prioritize emergency communications traffic when local communications are overwhelmed, are requested by Incident Command or by the EMO Communications Coordinator.

- ***Care and Shelter***

The Division of Human Services in the Department of Health and Human Services (HHS) coordinates mass care shelters as delineated in the Emergency Operations Plan (EOP). The American Red Cross (ARC) normally opens and operates one or more pre-designated shelters (Attachment C), but County staff responsibility remains with Human Services. Shelters will be selected based on near- and long-term site security (based the direction of movement of fire or flooding, etc.) and ease of access.

The Medical/Health Operational Area Coordinator is a position jointly held by the Public Health Officer and the Executive Director of Sierra-Sacramento Valley EMSA (S-SV), responsible during an evacuation for assessing immediate medical needs, coordinating medical evaluations and all other tasks assigned by the Health and Safety Code. Mental health counseling of evacuees is coordinated by the Adult System of Care Division of HHS.

- ***Animal Services***

Shelters to accommodate pets/domestic animals (hereinafter “pets”) will be set

up by Animal Services. However, care and evacuation of pets remains the responsibility of the pet owner. Animal Services coordinates emergency evacuation and care of pets when owners are precluded from entering an area or if pets have had to be abandoned due to the incident or the owner's absence.

Pet volunteer organizations may also be available to assist in sheltering. Pets evacuated will be transported to designated areas and held in more permanent custodial care until the incident is resolved or the animal(s) is/are claimed by owners. Local facilities will be designated and promulgated to the public by Animal Services at the time of the incident. Owners able to transport their own pets or animals during an emergency, but who still require temporary shelter, will be directed by Animal Services via traffic control, road signage or public service announcements to emergency holding areas.

- b. **Extended Response:** Unified Command continues in the field in response to the incident. The EMO operates from an incident EOC on the eastern side or from the EOC in Auburn depending on the needs of the incident. The principal focus of extended response focuses on those activities necessary to ensure rapid reentry and comprise, among other things, damage and safety assessments and preparation and coordination with local, state and federal officials for set up and operation of Local Assistance Centers/Disaster Recovery Centers.

7. Evacuation Responsibilities by Agency

As an evacuation is only one aspect of a larger incident, all Departments and agencies listed below retain responsibility for completing EOP-listed tasks in addition to these evacuation-specific responsibilities.

A. Eastern Side Special Districts

1) Fire Protection Districts/Fire Departments

- Provide Advanced Life Support (ALS) emergency medical services, i.e., engine company ALS
- Provide ALS transport (NTFPD and TFPD only)
- Assist law enforcement with alerts, warning and evacuations as available
- Provide technical fire and geographic area expertise to Unified Command

2) Tahoe Truckee Unified School District

- Open and support use of requested school(s) for use as emergency shelters or evacuation centers.
- Provide school buses to assist in incidents/evacuations, as requested.

B. Placer County Agencies

1) Placer County Principal Management Analyst – Tahoe

-
- Senior County representative at incident pending arrival of PM, OES.
 - In consultation with OES and the IC and considering the physical characteristics of the incident, select location for Incident EOC. Coordinate sites for emergency shelters/evacuation centers and ensure their operational status.
 - Serve as Incident EOC Director pending arrival of OES, and direct EMO members of County staff on eastern side to report to EOC.

2) Office of Emergency Services (OES)

- Provide County emergency management support of the evacuation as part of a larger, more significant incident such as forest fire, flood, etc.
- Activate the Emergency Management Organization in Auburn or at the Incident EOC on the Eastern Slope, as appropriate. This includes County Public Information Lead/Team if activation hasn't already occurred
- Coordinate with State (OES, CHP, CAL TRANS, etc.) as well as with federal agencies, if deployed, for support and to provide current incident operational information.
- Consider long-term ramifications of the evacuation and begin planning for return of evacuees.
- Begin planning and coordination for incident recovery.

3) Placer County Sheriff's Office (PCSO)

- Alert and warn all persons and businesses to be evacuated, as required.
- Implement evacuation – notify residents and businesses, and certify areas as clear of inhabitants, transients, those using recreational facilities, etc.
- Provide mobile communications support for the evacuation, as requested.
- Provide Search and Rescue team support as requested to support the evacuation or evacuees.

4) Public Information Officer (PIO)

- Coordinate and prepare advisories, warnings, updates and evacuation orders for broadcast to responding agencies, school authorities, media, and the public.
- Include evacuation information in Joint Information Center (JIC) operations and provide it to media, the public, and other jurisdictions.

5) Department of Health & Human Services (HHS)**◆ Human Services Division**

Provide or coordinate with ARC and other agencies for the opening and operation of shelters for evacuees.

◆ Adult System of Care

Provide or coordinate mental health services for evacuees

◆ Environmental Health

- As a member of Damage and Safety Assessment Teams, provide technical, environmental health expertise to IC for determining advisability of allowing reentry into evacuated areas during active response operations.
- Coordinate or provide testing of evacuated areas for hazardous materials, environmental health hazards and infectious diseases.

◆ Animal Services

- Provide or arrange transport and care of abandoned pets and those unable to be transported by their owners.
- Coordinate and manage holding areas for pets of evacuees for those unable to care for their pets or those in emergency shelters

6) Department of Public Works - Tahoe

- Assist evacuation with traffic closure level analysis and traffic control equipment, as requested
- Provide evacuation support (vehicles, personnel, etc.) as requested.
- Assist with maintaining County road access as requested in matters such as clearing downed trees, snow and mudslide removal and flood affect abatement.
- Participate in Safety and Damage Assessment Teams, as needed.

7) Planning Department – Tahoe

Land Use Manager for Tahoe Area is second in order of seniority among Placer County agency heads on the eastern side.

8) Building Department – Tahoe

Participate in Safety and Damage Assessment Teams, as needed

9) Facility Services Department

Participate in Safety and Damage Assessment Teams, as needed

C. State Agencies**1) California Highway Patrol**

- Provide evacuation traffic control.
- Determine primary and alternate evacuation routes.
- Assist PCSO, as requested, in alerting, warning and evacuations.

2) California Department of Transportation (CAL TRANS)

Assist CHP as requested with traffic control

3) California State Parks

Provide disposition and status of visitors and staff in park facilities before, during and after an evacuation.

D. USDA Forest Service

Provide disposition of visitors and staff in forests before, during and after an evacuation.

E. Other Agencies**1) American Red Cross**

Open and operate emergency shelters, as necessary, and coordinate local volunteer support of the shelters.

2) Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV)

In conjunction with the Placer County Public Health Officer, execute all Medical Health Operational Area Coordinator tasks regarding provision of medical care for evacuees, coordination of medical and health resources, etc. per provisions of the Public Health and Safety Code, Sections 1797.150-153.

3) Out of County Mutual Aid Providers

Law enforcement, fire and emergency medical services mutual aid providers in Nevada and El Dorado Counties and the State of Nevada are requested to maintain familiarity with this plan to provide mutual aid as requested.

Attachments:

- A.** Maps: Road Networks and Key Emergency Facility Locations
- B.** Important Phone Numbers/Contact Information including Media
- C.** Contact Information for Shelters and Evacuation Centers
- D.** Alternate EOC Locations
- E.** Immediate Emergency Evacuation Guidelines for Incident Commanders

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary [RC Associates 2014]*), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (per Table 6-8) was factored by an estimate of the proportion of employees commuting from outside the Plan area (per the employee survey data presented in the **Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)**), and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area, Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan’s Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional polices include the following:

- ▲ **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- ▲ **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes



AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

Attachment B

Flawed Traffic Data and Assumptions

Opposition to Placer County 2023 Tahoe Basin Area Plan (TBAP) and EIR Addendum

Placer County Board of Supervisor Meeting 10-16-23

The Kings Beach roundabouts reduced the four-lane highway to a single lane each direction through Kings Beach to promote the idea of a pedestrian-oriented town. While pedestrian crossings from residential Kings Beach (and several public parking lots) to the State Beach became more friendly, it was at the cost of the number of drivers/passengers that can move through town during summer days. More pedestrian crossings mean fewer cars per hour can share the same roadway at the same time.

When the 2016 TBAP EIR was written SR28 was four lanes, so the EIR's traffic assumptions were drawn from the **2007 Traffic Study** required for the Kings Beach Commercial Core Improvement Project (KBCCIP). That Study estimated the future capacity of the roundabouts westbound through Kings Beach was 1,171 vehicles during the peak hour. LSC Transportation Consultants counted vehicles in August 2014 and concluded 876 vehicles per peak hour move westbound through Kings Beach, which is well below their own estimation of capacity (1,171 vehicles). Those two numbers, **with a capacity of 1,171 and actual counts of 876, showed a cushion of nearly 300 vehicles per hour for the 2016 EIR.**

This established the basis for Placer County and the TRPA to continue their narrative promoting pedestrian friendly, hi-density, compact, mixed-use redevelopment – all characteristics of “smart growth.” This narrative was used by Placer County and the TRPA to obtain millions of dollars in Federal (FHWA, FTA) and State (CA Sustainable Communities) funds over the last 17 years, and it continues today.

However, this narrative relied on an estimate of capacity made 12 years before the project was completed in 2018. Since reconfiguring Hwy 28 **Caltrans counts prove a capacity of only 632 vehicles per peak hour, almost half what is assumed in the 2016 EIR and its Addendum.**

Today, we have had five years of Caltrans traffic count records to ascertain actual capacity, observe traffic queue formation, see how long the queues extend relative to daily counts, and for how many hours per day these gridlocked conditions persist.

Caltrans counts in 2019 showed flow through of only 563 vehicles per hour, but installation of traffic guards to corral pedestrians resulted in the higher rate in 2022 of 632 per hour. None of this empirical data was available in 2016, but it would be a reckless disregard for the facts to ignore it now. The data exposes a stunning miscalculation, the consequences of which infect all Project EIR's and Traffic Studies in North Tahoe since 2007 and undermines the entire development model of compact, densified Town Centers propounded by TRPA.

There is no cushion of capacity to allow expansion of vehicle trips, in fact, **there is a deficit of capacity already causing traffic backups from every direction into KB.** Today summer traffic queues westbound form by 10am and the bottleneck through town restricts traffic to about 632 vehicles westbound until after 7pm. This is not simply a highway level-of-service issue because the number of projects approved or in the pipeline would add thousands of vehicles to existing queues.

It is a public health and safety issue that North Tahoe could have 2-4 miles of gridlocked traffic from three projects in the Crystal Bay Town Center (Cal Neva, Waldorf Astoria, and Tahoe Inn). There are several more projects in the development pipeline in Kings Beach that intend to densify or add new development. SR28 from Crystal Bay east is cut into a mountain, is extremely narrow, and presents multiple problems for emergency vehicle access if it is gridlocked to the SR431 roundabout. Incline Village cannot be safely evacuated in the event of a fire. Evacuation is an impending disaster in what are already gridlocked conditions.

If this had been known as a fact in 2006 the highway part of the KBCCIP project would have been jeopardized, and TRPA's vision would have no practical basis in North Tahoe. For years, an erroneous estimate infected the narrative and misrepresented what we now know are the facts. Capacity under today's **SR28 configuration is not compatible with TRPA's Town Center Overlays**, and the consequences of the next three thousand trips in this Kings Beach/Crystal Bay corridor will seriously threaten public health and safety. The question that must be confronted is where are the next 3000 vehicles going to physically be on SR28?

Some observe that counts have gone down over the past 15 years, implying that any reduction even due to Covid in 2020, or the Caldor Fire in 2021 means there are fewer trips forever. Counts in some places (Kings Beach) have shown 10-15% declines for explainable reasons, while counts at SR28/SR431 over Mt Rose from Reno have steadily increased. The decline in KB counts should have been greater due to the loss of the Cal Neva, the Tahoe Biltmore, and the Tahoe Inn along with several motels in KB, yet gridlock persists due to the bottleneck and increasing background growth.

Background growth over 17 years has taken up much of the decline from shuttered businesses. It is too late for TRPA's growth model of mostly high-density tourist accommodation units (TAU's) in Crystal Bay and Kings Beach. These big TAU projects make the most money for developers but contradict actual smart growth strategies and sustainable communities. No evidence exists that people staying in a multi-million-dollar condominium or high-end hotel are not going to be taking the bus. A resort catering to visitors is not a community, as they do not live there, their kids do not attend schools, and they do not commute to work in North Tahoe. **Background growth and the new bottleneck in Kings Beach have eclipsed TRPA's government-funded growth vision.**

Yet the projects continue to be processed by Placer County and the TRPA outside of a credible accounting in the 2016 EIR, such as: Waldorf Astoria, Cal Neva, Tahoe Inn, 39 degrees, Neptune Investments, Kings Beach Lodge, Jason's Restaurant Site, Laulima/Ferrari, Martis Valley West, Boatworks Redevelopment, Palisades, and Dollar Creek Crossing.

TBAP quotes losing 2,000 in population at Tahoe yet, background growth in Truckee, Reno, and Carson City should be analyzed since 2007 to give a true picture of the impact of background growth since SR28's capacity was assumed to be double actual capacity today.

The metro-Reno area had 421,000 people in 2007 and today has about 531,000. That is **110,000 new residents** about 40 minutes from Lake Tahoe. **Carson City** reported 54,983 in 2010 and 58,993 by 2021. This represents **another 5,000 new residents** within 30 minutes of the Lake. **Placer County's population** increased from 343,000 in 2007 to 421,000 today. **That is 78,000 new residents** within 80 minutes or less (eastern Placer County) of Lake Tahoe.

The town of Truckee and Martis Valley have grown significantly since 2007 also, and none of this growth is accounted for in the 2016 EIR because it is not accounted for fully in the TRPA's TransCAD Model. That Model is required to be used the TRPA and produces results that do not pass the basic logic test. **The WALT project forecast fewer vehicles on Hwy 28 after their project completion and in 2045 than NDOT counts in 2022.** The TransCAD Model is like a black box of outdated information, biased assumptions, and is not calibrated to reflect reality.

Background growth over the last 17 years and the reality of actual capacity through Kings Beach is about half what is still today assumed by TRPA, Placer County, and Washoe County. Every Traffic Study or transportation analysis since 2007 that used what we know now are false assumptions of capacity are infected by this error. There is a severe problem and a recipe for serious mistakes by decision makers that must be addressed in a new EIR and Traffic Study.

See evidence to follow:

- Matt Engineering Report
- CalTransCounts Summer of 2022
- TransCad Model Letter
- Gordon Shaw Letter
- Pages From TBAP EIR - Roadway Evacuation
- Biltmore Example



October 7, 2023

Ms. Ann Nichols
NORTH TAHOE PRESERVATION ALLIANCE
P.O. Box 4
Crystal Bay, Nevada 89402

Subject: Review of Kings Beach SR-29 Capacity & Traffic Volume Projections

Dear Ms. Nichols,

The Kings Beach area of Lake Tahoe is currently served by two single-lane roundabouts located along North Lake Boulevard which is also designated as State Route 28 (SR-28).

One roundabout is located at the intersection of Bear Street / SR-28 and the second roundabout is located at the intersection of Racoon Street / SR-28.

The roundabouts were implemented in 2018. As part of the circulation modifications that were implemented, SR-28 was also narrowed from a four-lane highway to a two-lane highway with one lane in each direction of travel. The roundabouts serve vehicular traffic as well as a high volume of pedestrian traffic due to the adjacent State Beach Recreation Area..

Exhibit A shows the location of the roundabouts.

Roundabout Capacity:

As part of the 2007 traffic study prepared for the Kings Beach Commercial Core Improvement Project (KBCCIP), an estimation of the capacity of the roundabouts was prepared and calculated years prior to installation of the roundabouts. That analysis and methodology had estimated that the roundabout can serve approximately 1,171 vehicles traveling westbound along SR-28. This assumption has continued to be the basis and relied upon for other traffic analyses and documents such as the 2016 TBAP EIR.

Under current conditions, with the roundabouts implemented since 2018, this stretch of SR-28 experiences long vehicular queues for most of the day beginning from approximately 10:00 AM to approximately 7:00 PM, during the busy summer season.

This is partly due to the large number of pedestrians crossing the roundabout which results in the reduction of the vehicular flow and capacity. Additionally, implementation of new access and driveways to serve new development results in additional friction in the flow of traffic, further exacerbating the traffic congestion.

The presence of extensive vehicular queues is an indication that the demand exceeds capacity even under existing conditions, without the addition of more traffic from other potential projects in the area.

An alternative analysis and evaluation has been prepared to determine the actual capacity and vehicular throughput of the roundabouts and compare to the estimated capacity of 1,171 vehicles per hour for the westbound traffic.

Since queues are present for a greater part of the day during the busy summer season, it can be assumed that the capacity would be equal to the number of vehicles getting through the roundabouts and this stretch of SR-28 on an hourly basis.

For this analysis, traffic volume data was obtained for Westbound SR-28, at a location west of the roundabouts between SR-267 (North Shore Boulevard) and Secline Street, from Caltrans for the following years on an hourly basis:

- Saturday July 14, 2007 when the roadway was still a four-lane highway with conventional intersection control
- Pre-pandemic conditions on Saturday July 20, 2019, after implementation of the roundabouts and roadway narrowing, and without any traffic guards to meter the pedestrian traffic
- Post-pandemic conditions on Saturday July 16, 2022, after implementation of the roundabouts and roadway narrowing, and with traffic guards to meter the pedestrian traffic.

The data for 2020 was not evaluated due to the abnormal traffic patterns and conditions during the pandemic. Also, data for 2021 was not included due to the Caldor Fire in South Lake Tahoe.

Table 1 summarizes the hourly traffic count data.

**Table 1
 Westbound SR-28 Hourly Traffic Volumes (Vehicles) based on Caltrans Data**

#	Time	Day of Counts		
		Saturday 7/14/2007	Saturday 7/20/2019	Saturday 7/16/2022
1	10:00 AM	698	605	640
2	11:00 AM	860	618	655
3	12:00 PM	893	561	643
4	1:00 PM	931	519	596
5	2:00 PM	867	545	621
6	3:00 PM	869	616	622
7	4:00 PM	932	544	622
8	5:00 PM	995	580	665
9	6:00 PM	886	529	610
10	7:00 PM	761	509	649
Total		8,692	5,626	6,323
24-Hour Volume		12,614	8,745	9,863
% of Daily		69%	64%	64%
Average per Hour		869	563	632

As shown in **Table 1**, based on the latest year of count data, during the hours of traffic congestion, approximately 632 vehicles per hour are passing through the roundabout system and reaching the Caltrans count location. This number and throughput is also consistent on an hourly basis from 10:00 AM to 7:00 PM and range from 596 vehicles per hour to 665 vehicles per hour.

Hence, based on the count data, it can be concluded that the roundabout system can serve and process approximately 632 vehicles per hour during peak traffic conditions. This number is much less than the capacity of 1,171 vehicles per hour which was estimated as part of the Kings Beach Commercial Core Improvement Project traffic study. The actual capacity appears to be overestimated by approximately 90 percent, or double of the operational capacity, which is considered a very substantial overestimation of capacity. This capacity overestimation has been the basis to guide officials in making decisions, when in reality, collection of new field data can provide a more accurate estimation which appears to be grossly different than the 2007 estimations and previous calculations to determine capacity.

Per the Federal Highway Administration (FHWA), single-lane roundabouts typically have a capacity that can serve up to 1,800 vehicles per hour under ideal conditions. However, this capacity can be significantly reduced by the presence of other factors such as pedestrians and roundabout design and geometry, driveways and side street intersections.

Traffic Projections:

To determine the accuracy of the traffic projections included in the Boulder Bay Project and the Waldorf Astoria Lake Tahoe traffic study, the traffic projections from those reports were compared to the existing traffic volume counts from NDOT.

Based on review of the information, SR-28 is currently experiencing between approximately 600 to 800 vehicles per hour in each direction of travel during the AM peak hour and also PM peak hour.

The future traffic volume projections, including the long-range (2045) conditions, utilized in the Boulder Bay Project and the Waldorf Astoria Lake Tahoe traffic studies appear to be matching the current traffic volume levels or even lower than the current traffic volumes as measured in the field. The projections are based on the TRPA's TransCAD model.

The higher traffic volumes experienced by the roadway system under existing conditions does not even include the traffic generation associated with the planned and underway development of many significant projects in the area including Waldorf Astoria and Cal Neva.

In addition to adding traffic from specific projects, typically, traffic projections for use in traffic studies also include an annual growth rate percentage (usually one or two percent per year) to account for other background growth and added traffic, such as smaller projects that are being built in the area, pass through traffic from nearby and neighboring cities and counties, etc. Data available to public shows nearby areas such as Carson City, Truckee, and Reno have been experiencing population growth that can reach up to 2.02 percent per year in recent years.

Traffic models serve as a great tool for estimating future traffic based on land use type, quantity, and the interactions between the land uses. However, traffic models have limitations and can provide inaccurate data. For this reason, the data output from traffic models typically requires quality control, logic checks, and further adjustments and calibrations to ensure they are logical and match field conditions and logical expectations.

The *Traffic Volumes and VMT for Placer Area Plan EIR/EIS (LSC Transportation Consultants, Inc., October 2016)* also states that due to the limitations of the traffic model, the TRPA model data does not account for some of the traffic conditions including:

- Account for the traffic growth in the remainder of the Tahoe Region, as well as within the Placer County portion of the Region (Please see item 2 on page 2 of the referenced document);
- Account for the reassignment of trips associated with the Fanny Bridge Community Revitalization Project (Please see item 2 on page 2 of the referenced document);

- Account for site-specific land use plans (Please see item 3 on page 2 of the referenced document);
- Account for all of the potential growth in external traffic instead of just some partial growth (Please see page 2, final paragraph of the referenced document).

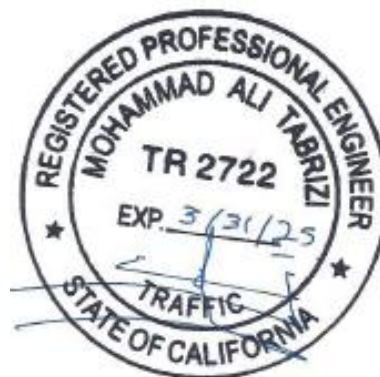
It should also be noted that traffic models and forecasting tools naturally have limitations and margins of error due to assumptions, limitations of the software and limitations of available data, etc. When data from a number of traffic models for different areas are used and combined on top of each other, naturally the margin of error begins to grow and multiply. For instance, if a single source of data has a margin of error of five percent, once a number of these sources are combined in a calculation, the overall margin of error can now grow to be much higher than the initial five percent.

Hence, it is recommended the data utilized in those studies be revisited and updated to reflect accurate estimations as current field conditions and measured traffic volumes show different results than the forecast traffic volume data previously prepared and relied upon.

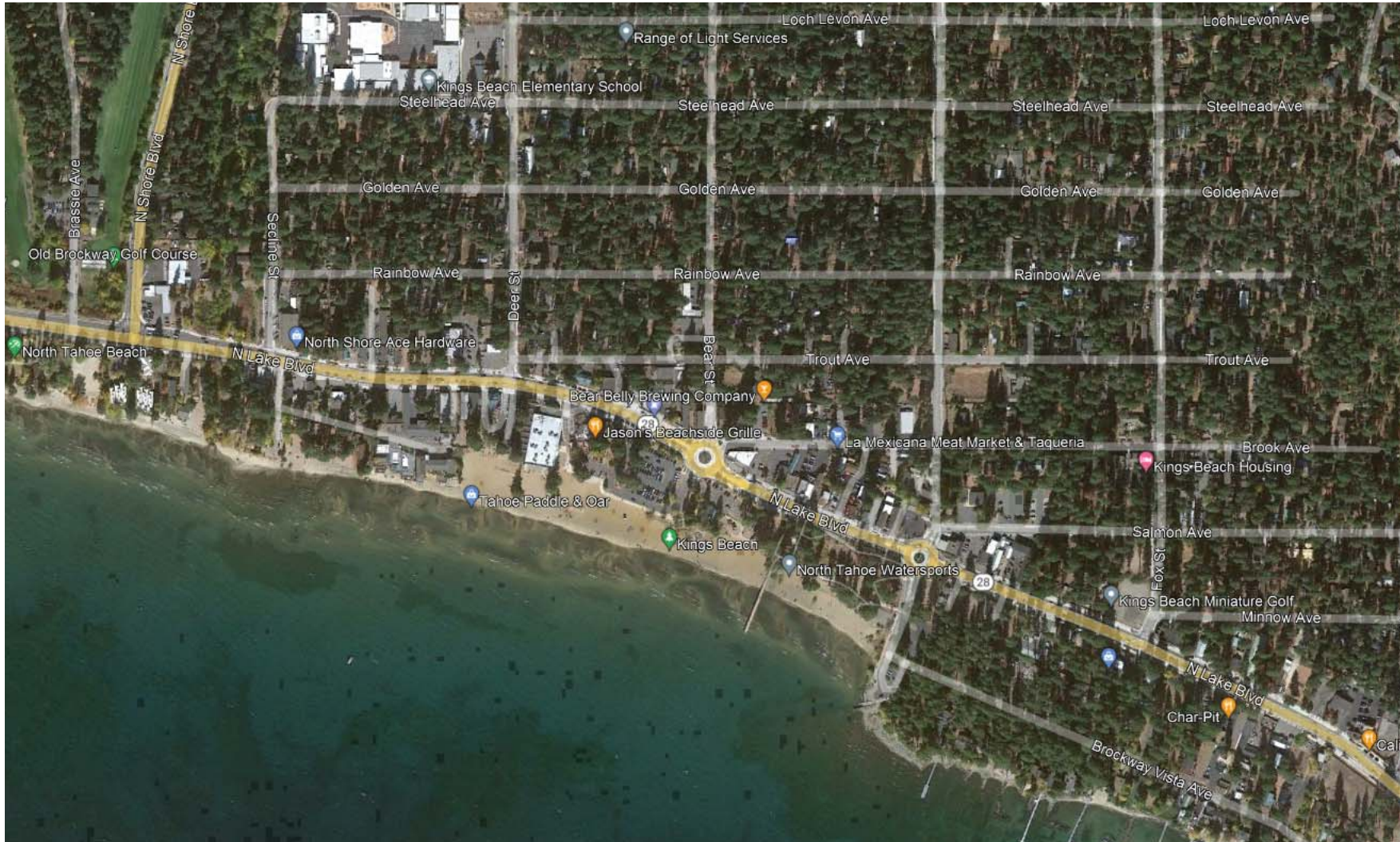
It should also be noted, even though level of service and operation of the intersections and roadway network is no longer a CEQA-related issue and Vehicle Miles Traveled (VMT) has been adopted as the new metric for CEQA, safety is still considered a CEQA-related metric, which can have a direct correlation with the operation of the roadway system and intersections.

MAT Engineering Inc. appreciates the opportunity to provide this review. If you have any questions, please contact us at 949-344-1828 or at@matengineering.com.

Respectfully submitted,
MAT ENGINEERING, INC.



Alex Tabrizi, PE, TE
President



Not to Scale



02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District 03 County PLA RouteSfx 028 Prefix Postmile 9.340 Hg Leg A
Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
Location Type: Trend Station
Lanes: 2
Lane Code: 1

Direction of Count: West

Year	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
2022	JUN 17	JUN 18	JUN 19	JUN 20	JUN 21	JUN 22	JUN 23	JUN 24
0-1	29 A	49 A	66 A	19 A	22 A	22 A	19 A	45 A
1-2	29 A	28 A	31 A	17 A	13 A	12 A	16 A	23 A
2-3	8 A	17 A	14 A	13 A	11 A	7 A	12 A	14 A
3-4	11 A	12 A	17 A	14 A	11 A	8 A	12 A	13 A
4-5	19 A	27 A	14 A	23 A	25 A	25 A	32 A	28 A
5-6	63 A	70 A	61 A	73 A	76 A	67 A	56 A	47 A
6-7	269 A	186 A	144 A	251 A	277 A	311 A	319 A	273 A
7-8	449 A	289 A	211 A	433 A	426 A	385 A	394 A	356 A
8-9	447 A	342 A	276 A	381 A	498 A	428 A	435 A	414 A
9-10	358 A	397 A	389 A	386 A	352 A	362 A	387 A	425 A
10-11	399 A	443 A	463 A	464 A	392 A	453 A	380 A	432 A
11-12	437 A	485 A	444 A	399 A	405 A	414 A	395 A	512 A
12-13	465 A	477 A	441 A	429 A	443 A	501 A	440 A	523 A
13-14	510 A	526 A	509 A	498 A	459 A	430 A	415 A	491 A
14-15	504 A	517 A	498 A	479 A	460 A	452 A	439 A	497 A
15-16	534 A	520 A	555 A	465 A	431 A	463 A	496 A	542 A
16-17	535 A	516 A	526 A	446 A	462 A	498 A	477 A	542 A
17-18	478 A	415 A	437 A	414 A	439 A	401 A	397 A	447 A
18-19	384 A	364 A	396 A	387 A	421 A	385 A	349 A	398 A
19-20	345 A	362 A	298 A	296 A	323 A	300 A	287 A	329 A
20-21	327 A	269 A	262 A	224 A	268 A	251 A	234 A	334 A
21-22	243 A	242 A	176 A	171 A	181 A	160 A	192 A	304 A
22-23	152 A	154 A	82 A	66 A	97 A	99 A	143 A	165 A
23-24	57 A	77 A	48 A	51 A	65 A	41 A	64 A	81 A
Day Total	7102 A	6784 A	6358 A	6399 A	6557 A	6475 A	6390 A	7235 A
AM Peak Hour	11-12	11-12	10-11	10-11	08-09	10-11	08-09	11-12
AM Peak Traffic	487	485	463	464	498	453	435	512
PM Peak Hour	16-17	13-14	15-16	13-14	16-17	12-13	15-16	15-16
PM Peak Traffic	535	526	555	498	462	501	496	542

Detail All Vehicle Hourly Count Report

02/10/2023
11:58:42

District 03 County PLA Route Sfx Prefix Postmile Hg Leg
028 9.340 A
Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
Location Type: Trend Station
Lanes: 2
Lane Code: 1

Direction of Count: West

Year	Sat	Sun	Mon	Tue	Wed	Thu
2022	JUN 25	JUN 26	JUN 27	JUN 28	JUN 29	JUN 30
0-1	49 A	47 A	31 A	24 A	37 A	19 A
1-2	40 A	32 A	28 A	15 A	18 A	17 A
2-3	14 A	16 A	10 A	16 A	6 A	8 A
3-4	23 A	10 A	10 A	16 A	8 A	10 A
4-5	29 A	25 A	19 A	24 A	32 A	16 A
5-6	55 A	50 A	81 A	73 A	69 A	66 A
6-7	166 A	123 A	256 A	286 A	293 A	309 A
7-8	291 A	217 A	354 A	385 A	401 A	398 A
8-9	350 A	361 A	373 A	420 A	457 A	449 A
9-10	439 A	435 A	409 A	376 A	423 A	387 A
10-11	516 A	495 A	424 A	416 A	458 A	451 A
11-12	495 A	449 A	455 A	446 A	399 A	413 A
12-13	505 A	497 A	462 A	511 A	488 A	439 A
13-14	500 A	466 A	449 A	496 A	437 A	425 A
14-15	500 A	442 A	436 A	451 A	467 A	465 A
15-16	545 A	515 A	436 A	468 A	440 A	501 A
16-17	505 A	465 A	477 A	486 A	520 A	492 A
17-18	418 A	481 A	474 A	441 A	467 A	472 A
18-19	364 A	426 A	375 A	390 A	410 A	360 A
19-20	386 A	320 A	323 A	307 A	348 A	366 A
20-21	334 A	261 A	308 A	226 A	273 A	239 A
21-22	269 A	231 A	234 A	221 A	177 A	191 A
22-23	183 A	125 A	89 A	98 A	94 A	100 A
23-24	109 A	84 A	31 A	43 A	45 A	42 A
Day Total	7085 A	6573 A	6544 A	6635 A	6767 A	6635 A
AM Peak Hour	10-11	10-11	11-12	11-12	10-11	10-11
AM Peak Traffic	516	495	455	446	458	451
PM Peak Hour	15-16	15-16	16-17	12-13	16-17	15-16
PM Peak Traffic	545	515	477	511	520	501

02/10/2023
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Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A
Location Description							
KINGS BEACH, JCT. RTE. 267							

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

7-Day Periods

WEST

	7-Day Total	Daily Average
1st	38733	5533
2nd	43472	6210
3rd	45927	6561
4th	46937	6705

5-Day Periods

WEST

	5-Day Total	Weekday Average
1st	28719	5744
2nd	31398	6280
3rd	32785	6557
4th	33279	6656

02/10/2023
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Detail All Vehicle Hourly Count Report

District	County	Route Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028		9.340		A
Location Description						
KINGS BEACH, JCT. RTE. 267						

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	JUL 01	JUL 02	JUL 03	JUL 04	JUL 05	JUL 06	JUL 07	JUL 08
0-1	41 A	47 A	75 A	76 A	74 A	42 A	28 A	33 A
1-2	23 A	28 A	42 A	39 A	43 A	13 A	12 A	28 A
2-3	18 A	21 A	28 A	32 A	14 A	10 A	8 A	10 A
3-4	8 A	15 A	13 A	15 A	20 A	10 A	9 A	10 A
4-5	22 A	23 A	29 A	21 A	42 A	23 A	17 A	23 A
5-6	76 A	56 A	48 A	53 A	95 A	65 A	63 A	63 A
6-7	261 A	153 A	114 A	148 A	283 A	311 A	320 A	294 A
7-8	405 A	301 A	231 A	306 A	372 A	376 A	396 A	357 A
8-9	422 A	421 A	349 A	331 A	455 A	450 A	419 A	456 A
9-10	416 A	471 A	441 A	433 A	491 A	463 A	449 A	463 A
10-11	453 A	495 A	574 A	519 A	530 A	458 C	498 A	463 A
11-12	495 A	511 A	532 A	476 A	543 A	467 A	558 A	529 A
12-13	517 A	509 A	530 A	470 A	527 A	522 A	516 A	529 A
13-14	519 A	460 A	533 A	489 A	526 A	484 A	513 A	550 A
14-15	533 A	518 A	524 A	515 A	490 A	532 A	530 A	534 A
15-16	558 A	490 A	551 A	509 A	529 A	515 A	547 A	560 A
16-17	572 A	567 A	567 A	451 A	584 A	543 A	570 A	539 A
17-18	416 A	556 A	529 A	460 A	524 A	517 A	510 A	474 A
18-19	387 A	512 A	466 A	385 A	450 A	465 A	415 A	441 A
19-20	385 A	458 A	498 A	315 A	386 A	345 A	363 A	370 A
20-21	395 A	392 A	394 A	267 A	293 A	280 A	304 A	403 A
21-22	307 A	298 A	382 A	223 A	228 A	214 A	229 A	335 A
22-23	193 A	245 A	237 A	356 A	125 A	114 A	140 A	253 A
23-24	89 A	127 A	157 A	153 A	37 A	65 A	70 A	129 A
Day Total	7511 A	7674 A	7844 A	7042 A	7661 A	7284 C	7484 A	7846 A
AM Peak Hour	11-12	11-12	10-11	10-11	11-12	11-12	11-12	11-12
AM Peak Traffic	495	511	574	519	543	467	558	529
PM Peak Hour	16-17	16-17	16-17	14-15	16-17	16-17	16-17	15-16
PM Peak Traffic	572	567	567	515	584	543	570	560

8

7am

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District 03 County PLA Route Sfx 028 Prefix Postmile 9.340 Hg Leg A
 Location Description
 KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
 Location Type: Trend Station
 Lanes: 2
 Lane Code: 1

Direction of Count: West

Year	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	JUL 09	JUL 10	JUL 11	JUL 12	JUL 13	JUL 14	JUL 15	JUL 16
2022								
0-1	72 A	44 A	44 A	31 A	43 A	57 A	56 A	79 A
1-2	29 A	34 A	27 A	25 A	17 A	19 A	35 A	37 A
2-3	20 A	15 A	13 A	23 A	20 A	10 A	17 A	21 A
3-4	12 A	23 A	9 A	14 A	13 A	9 A	13 A	21 A
4-5	23 A	20 A	27 A	28 A	25 A	23 A	35 A	25 A
5-6	59 A	42 A	69 A	98 A	92 A	93 A	77 A	118 A
6-7	191 A	125 A	399 A	407 A	437 A	415 A	391 A	234 A
7-8	296 A	261 A	513 A	498 A	464 A	528 A	500 A	412 A
8-9	382 A	367 A	521 A	508 A	548 A	607 A	562 A	553 A
9-10	437 A	437 A	513 A	490 A	551 A	555 A	556 A	640 A
10-11	540 A	529 A	561 A	519 A	562 A	578 A	642 A	655 A
11-12	554 A	479 A	544 A	514 A	573 A	575 A	605 A	643 A
12-13	483 A	501 A	575 A	575 A	605 A	611 A	645 A	596 A
13-14	532 A	507 A	552 A	577 A	606 A	601 A	593 A	621 A
14-15	544 A	486 A	565 A	598 A	555 A	587 A	602 A	622 A
15-16	551 A	533 A	595 A	625 A	659 A	674 A	690 A	622 A
16-17	525 A	484 A	574 A	660 A	589 A	655 A	657 A	665 A
17-18	505 A	437 A	583 A	577 A	568 A	606 A	605 A	610 A
18-19	466 A	402 A	490 A	505 A	509 A	529 A	513 A	649 A
19-20	445 A	377 A	446 A	387 A	437 A	431 A	566 A	610 A
20-21	339 A	358 A	370 A	327 A	363 A	363 A	508 A	511 A
21-22	324 A	222 A	262 A	306 A	274 A	320 A	446 A	450 A
22-23	244 A	189 A	226 A	271 A	246 A	189 A	288 A	328 A
23-24	100 A	63 A	67 A	127 A	116 A	83 A	112 A	141 A
Day Total	7673 A	6935 A	8545 A	8690 A	8872 A	9118 A	9714 A	9863 A
AM Peak Hour	11-12	10-11	10-11	10-11	11-12	08-09	10-11	10-11
AM Peak Traffic	554	529	561	519	573	607	642	655
PM Peak Hour	15-16	15-16	15-16	16-17	15-16	15-16	15-16	16-17
PM Peak Traffic	551	533	595	660	659	674	690	655

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District 03 County PLA Route Sfx 028 Prefix Postmile 9.340 Hg Leg A

Traffic Station: 165
 Location Type: Trend Station
 Lanes: 2
 Lane Code: 1

Location Description
 KINGS BEACH, JCT. RTE. 267

Direction of Count: West

Year	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
2022	JUL 17	JUL 18	JUL 19	JUL 20	JUL 21	JUL 22	JUL 23	JUL 24
0-1	86 A	34 A	28 A	23 A	35 A	38 A	80 A	100 A
1-2	47 A	28 A	18 A	26 A	20 A	38 A	40 A	37 A
2-3	41 A	23 A	15 A	13 A	9 A	16 A	27 A	30 A
3-4	28 A	24 A	15 A	17 A	14 A	11 A	14 A	23 A
4-5	33 A	24 A	25 A	28 A	34 A	24 A	24 A	26 A
5-6	66 A	87 A	89 A	92 A	88 A	82 A	80 A	68 A
6-7	171 A	384 A	393 A	394 A	378 A	334 A	203 A	158 A
7-8	302 A	471 A	495 A	474 A	531 A	512 A	465 A	335 A
8-9	476 A	533 A	521 A	590 A	590 A	565 A	573 A	513 A
9-10	672 A	521 A	510 A	545 A	565 A	572 A	647 A	607 A
10-11	696 A	588 A	554 A	510 A	570 A	630 A	629 A	739 A
11-12	659 A	539 A	527 A	575 A	562 A	633 A	588 A	638 A
12-13	629 A	627 A	602 A	607 A	630 A	630 A	604 A	600 A
13-14	656 A	644 A	610 A	608 A	598 A	652 A	584 A	616 A
14-15	645 A	629 A	600 A	585 A	639 A	643 A	630 A	632 A
15-16	717 A	627 A	658 A	619 A	652 A	697 A	587 A	653 A
16-17	688 A	668 A	679 A	645 A	704 A	670 A	643 A	683 A
17-18	646 A	631 A	632 A	656 A	684 A	609 A	671 A	673 A
18-19	574 A	526 A	567 A	549 A	565 A	527 A	657 A	674 A
19-20	509 A	423 A	446 A	413 A	443 A	472 A	607 A	496 A
20-21	372 A	382 A	374 A	426 A	397 A	495 A	506 A	445 A
21-22	320 A	321 A	267 A	278 A	275 A	499 A	455 A	330 A
22-23	191 A	184 A	213 A	211 A	277 A	307 A	308 A	274 A
23-24	71 A	70 A	60 A	66 A	73 A	122 A	181 A	114 A
Day Total	9305 A	8988 A	8898 A	8950 A	9333 A	9778 A	9803 A	9464 A
AM Peak Hour	10-11	10-11	10-11	08-09	08-09	11-12	09-10	10-11
AM Peak Traffic	696	588	554	590	590	633	647	739
PM Peak Hour	15-16	16-17	16-17	17-18	16-17	15-16	17-18	16-17
PM Peak Traffic	717	668	679	656	704	697	671	633

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District 03 County PLA Route Sfx Prefix 028 Postmile 9.340 Hg Leg A

Traffic Station: 165
 Location Type: Trend Station
 Lanes: 2
 Lane Code: 1

Location Description
 KINGS BEACH, JCT. RTE. 267

Direction of Count: West

Year	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	JUL 25	JUL 26	JUL 27	JUL 28	JUL 29	JUL 30	JUL 31
0-1	73 A	38 A	46 A	35 A	47 A	57 A	86 A
1-2	40 A	22 A	15 A	22 A	30 A	42 A	50 A
2-3	21 A	18 A	9 A	20 A	25 A	24 A	32 A
3-4	24 A	11 A	15 A	17 A	26 A	14 A	26 A
4-5	32 A	27 A	31 A	28 A	42 A	29 A	22 A
5-6	94 A	86 A	88 A	88 A	88 A	65 A	54 A
6-7	366 A	407 A	387 A	404 A	389 A	200 A	146 A
7-8	513 A	505 A	511 A	477 A	496 A	383 A	287 A
8-9	513 A	559 A	543 A	560 A	561 A	527 A	436 A
9-10	560 A	524 A	567 A	528 A	592 A	616 A	580 A
10-11	588 A	573 A	554 A	577 A	602 A	682 A	670 A
11-12	655 A	601 A	605 A	602 A	619 A	607 A	616 A
12-13	666 A	617 A	599 A	586 A	668 A	645 A	622 A
13-14	663 A	677 A	649 A	614 A	611 A	653 A	625 A
14-15	660 A	656 A	657 A	610 A	613 A	601 A	664 A
15-16	658 A	667 A	683 A	671 A	659 A	654 A	642 A
16-17	702 A	705 A	709 A	689 A	675 A	652 A	684 A
17-18	640 A	647 A	629 A	603 A	572 A	671 A	641 A
18-19	571 A	532 A	555 A	566 A	564 A	628 A	589 A
19-20	454 A	408 A	466 A	445 A	490 A	575 A	426 A
20-21	368 A	334 A	430 A	418 A	470 A	479 A	361 A
21-22	305 A	248 A	308 A	334 A	434 A	383 A	228 A
22-23	183 A	229 A	268 A	255 A	292 A	296 A	188 A
23-24	83 A	58 A	80 A	116 A	143 A	181 A	71 A
Day Total	9432 A	9149 A	9404 A	9265 A	9708 A	9664 A	8746 A
AM Peak Hour	11-12	11-12	11-12	11-12	11-12	10-11	10-11
AM Peak Traffic	655	601	605	602	619	682	670
PM Peak Hour	16-17	16-17	16-17	16-17	16-17	17-18	16-17
PM Peak Traffic	702	705	709	689	675	671	684

Detail All Vehicle Hourly Count Report

02/10/2023
11:58:42

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

7-Day Periods			5-Day Periods		
WEST			WEST		
7-Day Total	Daily Average		5-Day Total	Weekday Average	
1st	52500	7500	1st	36982	7396
2nd	57679	8240	2nd	43071	8614
3rd	65051	9293	3rd	45883	9177
4th	66295	9471	4th	47028	9406

Detail All Vehicle Hourly Count Report

02/10/2023

11:58:42

District 03 County PLA Route Sfx Prefix Postmile Hg Leg
 028 9.340 A
 Location Description
 KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
 Location Type: Trend Station
 Lanes: 2
 Lane Code: 1

Direction of Count: West

Year	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon
	AUG 01	AUG 02	AUG 03	AUG 04	AUG 05	AUG 06	AUG 07	AUG 08
2022								
0-1	37 A	46 A	40 A	33 A	50 A	92 A	68 A	39 A
1-2	18 A	37 A	14 A	16 A	40 A	42 A	36 A	24 A
2-3	23 A	21 A	20 A	11 A	14 A	24 A	41 A	10 A
3-4	14 A	15 A	14 A	12 A	12 A	12 A	25 A	12 A
4-5	35 A	24 A	27 A	30 A	33 A	32 A	19 A	27 A
5-6	90 A	88 A	85 A	82 A	101 A	64 A	55 A	106 A
6-7	355 A	401 A	389 A	413 A	413 A	214 A	154 A	388 A
7-8	455 A	471 A	438 A	499 A	479 A	393 A	285 A	493 A
8-9	506 A	517 A	641 A	558 A	516 A	482 A	487 A	536 A
9-10	545 A	490 A	443 A	554 A	558 A	586 A	630 A	542 A
10-11	527 A	517 A	439 A	577 C	604 A	623 A	679 A	556 A
11-12	606 A	521 A	478 A	602 C	607 A	590 A	625 A	567 A
12-13	596 A	574 A	560 A	596 A	637 A	601 A	636 A	620 A
13-14	574 A	600 A	468 A	579 A	639 A	613 A	669 A	573 A
14-15	622 A	622 A	463 A	649 A	610 A	677 A	666 A	604 A
15-16	652 A	622 A	516 A	679 A	665 A	688 A	706 A	623 A
16-17	645 A	687 A	518 A	672 A	676 A	725 A	664 A	638 A
17-18	561 A	493 A	488 A	666 A	599 A	718 A	651 A	577 A
18-19	480 A	583 A	435 A	490 A	508 A	576 A	569 A	536 A
19-20	377 A	363 A	375 A	382 A	447 A	545 A	499 A	364 A
20-21	292 A	362 A	290 A	373 A	388 A	577 A	434 A	345 A
21-22	264 A	278 A	226 A	232 A	342 A	430 A	282 A	225 A
22-23	175 A	247 A	222 A	232 A	275 A	306 A	240 A	235 A
23-24	59 A	64 A	68 A	84 A	119 A	170 A	86 A	46 A
Day Total	8508 A	8643 A	7657 A	9021 C	9332 A	9780 A	9206 A	8686 A
AM Peak Hour	11-12	11-12	08-09	11-12	11-12	10-11	10-11	11-12
AM Peak Traffic	606	521	641	602	607	623	679	567
PM Peak Hour	15-16	16-17	12-13	15-16	16-17	16-17	15-16	16-17
PM Peak Traffic	652	687	560	679	676	725	706	638

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District	County	Route Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028		9.340		A
Location Description						
KINGS BEACH, JCT. RTE. 267						

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue
	AUG 09	AUG 10	AUG 11	AUG 12	AUG 13	AUG 14	AUG 15	AUG 16
0-1	41 A	42 A	30 A	36 A	77 A	78 A	29 A	42 A
1-2	18 A	14 A	20 A	31 A	30 A	37 A	23 A	18 A
2-3	16 A	19 A	12 A	15 A	20 A	23 A	12 A	13 A
3-4	13 A	17 A	11 A	20 A	27 A	31 A	14 A	7 A
4-5	27 A	17 A	17 A	27 A	25 A	23 A	22 A	25 A
5-6	94 A	94 A	106 A	89 A	75 A	53 A	100 A	87 A
6-7	411 A	401 A	400 A	358 A	223 A	171 A	357 A	366 A
7-8	479 A	555 A	477 A	522 A	419 A	301 A	466 A	451 A
8-9	558 A	546 A	526 A	554 A	499 A	435 A	491 A	482 A
9-10	463 A	520 A	475 A	562 A	596 A	616 A	541 A	444 A
10-11	541 A	552 A	564 A	581 A	679 A	712 A	499 A	536 A
11-12	550 A	568 A	589 A	587 A	619 A	649 A	568 A	506 A
12-13	571 A	594 A	645 A	689 A	633 A	663 A	593 A	521 A
13-14	595 A	619 A	623 A	608 A	610 A	601 A	578 A	557 A
14-15	622 A	546 A	640 A	677 A	678 A	620 A	585 A	552 A
15-16	669 A	585 A	713 A	675 A	656 A	674 A	637 A	590 A
16-17	607 A	643 A	719 A	682 A	712 A	702 A	583 A	635 A
17-18	600 A	587 A	644 A	575 A	648 A	685 A	536 A	572 A
18-19	514 A	495 A	509 A	540 A	615 A	592 A	457 A	442 A
19-20	386 A	413 A	414 A	471 A	542 A	515 A	374 A	319 A
20-21	341 A	345 A	379 A	522 A	496 A	377 A	292 A	252 A
21-22	216 A	216 A	247 A	370 A	399 A	197 A	185 A	190 A
22-23	211 A	215 A	192 A	246 A	281 A	161 A	158 A	203 A
23-24	73 A	60 A	92 A	123 A	107 A	62 A	52 A	59 A
Day Total	8616 A	8663 A	9044 A	9560 A	9666 A	8978 A	8152 A	7869 A
AM Peak Hour	08-09	11-12	11-12	11-12	10-11	10-11	11-12	10-11
AM Peak Traffic	558	568	589	587	679	712	568	536
PM Peak Hour	15-16	16-17	16-17	12-13	16-17	16-17	15-16	16-17
PM Peak Traffic	669	643	719	689	712	702	637	635

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District 03 County PLA Route Sfx Prefix 028 Postmile 9.340 Hg Leg A
 Location Description
 KINGS BEACH, JCT. RTE. 267

Traffic Station: 165
 Location Type: Trend Station
 Lanes: 2
 Lane Code: 1

Direction of Count: West

Year	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed
2022	AUG 17	AUG 18	AUG 19	AUG 20	AUG 21	AUG 22	AUG 23	AUG 24
0-1	35 A	34 A	36 A	52 A	92 A	42 A	29 A	48 A
1-2	13 A	18 A	27 A	34 A	49 A	32 A	13 A	24 A
2-3	12 A	7 A	21 A	22 A	28 A	18 A	5 A	10 A
3-4	9 A	12 A	17 A	12 A	18 A	14 A	15 A	22 A
4-5	25 A	19 A	34 A	25 A	29 A	19 A	21 A	26 A
5-6	74 A	84 A	71 A	57 A	40 A	90 A	79 A	79 A
6-7	400 A	377 A	345 A	206 A	154 A	358 A	395 A	406 A
7-8	455 A	433 A	480 A	330 A	269 A	461 A	444 A	460 A
8-9	503 A	504 A	503 A	447 A	397 A	490 A	476 A	474 A
9-10	423 A	465 A	448 A	541 A	561 A	487 A	459 A	461 A
10-11	520 A	544 A	563 A	605 A	593 A	489 A	456 A	445 A
11-12	475 A	520 A	538 A	580 A	638 A	542 A	516 A	479 A
12-13	555 A	540 A	570 A	572 A	580 A	581 A	481 A	558 A
13-14	521 A	574 A	603 A	592 A	621 A	565 A	532 A	510 A
14-15	555 A	572 A	582 A	620 A	633 A	557 A	534 A	535 A
15-16	639 A	658 A	620 A	629 A	653 A	566 A	567 A	571 A
16-17	571 A	627 A	603 A	624 A	578 A	598 A	604 A	559 A
17-18	508 A	558 A	578 A	658 A	647 A	528 A	603 A	543 A
18-19	410 A	458 A	478 A	627 A	547 A	465 A	441 A	425 A
19-20	361 A	363 A	444 A	558 A	409 A	328 A	333 A	337 A
20-21	324 A	338 A	460 A	443 A	328 A	289 A	269 A	266 A
21-22	158 A	218 A	318 A	338 A	224 A	201 A	172 A	171 A
22-23	110 A	249 A	274 A	332 A	231 A	166 A	99 A	104 A
23-24	35 A	67 A	107 A	197 A	73 A	45 A	62 A	50 A
Day Total	7691 A	8239 A	8720 A	9101 A	8392 A	7931 A	7605 A	7563 A
AM Peak Hour	10-11	10-11	10-11	10-11	11-12	11-12	11-12	11-12
AM Peak Traffic	520	544	563	605	638	542	516	479
PM Peak Hour	15-16	15-16	15-16	17-18	15-16	16-17	16-17	15-16
PM Peak Traffic	639	658	620	658	653	598	604	571

02/10/2023
11:58:42

Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A
Location Description							
KINGS BEACH, JCT. RTE. 267							

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

Direction of Count: West

Year	Thu	Fri	Sat	Sun	Mon	Tue	Wed
2022	AUG 25	AUG 26	AUG 27	AUG 28	AUG 29	AUG 30	AUG 31
0-1	25 A	38 A	61 A	74 A	35 A	29 A	44 A
1-2	14 A	34 A	31 A	44 A	21 A	15 A	26 A
2-3	14 A	22 A	27 A	31 A	11 A	11 A	10 A
3-4	7 A	15 A	16 A	21 A	8 A	9 A	13 A
4-5	30 A	19 A	26 A	29 A	16 A	20 A	23 A
5-6	77 A	77 A	73 A	49 A	84 A	70 A	90 A
6-7	363 A	360 A	197 A	162 A	356 A	438 A	394 A
7-8	473 A	457 A	344 A	308 A	455 A	482 A	522 A
8-9	469 A	484 A	412 A	410 A	478 A	535 A	500 A
9-10	464 A	482 A	496 A	512 A	494 A	430 A	431 A
10-11	516 A	519 A	548 A	604 A	539 A	428 A	487 A
11-12	530 A	542 A	559 A	590 A	528 A	458 A	501 A
12-13	538 A	569 A	624 A	633 A	555 A	481 A	514 A
13-14	518 A	557 A	638 A	624 A	546 A	466 A	494 A
14-15	541 A	549 A	650 A	613 A	522 A	520 A	580 A
15-16	623 A	655 A	668 A	614 A	571 A	534 A	543 A
16-17	667 A	631 A	676 A	600 A	563 A	528 A	519 A
17-18	551 A	564 A	676 A	567 A	481 A	515 A	452 A
18-19	436 A	468 A	636 A	506 A	443 A	413 A	436 A
19-20	335 A	442 A	520 A	383 A	337 A	303 A	324 A
20-21	260 A	452 A	434 A	308 A	243 A	227 A	246 A
21-22	209 A	293 A	295 A	182 A	174 A	175 A	154 A
22-23	124 A	211 A	176 A	110 A	81 A	155 A	91 A
23-24	98 A	102 A	139 A	115 A	42 A	153 A	40 A
Day Total	7882 A	8542 A	8922 A	8089 A	7583 A	7395 A	7434 A
AM Peak Hour	11-12	11-12	11-12	10-11	10-11	08-09	07-08
AM Peak Traffic	530	542	559	604	539	535	522
PM Peak Hour	16-17	15-16	16-17	12-13	15-16	15-16	14-15
PM Peak Traffic	667	655	676	633	571	534	580

02/10/2023
11:58:42

CHRYSLER TRUCKS VOLUME
Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg
03	PLA	028			9.340		A

Location Description
KINGS BEACH, JCT. RTE. 267

Traffic Station:	165
Location Type:	Trend Station
Lanes:	2
Lane Code:	1

7-Day Periods

WEST

	7-Day Total	Daily Average
--	-------------	---------------

1st	62147	8878
2nd	63213	9030
3rd	58164	8309
4th	56534	8076

5-Day Periods

WEST

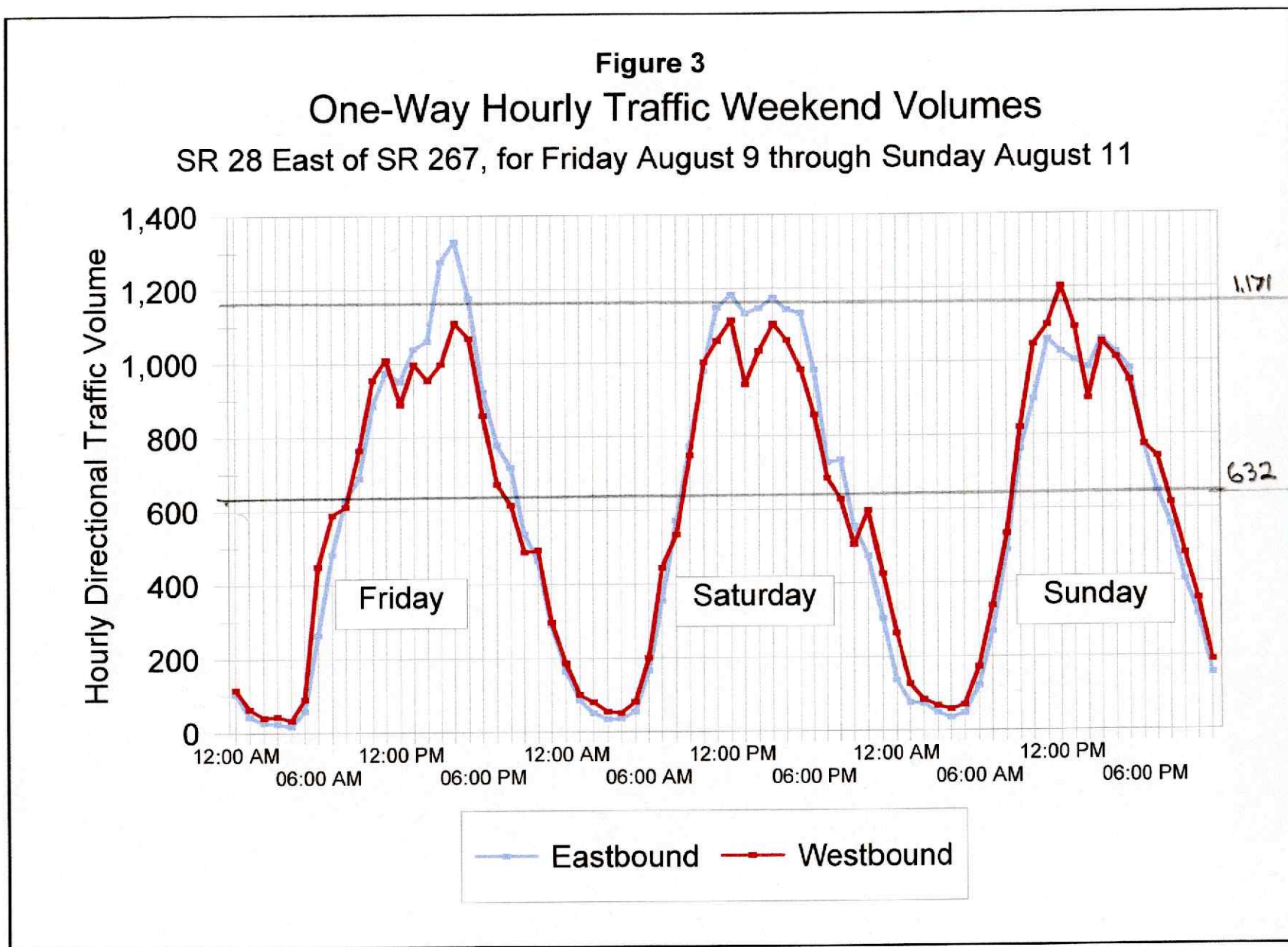
	5-Day Total	Weekday Average
--	-------------	-----------------

1st	43161	8632
2nd	44569	8914
3rd	40671	8134
4th	39523	7905

TRANSCAD MODEL LETTER

TABLE 36: Summer Capacity Analysis of Three-Lane SR 28 in Kings Beach With No On-Street Parking

	Forecast Conditions: Kings Beach									
	Observed Conditions: Tahoe City WB	Deer - Bear EB	Bear - Coon EB	Coon - Fox EB	Fox - Chipmunk EB	Chipmunk - Fox WB	Fox - Coon WB	Coon - Bear WB	Bear - Deer WB	Deer - Secline WB
Ideal Capacity (At 25 mph)	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500
Reductions in Capacity										
<u>Pedestrian Crossing</u>										
# Pedestrian Crossings/Hour	167	58	144	48	24	24	100	144	62	19
Pedestrians per Group	2	2	2	2	2	2	2	2	2	2
# Pedestrian Groups per Hour	83	29	72	24	12	12	50	72	31	10
Time Lost per Crossing (sec)	7	5	5	7	5	5	5	5	7	5
Total Time Lost per Hour (sec)	583	145	360	168	60	60	250	360	217	47.5
% Time Lost per Hour	16.2%	4.0%	10.0%	4.7%	1.7%	1.7%	6.9%	10.0%	6.0%	1.3%
<u>Bicycle Crossing</u>										
# Bicycle Crossings/Hour	25	2	2	4	1	1	2	2	0	1
Time Lost per Crossing (sec)	4	2	2	2	2	2	2	2	2	2
Total Time Lost per Hour (sec)	100	4	4	8	2	2	4	4	0	2
% Time Lost per Hour	2.8%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%
<u>Bicycle Side Friction</u>										
# Bicycles per Hour	35	5	5	5	5	20	20	20	20	20
% Time Lost per Hour	3.0%	0.4%	0.4%	0.4%	0.4%	1.7%	1.7%	1.7%	1.7%	1.7%
<u>Onstreet Parking Movements</u>										
% Time Lost per Hour	6.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<u>Parking Space Searching</u>										
% of Entering Traffic Searching for Parking Along Roadway	24%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Resulting Impact of Parking Traffic Moving at 20 mph	21.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<u>Conflicting Driveway Turning Movements</u>										
Number of Driveways	8	3	0	7	9	7	5	6	5	9
% Time Lost per Hour	15.0%	5.6%	0.0%	13.1%	16.9%	13.1%	9.4%	11.3%	9.4%	16.9%
<u>Truck Loading/Unloading</u>										
% Time Lost per Hour	2.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Multiplicative Reduction in Capacity	51.2%	9.9%	10.5%	17.7%	18.7%	16.1%	17.2%	21.6%	16.3%	19.4%
Resulting Roadway Capacity	731	1,352	1,343	1,235	1,220	1,259	1,242	1,176	1,255	1,208
<u>Calculation of Value at Count Station East of SR 267 Corresponding to Capacity at Each Location</u>										
Existing Count On Segment	1,114	1,112	1,078	1,041	986	1,009	1,125	1,121	1,133	1,133
Existing Count - Just East of 267	1,160	1,160	1,160	1,160	1,120	1,120	1,120	1,120	1,120	1,120
Equivalent Capacity Just East of 267	1,398	1,391	1,317	1,339	1,393	1,353	1,171	1,254	1,195	1,195
Equivalent TRPA LOS=E Minimum (90% of Maximum Capacity)	1,258	1,252	1,185	1,205	1,254	1,217	1,054	1,129	1,076	1,076



- Alternative 3 Cumulative - The Alternative 3 in 2035 scenario with the addition of traffic associated with build-out of surrounding areas outside of the Lake Tahoe Basin.
- Alternative 4 Cumulative - The Alternative 4 in 2035 scenario with the addition of traffic associated with build-out of surrounding areas outside of the Lake Tahoe Basin.

Cumulative Impact 10-1: Roadway LOS under 2035 cumulative scenarios

Table 19-3 shows existing roadway directional volume and LOS and the cumulative peak-hour directional roadway traffic volumes and LOS for each alternative, which includes buildout of the Area Plan and the lodge components of each alternative. In future cumulative conditions with all Area Plan and lodge alternatives, LOS on the segment of SR 28 east of the SR 89 between the Wye intersection and Grove Street in Tahoe City would worsen from LOS E (for four hours per day or less) in the westbound direction to LOS F. The eastbound direction, which is currently at LOS F, would worsen. Because this roadway segment would operate at an unacceptable level, this would be a significant cumulative impact. As described in impact 10-1, all Area Plan alternatives would have a significant impact related to LOS in this roadway segment, thus all Area Plan alternatives would make a **considerable contribution** to a cumulatively significant impact. As described under Impact 10-1, after implementation of all feasible mitigation, this impact would remain significant and unavoidable. As this is a recognized problem, the Area Plan proposes to adopt a substitute standard as allowed by the Regional Plan, to modify the current LOS standards as described in Area Policy T-P-6. If this policy is adopted, the LOS impact at SR 28 in Tahoe City would be consistent with the adopted LOS standard. As described in Impact 10-1 in Chapter 10, Tahoe City Lodge Alternatives 1- 3 would not add traffic volumes in a direction or location that would exacerbate an existing LOS deficiency or degrade an existing acceptable LOS. However, Lodge Alternative 4 would result in additional traffic that would exacerbate the existing LOS deficiency. Therefore, the effects of Lodge Alternatives 1, 2, and 3 **would not be cumulatively considerable**, but Lodge Alternative 4 would make a **considerable contribution** to a cumulatively significant impact.

Table 19-3 Roadway LOS - 2035 Cumulative Scenarios

Location	Urban/Rural		Existing	LOS	Future Cumulative Alt 1	LOS	Future Cumulative Alt 2	LOS	Future Cumulative Alt 3	LOS	Future Cumulative Alt 4	LOS
SR 89, West of Tahoe City	Rural	Eastbound	809	D	974	E	956	E	967	E	920	E
		Westbound	654	D	794	E	795	E	794	E	781	E
SR 89, Graniibakken Rd to Sunnyside	Rural	Northbound	533	D	611	D	599	D	616	D	602	D
		Southbound	746	D	809	E	818	E	807	E	786	E
SR 28, Between the Wye and Grove St ¹	Urban	Eastbound	791	F	860	F	864	F	879	F	891	F
		Westbound	706	E	827	F	823	F	848	F	856	F
SR 28, Dollar Hill to Tahoe Vista	Rural	Eastbound	585	C	665	D	676	D	677	D	674	D
		Westbound	479	C	545	C	554	D	555	D	552	D
SR 28, East of SR 267 ²	Urban	Eastbound	1,025	D	1,090	D	1,080	D	1,095	D	1,095	D
		Westbound	876	C	971	D	952	D	973	D	962	D
SR 267, North of SR 28	Urban	Northbound	595	D	726	E	733	E	745	E	730	E
		Southbound	699	D	816	E	836	E	834	E	836	E

Bold indicates that the LOS standard is exceeded. Note that a bold "E" indicates LOS E for 5 hours or more, which exceeds the TRPA LOS standard.
¹ Capacity for SR 28 in Tahoe City: eastbound 750 vehicles per hour; westbound 731 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the Kings Beach Urban Improvement Project Traffic Study (LSC 2007). The methodology used in developing these estimates is described in Appendix G.
² Capacity for SR 28 in Kings Beach: eastbound 1,241 vehicles per hour; westbound 1,171 vehicles per hour, as estimated by LSC Transportation Consultants, Inc. as a part of the Kings Beach Urban Improvement Project Traffic Study (LSC 2007). The methodology used in developing these estimates is described in Appendix G.
 Source: LSC Transportation Consultants, Inc. 2016

TRAFFIC DIRECTION

Intersections Along Hwy 28		From Incline to Crystal Bay		From CB toward Incline	
		Peak AM	Peak PM	Peak AM	Peak PM
Lakeshore Dr.	BB 2022	555	714	558	726
	2028	517	717	560	729
	2045	567	726	567	738
	WALT 2028	553	701	542	686
	WALT 2045	560	710	549	695
8-Jul-22 NDOT Count Station		682	731	611	782
9-Jul-22 NDOT Count Station		703	742	622	728
Rec Park Access	BB2022	559	828	629	841
	2028	562	832	632	846
	2045	571	845	642	858
	WALT 2028	556	812	613	794
	WALT 2045	565	825	623	806
Big Water Dr.	WALT 2028	545	767	603	771
	WALT 2045	554	780	613	784
Cal Neva Dr.	BB2022	487	721	581	754
	2028	490	725	584	758
	2048	497	736	593	770
	WALT 2028	518	752	574	734
	WALT 2045	525	763	583	746
Pedestrian Crossing	BB2022	603	794	536	773
	2028	603	794	536	773
	2045	603	794	536	773
	WALT 2028	627	810	515	736
	WALT 2045	627	810	515	736
Stateline Rd	BB2022	487	799	608	820
	2028	487	799	608	820
	2045	487	799	608	820
	WALT 2028	447	742	549	748
	WALT 2045	447	742	549	748

BB2022 is "Existing with Baseline Biltmore Use" Figure 3 TIS
 2028 is "Opening Year with Baseline Biltmore Use" Figure 4 TIS
 2045 is "Future Horizon with Baseline Biltmore" Figure 5 TIS
 WALT 2028 is "Opening Year (2028) with WALT" Figure 7 TIS
 WALT 2045 is "Future Horizon Year with WALT" Figure 8 TIS

TABLE F: Analysis of Additional External Trip VMT Not Reflected in TRPA Model

Corridor/County/State/Year	SR 257 External Point				SR 89 North External Point				Total Both External Corridors
	2000	2005	2010	2015	2000	2005	2010	2015	
Daily Vehicle-Trips	<i>(Detailed description of trip types and counts for this section)</i>								
Interstate	10	10	10	10	10	10	10	10	20
State	10	10	10	10	10	10	10	10	20
Local	10	10	10	10	10	10	10	10	20
Commercial	10	10	10	10	10	10	10	10	20
Public Transit	10	10	10	10	10	10	10	10	20
Other	10	10	10	10	10	10	10	10	20
Daily Vehicle-Miles of Travel	<i>(Detailed description of VMT types and miles for this section)</i>								
Interstate	10	10	10	10	10	10	10	10	20
State	10	10	10	10	10	10	10	10	20
Local	10	10	10	10	10	10	10	10	20
Commercial	10	10	10	10	10	10	10	10	20
Public Transit	10	10	10	10	10	10	10	10	20
Other	10	10	10	10	10	10	10	10	20
Total	100	100	100	100	100	100	100	100	200

Notes: 1. All data were derived from the TRPA Model. 2. The TRPA Model is a dynamic traffic assignment model that simulates traffic flow on a network of roads. 3. The TRPA Model is based on the TRPA Model. 4. The TRPA Model is based on the TRPA Model. 5. The TRPA Model is based on the TRPA Model. 6. The TRPA Model is based on the TRPA Model. 7. The TRPA Model is based on the TRPA Model. 8. The TRPA Model is based on the TRPA Model. 9. The TRPA Model is based on the TRPA Model. 10. The TRPA Model is based on the TRPA Model.



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MEMORANDUM

To: Nanette Hansel, Ascent Environmental
From: Gordon Shaw, PE, AICP, LSC Transportation Consultants, Inc.
Date: ~~October 4~~ May 27, 2016
RE: Traffic Volumes and VMT for Placer Area Plan EIR/EIS

This memo presents the traffic volumes and VMT forecast for the forecasting to be used in the traffic analysis elements of the EIR/EIS for the Placer Area Plan.

Existing Traffic Volumes

Intersection PM peak-hour traffic volumes for busy summer conditions were drawn from the following sources, and represent the most recent available counts.

- State Route (SR) 89 / SR 28 (Tahoe City Wye) – SR 89/Fanny Bridge Community Revitalization Project Draft EIR/EIS/EA
- SR 28 / Mackinaw Road – LSC traffic count conducted 7/21/15
- SR 28 / Grove Street – SR 89/Fanny Bridge Community Revitalization Project Draft EIR/EIS/EA
- SR 28 / SR 267 – LSC traffic count conducted 8/1/2014
- SR 28 / Bear Street – LSC traffic count conducted 7/29/2011
- SR 28 / Coon Street – Fehr and Peers count conducted 9/4/2015

2035 Project Scenario Traffic Volumes

Existing Plus Project Alternative Scenarios

These scenarios include TRPA regional growth through 2035 as well as the impacts of the Area Plan and Tahoe City Lodge alternatives, but do not include additional external growth in traffic. These project scenario traffic volumes were developed as follows:

1. As discussed elsewhere, 2035 land use forecasts under each of the Area Plan alternatives were developed by Ascent Environmental staff, and approved by Placer County and TRPA staffs. These forecasts were prepared for each of the 60 Traffic Analysis Zones (TAZs) in the TRPA TransCAD region-wide transportation model.
2. TRPA staff then converted the land use forecasts into the variables used in the TransCAD model, and ran the model for each of the four Placer Area Plan alternatives, as well as the existing “base case”. Not that the alternative model runs assumed development in the remainder of the Tahoe Region, as well as within the Placer County portion of the Region, and did not reflect the traffic reassignment associated with the Fanny Bridge Community Revitalization Project.
3. LSC then used the traffic volume forecasts at the key study intersection for each of the model runs as provided by TRPA, and developed a growth factor for each movement and for each alternative. While the TRPA TransCAD model was developed to accurately model the major intersections (such as SR 28/SR 89 and SR 28/SR 267), it was not designed to model every individual public street intersection. Specifically, many of the TAZs encompass areas with multiple local public streets. As an example, all of the commercial area of Kings Beach north of SR 28, east of SR 267 and west of Chipmunk Street is a single TAZ. As a result, the model assigns traffic through only a few “TAZ centroid connectors”, rather than specifically on the individual public streets. In both Kings Beach (at Bear Street and Coon Street) and Tahoe City (at Grove Street), the overall growth of traffic volumes on local roadways was used to identify growth factors, and assigned to all movements with a capacity to accommodate traffic growth. While this is sufficient to reflect the overall impacts of the Area Plan alternatives, the resulting peak-hour turning movements into and out of the side streets reflect general overall growth in each community, rather than site-specific land use plans.
4. The summer PM peak-hour impact of Tahoe City Lodge was next calculated. As the TRPA model includes land use on the Lodge property which differed from the final alternative land uses due to changes in the alternatives, the trip generation associated with the land use quantities assumed by TRPA staff under each alternative was calculated and distributed to the roadway network using the distribution pattern also used by LSC. Next, the Lodge land uses specifically identified under each alternative were used to identify trip generation and distributed to result in turning movements. The alternative land use peak-hour volumes were added, and the peak-hour volumes associated with the TRPA model assumption land use were subtracted.
5. At the SR 89/SR 28 intersection, the approved Fanny Bridge Community Revitalization Project will change traffic volumes, through the provision of a new roadway connecting SR 89 south of this intersection with SR 89 west of this intersection. The Draft EIR traffic analysis for this project was reviewed to identify the proportion of traffic change on each movement between the future no-project condition and the future plus-project condition. The resulting factor was applied to the results of steps 1 through 4.

The resulting 2035 busy summer peak-hour volumes are shown in Table A.

Future Cumulative Analysis

A review of the TRPA TransCAD forecasts at the two external access points in the Placer County area (SR 89 just south of Alpine Meadows Road, and SR 267 at Brockway Summit)

indicated that the model reflects some but not all of the potential growth in external traffic volumes at these two points. The additional external traffic growth was defined as follows.

On the **SR 267** external corridor, the Town of Truckee maintains a separate TransCAD model. Because of the strong interaction of trips between the Town and the Martis Valley portion of Placer County, the area encompassed by this model includes the Town of Truckee, the Martis Valley area, and also several parcels of unincorporated Nevada County (including the Tahoe Truckee Airport). This model was recently updated. Important to this discussion, the model area extends south on SR 267 to Brockway Summit (making it directly adjacent to the TRPA Model area), and extends south on SR 89 to just south of West River Street (leaving an intervening area between the two models, encompassing Squaw Valley and Alpine Meadows).

The land use growth in the most recent Truckee/Martis model reflect the buildout of the Town of Truckee General Plan (assumed to occur in 2035), as well as the buildout of the current maximum land use growth under the Martis Valley Community Plan (MVCP). Since adoption of the MVCP in 2004, several major developments have been approved with maximum buildout levels below those identified in the MVCP, while other properties have been purchased for public open space. As a result, the current maximum buildout trip generation of the MVCP area is 35 percent lower than that identified in the MVCP EIR.

The current Truckee/Martis Model identifies existing summer PM peak-hour traffic volumes (total of both direction) over Brockway Summit of 1,055 vehicle-trips, and a buildout (assumed 2035) summer PM peak-hour volume forecast of 1,347 vehicle-trips. This reflects a 28 percent increase in traffic volumes.

As an aside, the Truckee/Martis Model assumes development of 760 single-family dwelling units on Southern Pacific Industries (SPI) lands, along with 17,000 square feet of commercial development. The currently proposed Martis Valley West project on these SPI lands would consist of 560 single family dwelling units (including 60 cabins), 200 multi-family dwelling units, and 34,500 square feet of commercial development. As multifamily units have a lower trip generation rate than single family units, the current land use proposal would generate 3 percent less external PM peak-hour vehicle-trips than the land uses assumed in the Truckee/Martis Model. This indicates that there is no need to add trips to reflect this specific development. To be conservative, however, and as the Martis Valley West project has not been approved, no reduction in the Truckee/Martis Model volume has been taken.

The Truckee/Martis Model forecasted growth is higher than the TRPA Model forecasted growth by 63 southbound vehicle-trips and 126 northbound vehicle-trips in the summer PM peak-hour. It is therefore appropriate and conservative (resulting in relatively high traffic forecasts) to add the incremental volume (Truckee/Martis Model volume minus TRPA Model volume) to the external volume growth at Brockway Summit. This adjustment to external traffic was then tracked through the Tahoe roadway system, based upon LSC's trip distribution.

For the **SR 89** external corridor, there is no existing transportation model encompassing the Squaw Valley / Alpine Meadows area¹. Based upon the current status of land use proposals, the traffic forecasts associated with the following projects were summed:

¹ The Truckee/Martis model area only extends as far south on SR 89 as West River Street. As a result of the intervening 9-mile gap between the two model areas and the significant traffic generators within this gap, the Truckee/Martis model does not produce forecasts useful to this analysis, necessitating the need for the alternative methodology.

- Village at Squaw Valley (as reflected in the *Village At Squaw Valley Specific Plan DEIR* (Ascent Environmental, May 2015)).
- Plumpjack Squaw Valley Inn (as reflected in working draft documents). The DEIR is currently being prepared.
- Palisades at Squaw (as reflected in working draft documents). The DEIR is currently being prepared.
- Alpine Sierra Subdivision (as reflected in working draft documents). The DEIR is currently being prepared.

There are also several smaller potential developments currently under consideration in the Squaw Valley/Alpine Meadows area. In addition, these developments do not constitute the full potential development under the community plans. However, given the substantial level of overall development, it is reasonable to assume that in total they represent the market-driven development that could actually occur by 2035.

The resulting sum of volumes were found to exceed the TRPA Model growth volumes associated with development in Squaw Valley and Alpine Meadows at the SR 89 external point² by a total of 121 southbound vehicle-trips and 128 northbound vehicle-trips over the summer PM peak hour. These volumes were assigned to SR 89 at the external point, and then distributed through the remainder of the Tahoe roadway system based on LSC's trip distribution.

For the SR 89/SR28 intersection, these additional external volumes were adjusted to reflect the Fanny Bridge Community Revitalization Project redistribution of traffic. The resulting busy summer 2035 PM peak-hour volumes are presented in Table B. These volumes are then added to those shown in Table A to result in the future cumulative busy summer 2035 PM peak-hour volumes shown in Table C.

VMT Analysis

The analysis of Vehicle-Miles of Travel (VMT) generated in the Tahoe Basin over a busy summer day in 2035 is summarized in Table D. The basis of the analysis are the basin-wide VMT figures output by the TRPA TransCAD model for the four alternatives. These figures were then adjusted as follows:

- As discussed above, the land use assumptions for the Tahoe City Lodge site incorporated into the TransCAD model differ slightly from the current alternative land use assumptions for two of the four alternatives. As shown in Table E, the summer daily VMT generated by the land uses assumed in the model were calculated, based upon the trip generation and distribution factors used in the remainder of the analysis as well as the roadway miles between the Lodge site and the various trip origins/destinations. These figures were subtracted from the model results. The same methodology was

² A portion of the TRPA model growth forecasts at the external point are associated with growth in Squaw Valley/Alpine Meadows (while the remainder are associated with growth in travel between the Tahoe Basin and Truckee or points beyond Truckee). Based on turning movements along SR 89, it is estimated that 33 percent of the total future model growth is associated with Squaw Valley / Alpine Meadows growth. The additional TRPA Model growth figures were therefore reduced by 33 percent, thereby increasing the volumes added at the external point.

used to estimate the summer daily VMT generated by the proposed land uses under each alternative at buildout, as also shown in Table E, and added to the model volumes, resulting in a slight net change for Alternatives 1 and 3.

- Consistent with the methodology used in the analysis of VMT for the TRPA Regional Plan and Regional Transportation Plan, a reduction from the model VMT was applied to reflect factors (such as improvements in transit, bicycle, pedestrian and Transportation Demand Management programs) that are not reflected in the model analysis³. Per Table 9 of Appendix C: Modeling Methodology of the *Draft Regional Transportation Plan EIR/EIS*, the model outputs for each alternative were reduced by 2.0 percent to reflect the reductions on trips generated within the Tahoe Region. Consideration was also given to whether additional VMT reductions would result from the adoption of the Placer County Tahoe Basin Area Plan (over and above the Regional Plan reductions). The Placer County Tahoe Basin Area Plan includes a number of policy elements that would, if implemented, reduce auto use. In particular, Transportation Policies T-P-11 through T-P-23 present general policies to encourage pedestrian, bicyclist and transit travel by encouraging improved facilities, safer travel corridors, expanded bicycle parking, etc. However, the proposed policies are not significantly more aggressive in enhancing non-auto travel modes than the existing Community Plans, nor does the proposed Area Plan include specific implementation steps (such as new funding sources) to ensure implementation of the policies. As such, and to provide a conservative estimate of future traffic conditions, no further reductions in traffic volumes or VMT are applied to reflect changes in transportation policies.
- As discussed above, the TRPA model partially but not wholly reflects the potential impacts of development external to the Tahoe Region, specifically in the Squaw Valley/Alpine Meadows and the Truckee/Martis Valley areas. An analysis of the additional VMT within the Tahoe Region associated with this development not captured in the TRPA VMT figures is presented in Table F:
 - For the **SR 267** external point, the daily traffic identified in the recently-updated Truckee/Martis Valley model was distributed from the external point at Brockway Summit to specific areas within the Tahoe Region using LSC's distribution to estimate the growth in daily vehicle-trips to each internal area. The same procedure was applied to the TRPA model external daily traffic growth. Subtracting the lower TRPA model volume from the higher Truckee/Martis model volume yielded the additional daily vehicle-trips. This volume was multiplied by the highway travel distance for each trip pair and summed over all trips, to yield the additional VMT figure of 12,616 over a busy summer day through this external point.
 - For the **SR 89** external point, the total daily traffic growth identified by the TRPA model was divided into traffic volume growth associated with increased travel between the Tahoe Region and Squaw Valley/Alpine Meadows versus traffic volume growth associated with increased travel between the Tahoe Region and Truckee or points beyond Truckee (such as I-80 over Donner Summit). Based on current trip patterns, one third of the traffic growth was assigned to the Squaw Valley / Alpine Meadows area and two thirds to Truckee and beyond. This

³ To quantify this reduction, TRPA developed the Trip Reduction Impact Analysis (TRIA) tool, as described in Appendix C of the 2012 TRPA Regional Transportation Plan.

indicates that the TRPA model projects a growth of 328 daily vehicle-trips between the Tahoe Region and Squaw Valley/Alpine Meadows. The daily traffic volumes at the SR 89 external point resulting from four current developments in the Squaw Valley / Alpine Meadows area (Village at Squaw Valley, Plumpjack expansion, Alpine Sierra, and Palisades at Squaw) were summed, indicating daily traffic volume growth of 3,132 vehicle-trips. The external volume for the sum of the four developments was distributed to the various destination/origin areas with the Tahoe Region based on LSC distribution. The same methodology was applied to the TRPA external trip daily growth volume, and then subtracted to yield the additional growth between the SR 89 external point and each origin/destination. The resulting additional volumes were then multiplied by the highway trip length between the external point and each internal area, and summed. As shown in Table F, the additional VMT through this external point is estimated to be 29,861. Between the two external points, cumulative summer daily VMT is estimated to be increased by 42,477.

- This additional external VMT would also be reduced by the non-auto policies in the Regional Plan, though at a lower degree. Per Table 9 of Appendix C: Modeling Methodology of the *Draft Regional Transportation Plan EIR/EIS*, this adjustment for non-auto transportation strategies for internal-external trips is 0.78 percent resulting in a small reduction.

The resulting VMT estimates are shown in Table D. All alternatives would increase daily summer Tahoe Basin VMT over the existing condition (1,939,159,707), ranging between 1,973,780 (Alternative 1) and 1,983,452 (Alternative 4). This represents between a 1.89 percent and a 2.34 percent increase in basin-wide VMT, respectively. Significantly, all of these figures are below the TRPA Air Quality Threshold value of 2,030,938 by at least 47,486. They are also below the VMT estimate for 2035 of 2,131,000 identified in the 2012 *Regional Transportation Plan EIS*.

TABLE A: Scenario Intersection Turning Movement Volumes -- Existing Scenarios

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Existing No Project														
1	SR89 SR28 (TC Wye)	318	74	304	30	89	13	48	344	417	362	323	21	2,343
2	SR89 Mackinaw/TC Lodge	2	0	17	3	0	7	6	699	2	7	611	14	1,368
3	SR28 Grove St	7	0	19	37	0	35	27	752	12	17	598	21	1,525
4	SR28 SR267	1	1	0	363	2	334	257	662	1	0	539	337	2,497
5	SR28 Bear St	28	1	23	25	0	79	43	605	23	16	634	18	1,495
6	SR28 Coon St	14	5	6	76	11	103	46	755	16	16	639	36	1,723
Existing + Alt 1														
1	SR89 SR28 (TC Wye)	96	34	165	39	42	51	76	521	79	211	491	26	1,831
2	SR89 Mackinaw	2	0	18	0	0	0	0	722	3	9	650	0	1,404
3	SR28 Grove St	7	0	19	51	0	48	37	719	12	17	603	29	1,542
4	SR28 SR267	1	1	0	367	2	386	279	666	1	0	562	323	2,589
5	SR28 Bear St	29	1	23	41	0	130	74	601	23	27	636	18	1,602
6	SR28 Coon St	14	5	6	125	11	169	79	729	36	27	620	36	1,857
Existing + Alt 2														
1	SR89 SR28 (TC Wye)	97	34	155	39	42	51	76	483	80	212	486	26	1,782
2	SR89 Mackinaw	2	0	18	0	0	0	0	712	3	11	622	0	1,368
3	SR28 Grove St	7	0	19	57	0	54	44	716	12	17	570	34	1,531
4	SR28 SR267	1	1	0	359	2	414	295	664	1	0	553	315	2,604
5	SR28 Bear St	29	1	23	42	0	131	74	597	23	28	623	18	1,589
6	SR28 Coon St	15	5	6	126	11	171	80	731	35	28	623	36	1,867
Existing + Alt 3														
1	SR89 SR28 (TC Wye)	93	34	174	39	42	51	76	535	76	220	503	26	1,869
2	SR89 Mackinaw	2	0	18	0	0	0	0	744	3	10	668	0	1,445
3	SR28 Grove St	7	0	19	60	0	57	42	733	12	17	603	33	1,583
4	SR28 SR267	1	1	0	368	2	403	295	670	1	0	561	327	2,629
5	SR28 Bear St	29	1	23	37	0	117	67	602	23	25	636	18	1,578
6	SR28 Coon St	14	5	6	112	11	152	72	709	29	25	597	36	1,767
Existing + Alt 4														
1	SR89 SR28 (TC Wye)	89	34	172	39	42	51	76	511	70	223	508	26	1,842
2	SR89 Mackinaw	2	0	18	17	0	19	16	759	3	10	653	38	1,535
3	SR28 Grove St	7	0	19	50	0	47	36	735	12	17	583	28	1,535
4	SR28 SR267	1	1	0	367	2	406	287	671	1	0	556	320	2,613
5	SR28 Bear St	28	1	23	42	0	133	74	601	23	27	626	18	1,596
6	SR28 Coon St	14	5	6	128	11	173	79	736	36	27	621	36	1,872

TABLE B: Intersection Turning Movement -- External Projects Not Fully Reflected in TRPA Model

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles	
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right		
Additional External Volumes: Squaw Valley/Alpine Meadows Projects - Village at Squaw Valley, Palisades, PlumpJack, Alpine Sierra															
1	SR89	SR28 (TC Wye)	57	0	0	0	0	0	7	59	54	0	63	0	240
2	SR89	Mackinaw	0	0	0	0	0	0	0	59	0	0	63	0	122
3	SR28	Grove St	0	0	0	0	0	0	0	59	0	0	63	0	122
4	SR28	SR267	0	0	0	0	0	0	0	25	0	0	27	0	52
5	SR28	Bear St	0	0	0	0	0	0	0	16	0	0	17	0	33
6	SR28	Coon St	0	0	0	0	0	0	0	12	0	0	13	0	25
Additional External Volumes: Martis Valley/Truckee															
1	SR89	SR28 (TC Wye)	0	0	23	0	0	0	0	0	0	12	0	0	35
2	SR89	Mackinaw	0	0	0	0	0	0	0	23	0	0	12	0	35
3	SR28	Grove St	0	0	0	0	0	0	0	33	0	0	16	0	49
4	SR28	SR267	0	0	0	32	0	29	64	0	0	0	0	58	183
5	SR28	Bear St	5	0	0	0	0	5	2	21	2	0	42	0	78
6	SR28	Coon St	4	0	0	0	0	4	2	17	2	0	35	0	64

TABLE C: Scenario Intersection Turning Movement Volumes -- Future Cumulative Scenarios

		Northbound			Southbound			Eastbound			Westbound			Total Vehicles
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Future Cumulative + Alt 1														
1	SR89 SR28 (TC Wye)	113	34	177	39	42	51	87	603	89	218	583	26	2,062
2	SR89 Mackinaw	2	0	18	0	0	0	0	804	3	9	724	0	1,561
3	SR28 Grove St	7	0	19	51	0	48	37	811	12	17	682	29	1,712
4	SR28 SR267	1	1	0	399	2	415	343	691	1	0	589	382	2,824
5	SR28 Bear St	34	1	23	41	0	134	76	638	25	27	695	18	1,713
6	SR28 Coon St	18	5	6	125	11	173	81	759	38	27	668	36	1,946
Future Cumulative + Alt 2														
1	SR89 SR28 (TC Wye)	114	34	167	39	42	51	87	565	90	219	578	26	2,013
2	SR89 Mackinaw	2	0	18	0	0	0	0	794	3	11	696	0	1,525
3	SR28 Grove St	7	0	19	57	0	54	44	808	12	17	649	34	1,701
4	SR28 SR267	1	1	0	390	2	443	359	689	1	0	579	373	2,839
5	SR28 Bear St	34	1	23	42	0	136	77	634	25	28	683	18	1,700
6	SR28 Coon St	19	5	6	126	11	175	81	760	37	28	671	36	1,956
Future Cumulative + Alt 3														
1	SR89 SR28 (TC Wye)	110	34	186	39	42	51	87	616	86	227	595	26	2,100
2	SR89 Mackinaw	2	0	18	0	0	0	0	827	3	10	742	0	1,602
3	SR28 Grove St	7	0	19	60	0	57	42	825	12	17	682	33	1,753
4	SR28 SR267	1	1	0	399	2	432	360	695	1	0	588	385	2,864
5	SR28 Bear St	34	1	23	37	0	122	69	639	25	25	696	18	1,689
6	SR28 Coon St	18	5	6	112	11	156	74	738	31	25	645	36	1,856
Future Cumulative + Alt 4														
1	SR89 SR28 (TC Wye)	106	34	184	39	42	51	87	593	80	230	600	26	2,073
2	SR89 Mackinaw	2	0	18	31	0	31	26	842	3	10	727	62	1,752
3	SR28 Grove St	7	0	19	50	0	47	36	827	12	17	662	28	1,705
4	SR28 SR267	1	1	0	399	2	435	351	696	1	0	583	378	2,848
5	SR28 Bear St	33	1	23	42	0	137	76	638	25	27	685	18	1,706
6	SR28 Coon St	18	5	6	128	11	177	81	766	38	27	669	36	1,962

TABLE D: Regionwide VMT Analysis for Placer Tahoe Basin Area Plan

	Placer Area Plan Alternative			
	Alt One	Alt Two	Alt Three	Alt Four
Existing 2015 Regionwide VMT	<u>1,939,159</u>	<u>1,937,070</u>		
TRPA TransCAD Model -- Unadjusted	1,968,788	1,977,429	1,973,828	1,980,925
Minus TRPA TransCAD VMT on Tahoe City Lodge Site	-6,302	-2,943	-6,302	-13,910
Plus VMT Generated by Tahoe City Lodge Site	8,570	2,943	8,570	13,910
Minus TRIA Adjustment for RTP Mode Shift Policies	-39,421	-39,549	-39,522	-39,619
Plus External VMT Not Fully Reflected in TRPA Model	42,477	42,477	42,477	42,477
Minus TRIA Adjustment for Additional External VMT	-331	-331	-331	-331
Regionwide VMT	1,973,780	1,980,026	1,978,719	1,983,452
<i>Increase Over Existing: #</i>	34,621	40,867	39,560	44,293
<i>Increase Over Existing: %</i>	<u>1.8%</u> 1.9%	<u>2.1%</u> 2.2%	<u>2.0%</u> 2.2%	<u>2.3%</u> 2.4%
TRPA Compact Threshold	2,030,938	2,030,938	2,030,938	2,030,938
Threshold Minus Alternative Regionwide VMT	57,158	50,912	52,219	47,486
Alternative Attains Compact Threshold?	Yes	Yes	Yes	Yes

TABLE E: Analysis of Tahoe City Lodge VMT

Origins/Destination within the Lake Tahoe Basin	Existing Non Pass-by	Lodge Alternative Land Use					
		1	2	3	4		
		Distribution					
Daily 1-Way Vehicle Trips		Lodge	Retail Non-Passby				
South Lake Tahoe	19	3%	2%	34	12	34	44
Emerald Bay	9	4%	1%	45	16	45	22
Homewood/Tahoma	93	10%	10%	113	39	113	219
Sunnyside	84	8%	9%	91	31	91	197
Eastern Tahoe City	84	5%	9%	57	19	57	197
Dollar Hill/Lake Forest	84	0%	9%	0	0	0	197
Carnelian Bay	84	4%	9%	45	16	45	197
Tahoe Vista	84	9%	9%	102	35	102	197
Kings Beach/ Crystal Bay	112	16%	12%	181	62	181	263
Incline Village/East Shore	47	6%	5%	68	23	68	110
SR 89 North	233	35%	25%	397	136	397	548
Total	932	100%	100%	1,133	389	1,133	2,191
		Trip Length (Miles)					
Daily Vehicle-Miles of Travel							
South Lake Tahoe	582	31.2		1,060	364	1,060	1,367
Emerald Bay	175	18.8		852	293	852	412
Homewood/Tahoma	802	8.6		974	335	974	1,884
Sunnyside	201	2.4		218	75	218	473
Eastern Tahoe City	34	0.4		23	8	23	79
Dollar Hill/Lake Forest	201	2.4		0	0	0	473
Carnelian Bay	478	5.7		258	89	258	1,124
Tahoe Vista	688	8.2		836	287	836	1,617
Kings Beach/ Crystal Bay	1,119	10.0		1,813	622	1,813	2,629
Incline Village/East Shore	760	16.3		1,108	380	1,108	1,786
SR 89 North	839	3.6		1,428	490	1,428	1,972
Total	5,879			8,570	2,943	8,570	13,816

TABLE F: Analysis of Additional External Trip VMT Not Reflected in TRPA Model

Origins/Destination within the Lake Tahoe Basin	SR 267 External Point			SR 89 North External Point										Total: Both External Corridors																																						
	Tahoe Model Growth	Truckee/Martis Model Growth	Subtotal: Additional Over Tahoe Model	Tahoe Model		Squaw Valley/Alpine Mdns Area Projects (3)					Subtotal: Additional Growth in Travel To/From Squaw Valley/Alpine Meadows Over Tahoe Model																																									
				Total Growth	Portion: Growth in Travel To/From Squaw Valley/Alpine Meadows (2)	Portion: Growth in Travel To/From Truckee and Beyond	Village at Squaw Valley	Plumjack	Alpine Sierra	Palisades		Total Growth in Travel To/From Squaw Valley/Alpine Meadows																																								
Daily Vehicle-Trips	<table border="1"> <thead> <tr> <th colspan="2">Distribution of External Trips Internally Within Tahoe Region (1)</th> </tr> <tr> <th>SR 267</th> <th>SR 89 North</th> </tr> </thead> <tbody> <tr><td>South Lake Tahoe</td><td>4%</td><td>3%</td></tr> <tr><td>Emerald Bay</td><td>5%</td><td>4%</td></tr> <tr><td>Homewood</td><td>5%</td><td>18%</td></tr> <tr><td>Sunny Side</td><td>5%</td><td>11%</td></tr> <tr><td>Tahoe City</td><td>18%</td><td>29%</td></tr> <tr><td>Carmelian Bay</td><td>4%</td><td>4%</td></tr> <tr><td>Tahoe Vista</td><td>6%</td><td>8%</td></tr> <tr><td>Kings Beach/ Crystal Bay</td><td>31%</td><td>17%</td></tr> <tr><td>Incline Village/East Shore</td><td>20%</td><td>5%</td></tr> <tr><td>Spooner Summit</td><td>2%</td><td>0%</td></tr> <tr><td>Total</td><td></td><td></td></tr> </tbody> </table>		Distribution of External Trips Internally Within Tahoe Region (1)		SR 267	SR 89 North	South Lake Tahoe	4%	3%	Emerald Bay	5%	4%	Homewood	5%	18%	Sunny Side	5%	11%	Tahoe City	18%	29%	Carmelian Bay	4%	4%	Tahoe Vista	6%	8%	Kings Beach/ Crystal Bay	31%	17%	Incline Village/East Shore	20%	5%	Spooner Summit	2%	0%	Total															
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Total																																																				
South Lake Tahoe	50	92	42	26	9	18	75	2	3	6	86	77	119																																							
Emerald Bay	63	115	53	41	14	28	118	3	5	5	131	117	170																																							
Homewood	63	115	53	174	58	116	497	13	19	8	537	479	531																																							
Sunny Side	63	115	53	113	38	76	323	8	12	7	351	313	365																																							
Tahoe City	226	415	189	286	95	190	815	21	29	83	949	854	1,043																																							
Carmelian Bay	50	92	42	34	11	23	96	3	2	3	104	93	135																																							
Tahoe Vista	75	138	63	80	27	54	229	6	8	7	250	223	286																																							
Kings Beach/ Crystal Bay	390	716	326	168	56	112	479	13	15	21	528	472	797																																							
Incline Village/East Shore	251	462	210	61	20	40	173	4	6	14	197	176	387																																							
Spooner Summit	25	46	21	0	0	0	0	0	0	0	0	0	21																																							
Total	1,257	2,308	1,051	984	328	656	2,807	73	98	154	3,132	2,804	3,855																																							
Daily Vehicle-Miles of Travel	<table border="1"> <thead> <tr> <th colspan="2">Tahoe Internal Trip Length by External Point (Mi.)</th> </tr> <tr> <th>SR 267</th> <th>SR 89 North</th> </tr> </thead> <tbody> <tr><td>South Lake Tahoe</td><td>35.0</td><td>34.5</td></tr> <tr><td>Emerald Bay</td><td>37.2</td><td>22.0</td></tr> <tr><td>Homewood</td><td>20.5</td><td>12.0</td></tr> <tr><td>Sunny Side</td><td>14.4</td><td>5.9</td></tr> <tr><td>Tahoe City</td><td>12.5</td><td>4.0</td></tr> <tr><td>Carmelian Bay</td><td>7.3</td><td>9.3</td></tr> <tr><td>Tahoe Vista</td><td>4.7</td><td>11.9</td></tr> <tr><td>Kings Beach/ Crystal Bay</td><td>4.6</td><td>13.7</td></tr> <tr><td>Incline Village/East Shore</td><td>11.5</td><td>20.6</td></tr> <tr><td>Spooner Summit</td><td>22.4</td><td>--</td></tr> <tr><td>Total</td><td></td><td></td></tr> </tbody> </table>		Tahoe Internal Trip Length by External Point (Mi.)		SR 267	SR 89 North	South Lake Tahoe	35.0	34.5	Emerald Bay	37.2	22.0	Homewood	20.5	12.0	Sunny Side	14.4	5.9	Tahoe City	12.5	4.0	Carmelian Bay	7.3	9.3	Tahoe Vista	4.7	11.9	Kings Beach/ Crystal Bay	4.6	13.7	Incline Village/East Shore	11.5	20.6	Spooner Summit	22.4	--	Total															
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Total																																																				
South Lake Tahoe			1,471									2,668	4,139																																							
Emerald Bay			1,955									2,576	4,531																																							
Homewood			1,077									5,746	6,823																																							
Sunny Side			757									1,845	2,602																																							
Tahoe City			2,365									3,414	5,779																																							
Carmelian Bay			307									863	1,170																																							
Tahoe Vista			296									2,655	2,951																																							
Kings Beach/ Crystal Bay			1,499									6,461	7,960																																							
Incline Village/East Shore			2,417									3,633	6,050																																							
Spooner Summit			471									0	471																																							
Total			12,616									29,861	42,477																																							

Note 1: LSC estimates, based upon summer traffic counts.

Note 2: Based on review of existing summer turning movements on SR 89 at Squaw Valley Road and Alpine Meadows Road, one-third of external traffic growth identified in the TRPA Model is estimated to be growth associated with Squaw Valley / Alpine Meadows and the remaining two-thirds associated with Truckee and beyond.

Note 3: Sources -- Village at Squaw Valley Specific Plan Draft Environmental Impact Report (Ascent Environmental, May 2015), PlumJack Squaw Valley Inn Expansion Traffic & Parking Impact Analysis (LSC, July 2014), Alpine Sierra Subdivision Traffic Impact Analysis (LSC, April 2015) and Palisades at Squaw Transportation Impact Analysis (LSC, October 2015).

development—and therefore, its vehicle trip generation—with new uses. It is the intent of both the Area Plan and Regional Plan that the redevelopment would be concentrated in the town centers, with a focus on, among other things, reduced congestion and support of transit, pedestrian, and bike trail projects that reduce automobile dependency and increase walkability and safety (TRPA 2012:1-1).

EMERGENCY EVACUATION ANALYSIS

Comments express concern that increased peak period congestion will interfere with emergency access and evacuation. These are two very different issues; changes in travel time identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. The traffic analysis was conducted assuming busy but non-emergency traffic conditions, and standard traffic controls. Under emergency evacuation conditions, it is likely that key intersections would be staffed by public safety officers manually directing traffic, thereby overriding standard traffic controls. Emergency personnel would restrict traffic entering the evacuation area to maximize roadway capacity for evacuating traffic. Inbound lanes, or portions thereof, could be redirected to provide additional outbound capacity. Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.

The time required to complete an evacuation depends on innumerable factors, including the size and specific area to be evacuated, season, day of the week, time of day, the advance time available, and specific routes available. Moreover, given the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur. Given these uncertainties, conducting detailed analyses of travel time based on a specific scenario would largely be an exercise in supposition.

A more useful measure of the impact of the various alternatives on evacuation conditions can be provided by an evaluation of the relative number of vehicles that would require evacuation (assuming full evacuation of the Plan area. This evaluation is shown in Table 3-4, and is based on the number of evacuation vehicles generated by the following sources:

- ▲ Evacuation vehicles associated with **permanent residents** can be estimated based upon the number of permanent housing units (per Table 6-8 of the Draft EIR/EIS). It is assumed that some households (20 percent for purposes of this calculation) choose to take two cars in the evacuation.
- ▲ The number of **seasonal resident** vehicles are estimated by considering the number of **non-permanent dwelling units** (per Table 6-8, assuming that all units not permanently occupied are seasonally occupied). However, even at peak times many seasonally-used dwelling units are not occupied on any one day. The TRPA TransCAD socioeconomic dataset includes an estimate for the Placer Area of 47 percent of seasonal units occupied. To be conservative and reflect a peak condition, it is assumed that 66 percent of these units are occupied. The same number of evacuation vehicles per occupied unit (1.2) is also applied.
- ▲ **Overnight visitor** evacuation vehicles are estimated by totaling the number of lodging units (per Table 6-8) and the number of campground sites (per the TRPA TransCAD socioeconomic dataset). In addition, consistent with the other portions of the Draft EIR/EIS the Brockway Campground (550 sites) is assumed for all future alternatives. One evacuating vehicle is assumed for all units and sites.
- ▲ **Day visitor** vehicles for existing conditions were estimated based upon parking counts presented in the *North Tahoe Parking Study* (LSC, 2015), the proportion of visitors that are not lodged in the area (per the *North Lake Tahoe Resort Association Visitor Research Summary [RC Associates 2014]*), the *Connecting Tahoe Rim Trail Users to Transportation Alternatives Study* (LSC 2015) and counts of parking spaces and shoulder parking at activity centers. While the various future alternatives do not include land use elements that would substantially change recreational day visitor levels, the additional commercial growth would provide increased capacity to accommodate day visitors. The additional day visitor vehicles

associated with this growth was estimated by applying a weighted average parking demand rate, and factoring for the proportion of future peak parking demand generated by day visitors.

- Finally, additional evacuation vehicles will be generated by **employees commuting to the study area**. The total growth in area employment (per Table 6-8) was factored by an estimate of the proportion of employees commuting from outside the Plan area (per the employee survey data presented in the **Truckee North Tahoe Regional Workforce Housing Needs Assessment (BAE 2016)**), and factored by the proportion of total payroll employees that would be onsite at a peak time during a summer weekday (when employment is highest).

Table 3-4 Comparison of Total Evacuation Traffic Volumes

Input Data	2014 Existing Conditions	2035 Projected Conditions			
		Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total Housing Units	11,190	12,206	12,206	12,206	12,206
Permanent Housing Units	3,698	4,192	4,192	4,191	4,168
Seasonal Housing Units	7,492	8,014	8,014	8,015	8,038
Tourist Accommodation Units	1,340	1,911	1,511	1,711	1,511
Campground Sites	236	786	786	786	786
Jobs (Payroll Employees)	3,553	4,358	5,062	4,524	5,062
Commercial Floor Area	1,306,564	1,396,882	1,576,882	1,486,882	1,576,882
Additional Commercial Floor Area (KSF)		90.3	270.3	180.3	270.3
Existing Day Visitor Peak Parked Vehicles	730				
Evacuation Vehicles per Residence	1.2				
Evacuation Vehicles per Lodging Unit/Campground Site	1.0				
Assumed Proportion of Seasonal Housing Units Occupied at Peak Time	66%				
% of Visitors that are Day Visitors	22%				
Estimated Weighted Average Commercial Parking Rate	5.9	Spaces per KSF			
% New Commercial Parking Demand Generated by Visitors	80%				
% of Payroll Employees Onsite at Peak Time	60%				
% of Payroll Employees Not Living in Plan Area	50%				
Employees per Evacuation Vehicle	1.2				
Total Estimated Vehicles for Evacuation					
Permanent Residents	4,438	5,030	5,030	5,029	5,002
Seasonal Residents	5,934	6,347	6,347	6,348	6,366
Overnight Visitors	1,576	2,697	2,297	2,497	2,297
Day Visitors	728	822	1,008	915	1,008
Onsite Employees Not Living In Plan Area	888	1,090	1,266	1,131	1,266
Total Vehicles for Evacuation	13,563	15,985	15,948	15,920	15,939
Change Over Existing		2,422	2,385	2,357	2,375
% Change Over Existing		17.9%	17.6%	17.4%	17.5%
Excluding Brockway Campground					
Total Vehicles	13,563	15,435	15,398	15,370	15,389
Increase Over Existing		1,872	1,835	1,807	1,825
% Increase Over Existing		13.8%	13.5%	13.3%	13.5%

Source: Information provided by LSC Transportation Consultants, Inc. in 216

As shown in the Table 3-4, the total number of vehicles to be evacuated under baseline conditions is estimated to be 13,563. This increases under the future alternatives to 15,920 (Alternative 3) to 15,985 (Alternative 1) vehicles. This is equivalent to a 17.5 percent to 17.9 percent increase in vehicle. All of the future alternatives result in a very similar number, including the no project alternative, with only a 0.4 percent difference between the lowest and highest value. If the Brockway Campground is not constructed, the evacuation traffic volume is reduced to between 13.3 percent and 13.8 percent, depending on the alternative.

These figures can be used to gain a rough understanding of the impacts of the various alternatives on evacuation travel time. One reasonable scenario (assuming full evacuation) would be that two egress points are available (such as SR 89 and SR 267 to the north) with the southbound travel lanes not available for evacuation (to provide ingress for emergency vehicles). A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles (including Brockway Campground) by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1). This difference in the future alternatives value is equal to 1.1 minutes of additional evacuation time. In other words, the remaining development potential in the Plan area, with or without the proposed Area Plan and Tahoe City Lodge, will result in some increase in vehicle traffic which will extend the time required to evacuate the area. Because the remaining development potential is modest, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Comments were received that suggest that the EIR/EIS should define performance standards to ensure additional people and vehicles from new or redeveloped projects do not impede evacuation, or other means to evaluate the impacts of additional vehicles on the roadway capacity during emergency events. Performance standards are required when mitigation measures are recommended for significant impacts and the details of that mitigation are necessarily deferred. Because no significant effects have been identified, performance standards are not required.

PLACER COUNTY EMERGENCY RESPONSE PLANS

Placer County has in place several existing emergency response plans, including the Placer Operational Area East Side Emergency Evacuation Plan, Placer County Local Hazard Mitigation Plan, and Lake Tahoe Geographic Response Plan [LTGRP]). Each of these plans is summarized on pages 18-6 through 18-10 of the Draft EIR/EIS and each fulfills its stated purpose. The Placer Operational Area East Side Emergency Evacuation Plan was developed to help increase preparedness and facilitate the efficient and rapid evacuation of threatened communities in the far eastern end of the county in the event of an emergency, such as a forest fire or flood. The Placer County Local Hazard Mitigation Plan was developed to reduce or eliminate long-term risk to people and property from natural hazards and their effects, and includes implementing actions and programs that would help reduce wildfire hazards including, but not limited to, Firewise Communities/USA Education Outreach, Hazardous Vegetation Abatement Program, Biomass Removal Projects, and Annual Defensible Space Inspections Program in the Unincorporated County. The LTGRP is the principal guide for agencies within the Lake Tahoe watershed, its incorporated cities, and other local government entities in mitigating hazardous materials emergencies.

With regard to the Placer Operational Area East Side Emergency Evacuation Plan, specifically, and its applicability to the Plan area, page 1 of the plan states, “[f]or the purposes of this plan, the ‘eastern side’ comprises all of Placer County from just west of Cisco Grove to the Nevada State line not including the areas within the Tahoe National Forest and the Lake Tahoe Basin Management Unit [LTBMU].” The LTBMU consists of only National Forest System land only. The East Side Emergency Evacuation Plan prescribes specific responsibilities for first responders and other agencies that would be involved in an emergency

evacuation, defines typical evacuation scenarios, establishes incident command responsibilities, and addresses traffic control, transportation, resources and support, communications, care and shelter, and animal services. It identifies nine evacuation center and the major evacuation routes to include Interstate 80, and SRs 267, 89, and 28. Exhibit 3-2 shows evacuation routes for the Placer County portion of the Tahoe Basin (North Tahoe Fire Protection District 2016). It also appropriately recognizes challenges in the Tahoe Basin, that “the dense forests, rugged terrain, and the scarcity of roads in the area - problems that present difficulties for first responders and residents/transients alike - complicate any evacuation.” (Placer County Office of Emergency Services 2015:1)

On comment suggests that the Area Plan does not comply with the requirements of Government Code Section 65302(g). As outlined in Part 1 of the Area Plan, the Placer County General Plan governs all topics not addressed in the Area Plan or TRPA plans. Consistent with Government Code Section 65302(g), the 2013 Placer County General Plan includes a Health and Safety Element, which includes goals and policies related to seismic and geologic hazards, flood hazards, fire hazards, airport hazards, emergency management, public safety and emergency management facilities, hazardous materials, and avalanche hazards. The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan’s Health and Safety Element and further comply with the requirements of Government Code Section 65302(g). In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65303(g). The additional polices include the following:

- ▲ **Policy N-H-P-6.** All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015).
- ▲ **Policy N-H-P-7:** The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference.

WILDFIRE HAZARDS AND EMERGENCY EVACUATION

Wildland fire hazards are described on page 18-12, and shown in Exhibit 18-1 of the Draft EIR/EIS. These discussions explain, and the exhibits show, that the Plan Area contains moderate, high, and very high fire hazard severity zones, and the Tahoe City Lodge is located in a very high fire hazard severity zone. The significance criterion related to wildfires is described on page 18-14 of the Draft EIR/EIS: expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Based on the project setting in a moderate to a very high fire hazard area and the significance criterion, the Draft EIR/EIS concludes that the impact related to exposure of people or structures to a significant risk of loss, injury, or death involving wildfire for the Area Plan and Tahoe City Lodge would be less than significant (see Impact 18-4 on pages 18-27 through 18-30 of the Draft EIR/EIS), because future development in the Placer County portion of the Tahoe Basin, including the Tahoe City Lodge, would be required to comply with Regional Plan policies, existing local and state regulations for fire protection (including North Tahoe Fire Protection District review and approval to ensure all fire protection measures are incorporated into the project design), and proposed Area Plan policies for fire fuel reduction and increases in defensible space. While such policies do not directly affect the issue of emergency evacuation, they serve to reduce the severity and extent of wildfires, improve the ability to control and fight wildfires, improve the ability to shelter in place in appropriate structures, and ultimately reduce the potential for loss of life and property. Impact 14-4 on page 19-32 assesses cumulative wildland fire hazards, which describes fire hazards from a regional perspective.



Exhibit 3-2

Evacuation Routes



AREA PLAN AND TAHOE CITY LODGE EFFECTS ON EMERGENCY EVACUATION AND RESPONSE

Several comments suggest that the project will result in substantially greater traffic generation and congestion that will impede the ability of emergency responders to both access and evacuate areas within the limits of the Plan area and beyond during emergency situations. While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.

First, as described above, changes in travel time (i.e., reduced LOS) identified in the traffic analysis (Chapter 10) do not directly relate to the issue of emergency access and evacuation. In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.

Second, new development potential is very limited. Remaining commodities include 43 residential development rights, 77,175 square feet of CFA (approximately equal to a single supermarket, or several small businesses), and 61 tourist accommodation units. This amount of development in the entire 400+-acre urbanized portion of the Plan area, particularly in the context of the smart-growth policies of the Regional Plan and Area Plan, would result in traffic impacts that, depending upon their ultimate locations, would likely be immeasurable.

Third, this level of additional development could occur *with or without* the Area Plan. As noted above, the Area Plan consist of a body of policies, implementation plans, and a land use map to guide future development and redevelopment; no provision of the plan proposes or approves development. The Tahoe City Lodge project must comply with existing requirements of the Regional Plan to secure the development rights necessary to implement the project—it does not increase the regional cap on any development rights. In addition, as a redevelopment project, it will supplant existing uses on the site and generate fewer total daily vehicle trips than those uses.

Fourth, as described in Chapter 10 of the Draft EIR/EIS, implementation of any of the alternatives would result in very modest increases in average daily trips (ADT) during summertime peak-hour periods in the year 2035—on the order of 4.5 percent for the study area as a whole, and 2.8 percent on SR 28. Importantly, ADT generated by the no project alternative would be essentially the same (see Table 10-5 of the Draft EIR/EIS). For the most congested roadway segment (SR 28, Between Wye and Grove Street), each of the action alternatives would reduce the number of vehicles heading eastbound relative to existing conditions and the no project Alternative, and westbound relative to the no project alternative. With regard to total vehicle miles traveled (VMT), implementation of Alternatives 1 and 3 would reduce total VMT in 2035 (that is, under cumulative conditions) relative to existing conditions and VMT resulting from Alternative 2 would be essentially the same. VMT under the no project alternative would be slightly worse. (See Draft EIR/EIS Table 10-12). In other words, analysis shows that, as compared to existing conditions and especially to the no project alternative in 2035, implementation of the Area Plan and Tahoe City Lodge would have relatively minor traffic impacts. Traffic conditions in 2035 will be influenced more by the type and location of subsequent development, which cannot be accurately predicted, than by the Area Plan itself.

Fifth, as described in the Draft EIR/EIS, new buildings and structures are required to be constructed consistent with the latest fire code requirements (updated every 3 years) and defensible space requirements. New projects in Placer County, such as the Tahoe City Lodge, are required to obtain fire district approval prior to permit issuance by Placer County and TRPA and, pursuant to policies added to the Area Plan, would be required to prepare emergency preparedness and evacuation plans.

Finally, the Draft EIR/EIS discusses interference with an emergency response plan or emergency evacuation plan (see Chapter 18, Impact 18-3). As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes. Placer County maintains Placer Alert, a state of the art community notification system to alert residents about emergency events and other important public safety information,

and the Placer Operational Area East Side Emergency Evacuation Plan, described above. The plan addresses all elements of emergency response and evacuation of the Placer County portion of the Tahoe Basin and is incorporated into the Placer County Tahoe Basin Area Plan.

CONCLUSION

Issues of wildfire, emergency access, and evacuation are important concerns, as they would be for any mountain community susceptible to wildfire. The Draft EIR/EIS includes a thorough evaluation of the issue, and based on that analysis, it is determined that implementation of the proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area. Few development rights remain for the Plan area, so the potential for additional growth and associated traffic congestion is not only limited, but could be implemented with or without the Area Plan. The traffic analysis demonstrates very little change in traffic conditions with any of the action alternatives in 2035, and the no project alternative is generally similar or worse. The Tahoe City Lodge would reduce average daily trips, but produce both a small increase in VMT and decrease in LOS as compared to the baseline condition, but a decrease in VMT and better (increase) LOS when compared to the “No Project” alternative (Alternative 4). Placer County maintains a comprehensive emergency evacuation plan and a notification system to alert the community in the event of an emergency or need for evacuation. While the location, intensity, speed, and direction of a given wildfire cannot be predicted, systems are in place for wildfire tracking and response by applicable agencies, and there is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.

BASELINE TAHOE BILTMORE TRIP GENERATION

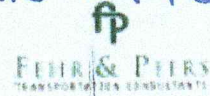
Appendix A: Baseline Tahoe Biltmore Trip Generation

	Daily	PM Peak Hour
Trip Generation from Counts		168
PM Peak Hour/Daily Trip Generation Ratio (6.4%)	2,625	
Tahoe Biltmore Overflow Parking Lot Trip Generation	114	57
Operating Conditions Adjustment (28% decline)	1,068	87
Pass-By Trips ¹	-184	-15
Crystal Bay Motel Trip Generation	186	11
Crystal Bay Office Trip Generation	86	12
Total Trip Generation at Site Driveways (without Pass-by Reduction)	4,079	335
Total Trip Generation on External Roadways (after Pass-by Reduction)	3,895	320

Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011)
 Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (May 17, 2010)

Appendix A:
Reference for Baseline Biltmore DVTE

Mr. Brueck
March 11, 2011
Page 2 of 2



PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) ¹	234	2,846	237	2,880
Baseline Existing Conditions ²	315	3,849	320	3,895
Alternative A	373	5,853	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	294	3,891
Alternative C (Reduced)	260	3,389	281	3,766
Alternative D	302	3,948	330	4,419
Alternative E	554	6,468	566	6,609

Notes: ¹ Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space.
² Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected.

Sources: Fehr & Peers, 2011

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).

Appendix A:
Reference for Baseline Biltmore Pass-By Trips

Mr. Brueck
July 6, 2010
Page 11 of 17



	PM Peak Hour	Daily
Trip Generation from Counts	188	
PM Peak Hour/Daily Trip Generation Ratio (8.4%)		2,825
Tahoe Biltmore Overflow Parking Lot Trip Generation	57	114
Operating Conditions Adjustment (28% decline) ¹	87	1,068
Pass-By Trips ²	(-20)	(-230)
Crystal Bay Motel Trip Generation ³	11	188
Crystal Bay Office Trip Generation ³	12	86
Total	315	3,849

Notes: ¹ Adjustment is applied to counted volumes and Tahoe Biltmore overflow parking lot volumes because the Tahoe Biltmore overflow parking lot information provided was specific to the time that the traffic count data was collected and employee levels represent the 2008 operating conditions of the Tahoe Biltmore.
² Pass-by trips only apply to traffic count volumes and the growth applied to the traffic count volumes.
³ The 2008 adjustment was not applied to the Crystal Bay Motel or Crystal Bay office space, as these trips were estimated based on TRPA Trip Table and ITE trip generation rates.

Source: Fehr & Peers, 2010

BASELINE AND PROJECT ALTERNATIVES TRIP GENERATION COMPARISON

Project Alternatives Trip Generation

Tables 9, 10, 11, 12 and 13 show the trip generation estimates for Boulder Bay project alternatives A, B, C, D, and E, respectively. The Crystal Bay Motel and Crystal Bay office will remain part of the project site for Alternatives A, B, and E, and have been included in the trip generation estimates for these alternatives to provide a direct comparison to the existing trip generation of the site. Alternatives C and D will remove the Crystal Bay Motel, therefore this use was not included in the trip generation estimates for these alternatives.

Appendix B
BOULDER BAY TRIP GENERATION

Appendix B: Boulder Bay Trip Generation

Land Use	Density	Unit	Daily	PM Peak Hour
Whole Ownership (Condo)	59	DU	346	31
Employee Housing (Apartment)	14	DU	94	9
Hotel	301	Rooms	2,685	211
Casino	1	KSF	2,659	167
Meeting Space	21.253	KSF	Accessory Use to Hotel	
Spa	19.089	KSF	Accessory Use to Hotel	
Fitness Center	9.86	KSF	Accessory Use to Hotel	
Daycare Center	1.665	KSF	Accessory Use to Hotel	
Convenience Dining	1.25	KSF	Accessory Use to Hotel	
Café/Fast Food	1.25	KSF	895	33
Casual Dining (High Turnover Sit-Down Restaurant)	3.398	KSF	432	38
Fine Dining (Quality Restaurant)	4.825	KSF	434	36
Bar/Lounge	2.25	KSF	Accessory Use to Hotel	
Specialty Retail	9.272	KSF	411	25
Service Retail	3.65	KSF	Accessory Use to Hotel	
County Park	3.07	Acres	7	0
Crystal Bay Office Space	7,772	KSF	86	12
Total "Raw" Trip Generation			8,049	562
Alternative Mode Trips			-959	-69
Internal Capture Trips			-2,625	-162
Pass-By Trips ¹			-574	-37
Total Trip Generation at Site Driveways (without Pass-by Reduction)			4,465	331
Total Trip Generation on External Roadways (after Pass-by Reduction)			3,891	294

DU = Dwelling Units; KSF = 1,000 square feet

Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011)

Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (July 6, 2010)

Appendix B:
 Boulder Bay (Alternative C) DVTE

PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) ¹	234	2,848	237	2,880
Baseline Existing Conditions ²	315	3,849	320	3,895
Alternative A	373	5,953	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	284	3,891
Alternative C (Reduced)	260	3,399	281	3,768
Alternative D	302	3,948	330	4,419
Alternative E	554	8,468	566	8,609

Notes: ¹ Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space.
² Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected.

Sources: Fehr & Peers, 2011

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 12/5/2023 12:04:24 PM
To: Public Comment <PublicComment@trpa.gov>; Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>
Subject: Email 1 of 2 Public Comment Agenda Item VI.A. APC Mtg 12-6-23 TahoeCleanAir.org
Attachments: [Exhibit 1 - TahoeCleanAir.org Comment TRPA APC Mtg 12-6-23.pdf](#) , [Exhibit 2 - Petition for Writ Mandate 11-29-23.pdf](#) , [Exhibit 3 - Conservation Groups Comments Placer BOS Mtg 10-16-23.pdf](#) , [Exhibit 4 - Public Comment Agenda Item 12 Placer BOS Meeting 10-31-23.pdf](#)

Dear APC Members:

Email 1 of 2

Please make this electronic written public comment, including the Exhibits and attachments in both Email 1 and 2 part of the record in connection with Agenda Item VI.A., of the December 6, 2023 TRPA Advisory Planning Commission meeting.

Agenda Item:

VI. PUBLIC HEARINGS

A. Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

This attached EXHIBITS to this email contain:

- APC Meeting 12-8-23Public Comment Letter
- Placer County Writ of Mandate
- Public Comment Placer County BOS 10-31-23
- Public Comment Four Conservation Groups Placer County 10-16-23 Hearing

See Email 2 of 2 containing additional attachments.

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451



December 5, 2023

EXHIBIT 1

To: Tahoe Regional Planning Agency (TRPA), Advisory Planning Commission

Re: Public Comment TRPA APC Meeting December 6, 2023

Agenda Item:

VI. PUBLIC HEARINGS

A. Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

Note:

APC = TRPA Advisory Planning Commission

EIS/EIR = Environmental Impact Statement / Environmental Impact Report as required by either TRPA or CEQA Regulations

IEC = TRPA Initial Environmental Checklist jointly created by TRPA as the Lead Agency and Placer County, dated October 2023, by Ascent Environmental. The IEC is part of the **746-page** APC Staff Report.

TBAP = Placer County Tahoe Basin Area Plan, its 2016 EIS and its Placer County EIS Addendum commonly known as attachment M, and its subsequent October 31, 2023, Placer County Staff report and erratum, approved by Placer County on October 31, 2023, and currently being considered by the TRPA APC.

CA AG BP's = The California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act.

VHFHSZ = California State Fire Marshal "Very High Fire Hazard Severity Zone," including mapping, of which exist within the entire California planning area of the proposed TRPA project amendments.

WUI = Wildland Urban Interface which exists within the entire California and Nevada planning area of the proposed TRPA project.

Attachments:

This written public comment as well as various attachments are being submitted electronically via email to the APC on 12-5-23. The attachments along with this letter form the basis of TahoeCleanAir.org's opposition to the TRPA adoption of the TBAP. Many of the attachments include on the record written comments to Placer County during their October 16 and October 31, 2023, Public Hearings. Since the TRPA has failed to provide the APC with past substantive and significant public comments from the Placer County hearings on this matter, it is important that the APC be provided this information. Also attached is a copy of the Writ of Mandate against Placer County filed by three conservation groups on November 29, 2023, which is pertinent to this matter.

Dear APC Members:

Please make this electronic written public comment, including emailed attachments part of the record in connection with Agenda Item VI.A. during the December 6, 2023, Area Planning Commission meeting.

TahoeCleanAir.org opposes the adoption of the Placer County TBAP by the TRPA for the following environmental and public safety reasons:

1. The TBAP contains individual and cumulatively significant environmental and public safety effects/impacts.

Therefore, the adoption of the TBAP by TRPA must include a new recirculated cumulative impact EIS/EIR utilizing the best available science and public safety best practices, based on accurate and best available modeling tools. In connection with Article VII(a)(2) of the Compact, the project represents a significant and substantial land use planning matter that may have a significant cumulative environmental and public safety effect on the Lake Tahoe Basin, its residents, and visitors. Therefore, and additionally for the reasons listed herein, per the Bi-State Compact, TRPA regulations and the California Environmental Quality Act (CEQA), TRPA must not only prepare a new recirculated cumulative impact EIS/EIR, but must additionally, due to significant changes and new information since the 2012 Regional plan update, provide a supplemental EIS/EIR to the 2012 Regional Plan EIS/EIR before deciding to approve the project.

2. TRPA's Area Plan adoption of the TBAP represents a new CEQA project process. This, per the recent California Supreme Court case *Union of Medical Marijuana Patients, Inc. v. City of San Diego*.

Based on overwhelming substantial evidence provided, the TRPA as the Lead Agency for Area Plan approval per the IEC, must find that the TBAP "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" and therefore must be classified as a CEQA project, triggering a comprehensive CEQA environmental analyses on the part of the TRPA as the Lead Tahoe Regional Planning Agency. The mere creation of a TRPA IEC is not adequate in this regard and does not fully comply with CEQA.

The TRPA Staff report, including the non CEQA compliant IEC, prepared by Ascent Environmental and dated October 2023, failed to document within a "multi-step decision tree", TRPA's reasoning for foregoing a comprehensive CEQA environmental analyses in connection with Lead Agency TRPA adoption. Therefore, it must be assumed that the TRPA has shirked its responsibilities as required by CEQA and internally determined its project review will be narrowly limited to conducting its own environmental analysis solely under the TRPA Code of Ordinances and Rules of Procedure.

Section 1.1 of the IEC states:

"This Initial Environmental Checklist (IEC) has been prepared pursuant to the requirements of Article VI of the Tahoe Regional Planning Agency (TRPA) Rules of Procedure and Chapter 3 of the TRPA Code of Ordinances (TRPA Code) to evaluate potential environmental effects resulting from implementation of the Placer County Tahoe Basin Area Plan (Area Plan) Amendments".

"TRPA is the lead agency pursuant to the Tahoe Regional Planning Compact (Public Law 96-551), 1980 revision, TPRA Code, and TRPA Rules of Procedure. Chapter 2, "Project Description" presents project details."

3. I refer the APC to TRPA Code of Ordinances - 3.3.2. *Findings for Initial Environmental Checklist*. In this case, the TRPA/APC must **not** base its decisions **solely** on the information submitted in the IEC, but TRPA's decision must also be based **on other information known to TRPA**, "at which time TRPA shall make one of the following findings and take the identified action" (the code then list three alternative actions).

One of the alternative actions listed is 3.3.2 C., states" the proposed project **may** have a significant effect on the environment and an **environmental impact statement shall be prepared** in accordance with this chapter and the Rules of Procedure, Article 6".

Based on significant information contained within this and other written public opposition comment, which is now or has been previously known to the APC and TRPA, any reasonable person would conclude, and the APC must find, that per TRPA Code of Ordnances 3.3.2 C., the proposed project may have a significant effect on the environment and a new cumulative EIS/EIR must be prepared in accordance with this chapter and the Rules of Procedure, Article 6.

4. Findings within the IEC are not based on substantial and accurate evidence, are highly controversial, speculative, arbitrary, capricious, and therefore if adopted will represent a prejudicial abuse of discretion on the part of the TRPA and Placer County.

As an example,

- A. IEC section 3.10 b) is marked NO regarding the question as to whether or not the TBAP amendments would involve possible interference with an emergency evacuation plan?

Based on significant new data driven and substantial evidence discussed in **Attachment B** (Flawed Traffic Data and Assumptions), and the traffic data presented in **Attachment B1**, the 2017 EIS information contained on page 3.1.33 including Table 3-4 and page 3.1.34 of **Attachment C** relating to ease or timing of emergency evacuation, is

significantly inaccurate. This information demonstrates a significant adverse impact on wildfire evacuation and emergency access.

Cal Trans, TRPA and Placer County continue to mislead the public with their claim that associated Placer Highways maintain a per hour, per lane 1,171-traffic count. However, data more accurately shows per lane traffic counts at 632 per hour. (**Attachment B and B1**). Continuing to use flawed and outdated traffic count information on the part of the TRPA and Placer County is dangerous to Public Safety, misleading, arbitrary, and capricious, and the adoption of the TBAP, containing this flawed data would represent a prejudicial abuse of discretion on the part of the TRPA.

Before approving the TBAP, TRPA must require a new cumulative impact EIS/EIR containing updated traffic counts of all TBAP highways as well as a roadway-by-roadway fire evacuation capacity evaluation under a variety of scenarios, including and worse case scenarios, utilizing best achievable modeling tools.

Subjective claims made on Table 3-4 on page 3.1.4 of the 2017 TBAP EIR (**Attachment C**) uses a flawed evacuation estimation of 13,563 vehicles and states:

“A typical travel lane of a two-lane highway can accommodate on the order of 1,800 vehicles per hour. Dividing the total vehicles by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours.” **Note: Based on the yellow highlighted information below, this Placer County equation is dangerously inaccurate and misleading.**

“Because the remaining development potential is” modest,” and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.”

Based on new data provided, and as linked to the following wildfire evacuation timing discussion, the two paragraphs above are significantly flawed, arbitrary, capricious, misleading as to public safety and if the TBAP amendments are adopted based on proven inaccurate data, TRPA will be practicing prejudicial abuse of discretion.

Based on new data driven evidence provided in **Attachments B, B1 and C**, it is apparent that the roadway capacity can easily slip to approximately 632 vehicles per hour in either direction. Under this scenario, using the TBAP EIR calculation process, the time to undertake evacuation would significantly increase from 3.77 hours in either direction, to approximately 10.73 hrs. in either direction. **(13,563 vehicles / 632 vehicles per hour (places evacuation time at) = 21.46 hrs. / 2 in each direction = a 10.73 hour evacuation time in each direction).**

As an additional example of data absent planning, TRPA has failed to capitalize on the opportunity to provide substantial evidence or provide “thresholds of significance” for evacuation times to make such claims. This by failing to utilize modern best available fire model and evacuation capability tools that were not available at the time the 2012 Regional Plan EIR was adopted.

CA AG BPs indicate that the modeling should include scenarios for fires that start **in, near, and far** from the project site, as well as extreme weather conditions that exacerbate fire spread, including wind and slope conditions that are a regular occurrence in the Tahoe Basin.

B. IEC section 3.21 d) Findings of Significance is marked as “less than significant.” This is in connection with whether the project will cause substantial adverse effects on human beings, either directly or indirectly.

The IEC fails to comply with TRPA Code of Ordinances 3.13.2 B states:

The applicant shall describe and evaluate the significance of all impacts receiving "no with mitigation" answers and shall describe, in detail, the mitigation measures proposed to mitigate these impacts to a less than a significant level.

Therefore, while there is discussion provided on Page 3-47 of the IEC, which TRPA indicates that the generation of 650 or more new average daily Vehicle Miles Travelled, is "less than significant" and "no with mitigation", no substantial data or information has been offered by TRPA or Placer County to substantiate these claims. The discussion is therefore arbitrary, capricious, and if adopted will represent a prejudicial abuse of discretion on the part of the TRPA and Placer County.

- C. As a further example, the following comments (Page 3-47 of the Initial Environmental Checklist) are subjective, arbitrary, speculative, highly controversial, and the stated outcomes highly uncertain and would require a "crystal ball" to predict such assumptions.

"Because the Area Plan amendments would further promote concentration of development within Town Centers and improve pedestrian and bicycle infrastructure, and because VMT tends to be lower for projects in Town Centers, which include bicycle and pedestrian infrastructure and residential, commercial, and other use in proximity, the amendments may contribute to a reduction in VMT."

"Because the changes in the proposed Area Plan amendments are not expected to increase traffic generation or trip distances, the proposed Area Plan amendments' effect on VMT within the Tahoe Region would not be substantially different than that which could occur under the existing Area Plan. Therefore, the VMT effects of proposed Area Plan amendments are less than significant."

5. TRPA adoption of the TBAP represents significant revisions to the Placer County housing element General Plan.

Yet, TRPA has failed to discuss the applicability and adherence to current California Government Code Section 65302.15 (a) and (b) which requires Planning Agencies to revise their **Safety Element** of their General Plan "**upon each revision of the Housing Element**" in order to identify new information relating to fire hazards and strategies that was not available during the previous revision of the safety element.

Once the Safety Element complies with the required revision discussed above, the safety element adopted pursuant to subdivision (g) of Section 65302 must be reviewed and updated as necessary to identify evacuation routes and their **capacity, safety, and viability** and evacuation locations **under a range of emergency scenarios."**

Therefore, before approving the TBAP, TRPA must comply with and discuss the regulatory relationship between CA Gov Code Section 65302.15 (a) and (b), including its regulatory role, authority, and 65302's implications in connection with TRPA adoption of the proposals and their impacts on TRPA approved Area Plans within California.

6. TRPA's adoption of the TBAP disproportionately and adversely impacts the safety of vulnerable populations when it comes to wildfire evacuation evaluation under a wide range of scenarios. TRPA ignores and has failed to prioritize, discuss, analyze, and determine safety impacts as a result of its proposals connected with increased density in already dense town centers and mixed-use areas in connection with wildfire evacuation impacts on **1) Persons without private transportation - zero vehicle households 2) Seniors - individuals 65 years and older 3) Persons living below the poverty line 4) Individuals with a disability - Disability status may impact an individual's ability to live independently, including driving a personal vehicle.**

71 out of the 86 persons (or 82.5%), who perished in the Paradise fire were senior citizens 65+ years of age.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

Recent indicators calculate the Lake Tahoe Basin Senior population at approximately 10 percent.

This failure of TRPA and Placer County to provide state of the art fire and evacuation modeling robs planners of data driven public safety planning tool information. This, in order to discuss how a project within already dense

town centers and mixed-use planning areas may exacerbate the risk of wildfire including the safe and effective evacuation of visitors and residents alike in an already human and overcapacity roadway environment.

This includes TRPA's and Placer County failure to provide state of the art evacuation route capacity modeling for those walking and biking during wildfires in, near and outside of town centers and mixed-use areas, as well as wildfire evacuation impacts on those without vehicles, disadvantaged neighborhoods, and vulnerable populations including disabled persons, and seniors.

An EIS/EIR rather than an IES would quantifiably assess these variables and also use state of the art fire and roadway evacuation capacity modeling and other spatial and statistical analyses to quantify the risks to the extent feasible, within already dense town centers and mixed-use areas. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios within already dense town centers and mixed-use project areas. The modeling should include scenarios for fires that start **in, near, and far** from the project site, as well as extreme weather conditions that exacerbate fire spread. (CA AG BPs).

Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project that will admittedly add more people to the wildfire prone areas of already dense town centers and mixed-use areas, and to assess the risks according to the threshold of significance.

As described in the California Governor's Office of Planning and Research (OPR), Fire Hazard Planning Technical Advisory, developments in the WUI increase the number of ignitions, the likelihood that wildfires become urban conflagrations, putting many homes and structures at risk of being damaged or destroyed by a wildfire, and constrain fuel-management activities."

Further, as reflected in the minutes of the **Sept 27th RPIC, Mr. Hester** stated "there's guidance from the California Attorney General on the California Environmental Quality Act work where there is high probability of wildland fires. It would put more dense housing concentrated on evacuation routes is one of the strategies they recommend in California when you are doing a CEQA analysis."

In his statement **Mr. Hester obfuscates** the complete content and intent of the CA AG BP's document with regard to projects in Very High Fire Hazard Severity zones and the Wildland interface, of which exists throughout the California planning area of the Basin, and of which, Wildland Urban Interface (WUI) exists around the entire Lake Tahoe Basin planning area.

The CA AG BP's recommendations are based on three major considerations 1) wildfire ignition risk 2) emergency access, and 3) **evacuation**, and "the extent to which it applies will inherently **vary by project, based on project design and location**".

Increasing roadway and human capacity in an already overcapacity unsafe LOS F evacuation choke point environment must be evaluated first, in order to provide substantial evidence to evaluate whether Mr. Hesters statement would actually add to public evacuation peril impacts.

This statement appears to be related to the fact that "evacuation routes" are assumed by Mr. Hester to operate at a safe unfettered vehicle per hr. capacity during wildfire evacuation. The TRPA fails to discuss or provide substantial evidence regarding recent state of the art traffic study cue data to determine the past, actual and projected vehicle cues for the entire circumference of the proposal area during a wildfire evacuation. As reference, **See Attachment A – Fire Department Professionals Letter and Attachment B - Flawed Traffic Data Assumptions, both presented to the Placer County BOS on 10-16-23.**

This obfuscation appears to be a purposeful one-off-red hearing delivered by Mr. Hester in order to allow the TRPA RPIC and Governing Board an excuse to continue to avoid the creation of an EIS/EIR thereby avoiding a complete discussion of the CA AG BP's content.

This, apparently to avoid TRPA preparation of best practice roadway evacuation capacity evaluation, and to further avoid threshold assessments concerning the timing of evacuations based on various scenarios, as well as

traffic modeling to quantify recent and accurate peak travel times under various likely scenarios (all of which are discussed in the CA AG best practices document).

Among other best practice suggestions, the CA AG BP states: In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.
 - Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.
 - Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on **a threshold of significance** that reflects community-wide goals and standards.
 - In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: **(1)** an adopted emergency operations or evacuation plan; **(2)** a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or **(3)** recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.
7. TRPA adoption of the TBAP, without a new cumulative impact EIS/EIR is a threat to both visitor and resident life safety inside and outside concentrated town centers and mixed-use areas and its adoption without a new cumulative impact EIS/EIS will result in prejudicial abuse of discretion.

Adoption of the project, without first applying the most up to date best practice wildfire planning tools will most likely result in increased wildfire evacuation impacts throughout basin and most predominantly in **“denser”** more concentrated town centers and mixed-use areas which are within Tahoe's wind, slope, and human and roadway overcapacity environment.

This, due to substantial cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks and increased proliferation of tiny homes and ADU's. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and significantly unsafe LOS F intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that **all** business and residential population areas within the basin, including dense concentrated town centers and mixed-use areas exist within the Nevada and California “Wildland Urban Interface”, and specifically on the California side, per the California State Fire Marshal, most of the built environment geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ).

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control. This significantly impacts wildfire evacuation and emergency access. Therefore, as a life safety priority as well as for reasonable and prudent planning, the TRPA must require the most up to date and best life safety wildfire evacuation planning tool be utilized before the project is heard and adopted.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Increased concentrations within town center and mixed-use areas will, most likely serve as wildfire evacuation “choke points.” This, as increased and concentrated “choke point” town center and mixed-use populations, vehicles, and foot traffic compete in a “sudden surge,” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing. (See Attachment A for reference as submitted to the Placer County BOS on 10-16-23)

Body Cam Footage – Evacuation from Paradise

[Police bodycam video shows emergency evacuations during deadly Camp Fire - ABC7 Los Angeles](#)

[Police Bodycam capture Dramatic evacuation from Paradise fire - YouTube](#)

[body cam footage paradise ca fire evacuations at DuckDuckGo](#)

8. The TBAP project represents significant revisions to its regulatory housing element. Yet, TRPA has failed to discuss the applicability and adherence to current California Government Code Section 65302.15 (a) and (b) which requires Planning Agencies to revise their Safety Element of their General Plan “upon each revision of the Housing Element” in order to identify new information relating to fire hazards and strategies that was not available during the previous revision of the safety element.

Once the Safety Element complies with the required revision discussed above, the safety element adopted pursuant to subdivision (g) of Section 65302 must be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios.”

Before approving the TBAP, TRPA must comply with and discuss the regulatory relationship between CA Gov Code Section 65302.15 (a) and (b), including its regulatory role, authority, and 65302’s implications in connection with TRPA adoption of the project and the TRPA approved Area Plans within California. This item alone represents new information since the adoption of the 2012 Regional Plan and therefore requires TRPA to perform a new or subsequent CEQA EIR.

9. Based on the information contained herein and wide public opposition, any reasonable person would conclude that the project is far reaching and may potentially have a significant and substantial effect on the environment and public safety, especially within dense town centers and multi-use areas. This, based on cumulatively significant numbers of amendments, past projects, new information, recent safety and pollution events, and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

Provided here are only a few examples of new information and changes that have been identified since the TRPA 2012 Regional Plan EIS/EIR including:

- Significant new and important life safety planning information contained in the CEQA 2020 California Attorney General Guidance document “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.
- California Government Code Section 65302.15 (a) and (b)
- Significant individual but cumulatively impactful Regional Plan code amendments including significant Short-Term Rental and ADU code change approvals.
<https://www.trpa.gov/regional-plan/code-amendments/>
- Significantly cumulative adverse environmental impacts, including, but not limited to the Caldor fire and so called snowmageddon evacuation debacles, record micro plastics within the lake, dramatic increases in algae, deposits of

herbicides, alarming increases in aquatic invasive species including New Zealand Mud Snails, usage of herbicides within the Lake, huge trash deposits on beaches and significant underwater trash litter, dramatic unsafe overpopulation increases in an already unsafe overpopulation. This cumulatively unsafe population increase is encouraged by TRPA supported and approved cumulative destination attraction projects like the East Shore trail and destination hotels and resorts without adequate human and roadway cumulative impact capacity analysis.

10. The project will increase height, density, coverage, reduce parking and setbacks and significantly increase the proliferation of tiny homes and ADU's within and outside of town centers are:

A) Geographically significant in scope within the Lake Tahoe Basin, potentially adversely affecting the environment and public safety along the North, South, East and West Shores, including dense and concentrated Town centers.

B) Agenda driven, subjective, and fail to provide substantial evidence that the cumulative impact of the proposal, especially within town centers and multi-use areas will result in affordable, achievable or workforce housing. Claims by TRPA in this regard have been based on flawed and incomplete data and current accurate construction costs and free market rate factors and inflation have not been thoroughly considered or discussed. TRPA has failed to provide substantial evidence that the stated outcomes will be achieved and therefore the stated outcomes are highly unlikely and highly controversial. Current evidence runs counter to TRPA stated outcomes.

11. TRPA has failed to discuss alternatives to the proposals offered.

12. TRPA must prepare / require a new or supplemental EIS/EIR to the 2012 Regional Plan and CEQA EIS/EIR must be prepared, circulated, since:

A) The project represents subsequent amendments that involve new significant adverse effects not considered in the 2012 EIS/EIR.

B) Substantial new environmental and safety information within Lake Tahoe's unique environment have occurred within the last 11 years with respect demonstrating basin environmental degradation, decreased public safety in an already unsafe human and roadway overcapacity environment and additionally involve new significant adverse effects not cumulatively considered in the 11-year-old Regional Plan EIS/EIR.

C) TRPA Code of Ordinances Section 3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT states:

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

The proposed far-reaching amendments represent a significant land use planning matter, are not ordinary administrative and operational functions of the TRPA and are not an exempt class. Therefore, an Initial Environmental Checklist (IEC) nor an Environmental Assessment (EA) is inadequate, and TRPA must require a new or subsequent EIS/EIR.

Any reasonable person would conclude that there is a reasonable possibility that the far-reaching project will have a significant effect on the environment and public safety based on the cumulatively significant numbers of amendments, past projects, new information and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

The project is not exempt from preparation of an EIS/EIR under the TRPA Code of Ordinances list of classes of projects that will not have a significant effect on the environment and are not exempt from requiring an EIR under CEQA.

A new and revised EIS/EIR must include the following significant new and best available, best practice evacuation guidance information (not known to the TRPA at the time of the 2012 Regional Plan adoption but known now).

This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine the safety impacts as a result of the project, in connection with wildfire evacuation and emergency access.

<https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

In the interest of prudent life safety wildfire evacuation planning, the TRPA must utilize the best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to evacuation planning. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

The Best Practices guidance document “was based on the California Attorney General’s experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas,” and contains among other critical SAFETY guidelines the following, of which the TRPA fails to discuss in its determinations.

TRPA’s failure to consider and address this new information in a new or subsequent EIS/EIR to the 2012 Regional Plan constitutes a prejudicial abuse of discretion and is contrary to law.

This, since among other new information, the 2012 Regional Plan approval California has experienced a significant increase in wildfires and intensity of wildfires that was not addressed or anticipated in 2012.

The California Attorney General pointed out that eight of the ten largest wildfires in California history have occurred in the past decade. The Attorney General further stated that “the climate crisis is here, and with it comes increasingly frequent and severe wildfires that force mass evacuations, destroy homes, and lead to tragic loss of life. We must build in a way that recognizes this reality.” As discussed by the Attorney General “recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment. of California. More acres of California have burned in the past decade than in the previous 90 years.”

To this end, the Attorney General’s Best Practices provides guidance to local governments for designing “projects in a way that minimizes impacts to wildfire ignition, emergency access, and evacuation, and protect California’s residents and the environment.”

The data and information regarding the increase in intensity of wildfires was not available in 2012 when the TRPA approved the Regional Plan EIS/EIR. As stated by the Attorney General “The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.”

Without the best available and achievable modelling and analysis, these potentially significant impacts are left un-analyzed and without mitigation measures. All of this constitutes new information of significant importance to the TRPA and as such requires a new or subsequent EIS/EIR. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

Given the fact that no similar life safety best practice tool of its kind exists in the region, in order to ensure adequate life safety of residents and visitors alike are given a top priority, TRPA must require that the significantly relevant 2020 Calif Atty General Life Safety Best Practices, be adopted and applied before the project is adopted, including the following elements:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm’s way or displaced, and more structures will burn.
- This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project’s impacts on wildfire ignition risk, emergency access, and evacuation.

- Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.

The best practice guidance includes:

- a) Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- b) Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- c) Evaluation of the project's impact on existing evacuation plans.
- d) Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- e) Traffic modeling to accurately quantify travel times under various likely scenarios.
- f) Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- g) Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.

Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impact.

13. Loss of life and injury to the public and visitors during wildfire evacuation may be substantially more severe than discussed in the 2012 Regional Plan EIS/EIR eleven years ago. This, since TRPA was not aware of this best practice life safety planning tool. However, now that TRPA is aware of this significant life safety planning tool, TRPA must conduct a best practice wildfire evacuation roadway capacity evaluation based on proposed cumulative increases of building height, coverage, density, reduced setbacks, and decreased parking and increased proliferation of tiny homes and ADU's.

Further, TRPA has failed to develop safety, roadway, and human overcapacity thresholds of significance, utilizing the latest data driven and best available technology, since 2012 to do so. Going forward with the project without doing so is negligent.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Caldor Fire Evacuation – Mercury News August 31, 2021

<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

On the California side, failure to provide a new or supplemental EIS associated with the proposed code amendments runs counter to CEQA, Chapter 1: Legislative Intent.

14. The project runs counter to CEQA § 21000. LEGISLATIVE INTENT

The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The proposed code amendments fail to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist TRPA during their environmental public safety review process as connected with code amendment adoption process.

15. The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Provide substantial evidence based on best available technology modeling, to help determine the cumulative human capacity threshold wildland fire evacuation impacts on town centers caused by proposed TBAP increases in height, density, coverage increases safety peril during worst case wildfire evacuation or the extent that incoming emergency service vehicles will be impaired by such increases.
- Discuss the alternative of not adding the current increased height, density, coverage, reduced setbacks to Town centers due to wildfire evacuation constraints from increased human capacity.

16. Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly addresses building evacuation and wildland fire prevention, the codes do not address adequate requirements regarding wildfire evacuation within the Wildland Urban Interface.

In light of this fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, TRPA must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within basin boundaries.

17. Finally, the TRPA continues to claim that it is not their responsibility to create wildfire evacuation plans but to leave that up to the various government entities within the basin.

Regardless of whether or not this is the case, the TRPA has the responsibility to, and must create and adopt basin wide cumulative environmental and safety impact EIS/EIR's which include, in the case of the proposed project, a requirement to apply the most up to date wildfire evacuation planning life safety tool. i.e., the Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects," within a new or supplemental EIS, since the 2012 Regional Plan.

18. The TRPA has failed to adopt human and roadway capacity threshold standards to maintain and equilibrium of public health and safety within the region, especially as it relates to wildfire evacuations.

19. By refusing to take steps to utilize the most up to date wildfire planning and evacuation best practices to analyze basin wide wildfire roadway evacuation capacity, within already unsafe human and roadway overcapacity conditions, simply allows for the continued degradation of public safety during wildfire evacuation, and therefore, the project runs counter to Chapter 2 Land Use Element GOAL LU-3 which states:

*The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to **safeguard the well-being of those who live in, work in, or visit the Region.***

POLICIES:

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.

*LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, **SAFETY, AND WELFARE.***

Conclusion:

Based on the information provided herein, TRPA's adoption of its proposals, without requiring/providing a TRPA and CEQA EIS/EIR, is arbitrary, capricious and would represent a prejudicial abuse of discretion.

Sincerely,

Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation

Registered to do business in the State California 774 Mays Blvd 10-124

Incline Village, NV 89451

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Attorney for Petitioners Friends of
the West Shore, TahoeCleanAir.Org, and
North Tahoe Preservation Alliance

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER

FRIENDS OF THE WEST SHORE;)
TAHOECLEARNAIR.ORG; AND NORTH)
TAHOE PRESERVATION ALLIANCE)
)
Petitioners)
)
v.)
)
COUNTY OF PLACER; PLACER COUNTY)
BOARD OF SUPERVISORS, and DOES 1 to 20,))
)
Respondents)
_____)

Case No. _____

**VERIFIED PETITION FOR
WRIT OF MANDATE**

**[CEQA Claim, Pub. Resources
Code, § 21000 *et seq.*]**

INTRODUCTION

1
2 1. By this action, Petitioners FRIENDS OF THE WEST SHORE,
3 TAHOECLEARNAIR. ORG; and NORTH TAHOE PRESERVATION ALLIANCE challenge
4 Respondents COUNTY OF PLACER and PLACER COUNTY BOARD OF SUPERVISORS’
5 October 31, 2023 adoption of an Addendum and Errata to the Tahoe Basin Area Plan (“TBAP”)
6 Environmental Impact Report; Resolution 2023-257 approving amendments to the Tahoe Basin
7 Area Plan policy document; enactment of Ordinance 6230-B amending the Tahoe Basin Area
8 Plan implementing regulations; and enactment of Ordinance 6231-B amending Placer County
9 Code, Chapter 12, Article 12.08, Section 12.08.020(A).

10 2. Based upon the record before Respondents and the requirements for the
11 preparation of a subsequent or supplemental environmental impact report (“EIR”) Respondents
12 failed to proceed in the manner required by law, and thus approval of the Addendum for the
13 amendments to the TBAP constitutes a prejudicial abuse of discretion, in violation of the
14 California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, and
15 the CEQA Guidelines, Title 14, California Code of Regulations § 15000 *et seq.*

16 3. Substantial changes in circumstances, as well as new information regarding
17 wildfire, increased density, land use, population growth, and cumulative impacts mandate the
18 preparation of a Subsequent/Supplemental EIR prior to approval of the TBAP amendments.

19 4. Affordable housing in the Tahoe Basin is critically low just as it is nationwide and
20 globally. The Tahoe Basin is a tourist-based economy and workforce housing is vitally
21 important to the Basin’s economy. While Petitioners fully support policies that foster true
22 affordable housing to address this shortage and keep workers from having to commute from
23 outside the Basin, the TBAP amendments do not require or guarantee affordable housing or
24 workforce housing, but serve as a Trojan Horse in the name of “Economic Sustainability and
25 Housing” to incentivize developers and those eager to further exploit Tahoe’s scenic beauty for
26 profit.

27 5. The Town Centers in Placer County were set up in the 2016 TBAP EIR with a
28 great deal of community involvement. Placer County’s TBAP amendments, however,

1 incentivize growth outside of Town Centers, which directly conflicts with the 2016 EIR for the
2 TBAP.

3 6. Under the TBAP Amendments a developer may choose between low, moderate
4 and achievable housing with no required percentages of what must be built. Achievable
5 housing, however, has no income cap and is not a recognized category in California. Thus, the
6 amendments do not mandate or require affordable housing, but removes barriers to the
7 development of further housing within the Tahoe Basin. Respondents approved the population
8 increasing amendments without thoroughly evaluating the environmental impacts of the
9 significant modifications to the TBAP through the approval of an Addendum to the 2016 Final
10 EIR for the TBAP.

11 7. In addition to the housing issues, the Tahoe Basin has a significant wildfire and
12 evacuation crisis. Since the County's 2016 approval of the TBAP, California has experienced a
13 significant increase in wildfires and intensity of wildfires that was not addressed or anticipated
14 in 2016. Recent changes in fire frequency, intensity, and location pose an increased threat to
15 the residents and environment of California. The TBAP amendments will facilitate and
16 incentivize growth in the Tahoe basin further exacerbating the risk of wildfire and the
17 evacuation crisis.

18 8. Petitioners seek a determination from this Court that Respondents' approval of the
19 amendments to the TBAP is invalid and void and that the Addendum prepared for the TBAP
20 amendments fails to satisfy the requirements of CEQA, and the CEQA Guidelines, Title 14,
21 California Code of Regulations, § 15000 et seq.

22 **PARTIES**

23 9. Petitioner Friends of the West Shore ("FOWS") is a California nonprofit
24 organization incorporated under the laws of the State of California in 2012. Currently, FOWS
25 has approximately 625 members and subscribers. FOWS work towards the preservation,
26 protection, and conservation of Lake Tahoe's West Shore, the watershed, wildlife, and rural
27 quality of life, for today and future generations. Friends of the West Shore has expressed
28 particular concern for the environment in which its members and subscribers live, including the

1 entire Lake Tahoe basin. They live, work, travel and enjoy recreational activities in Placer
2 County. FOWS, its members and subscribers are adversely affected by Respondents' failure to
3 comply with CEQA in approving the Project. FOWS submitted written comments on the
4 Addendum and the proposed amendments to the TBAP .

5 10. Petitioner TAHOECLEARNAIR.ORG is part of Tahoe Sierra Clean Air Coalition
6 (TSCAC) a 501(c)(3) non-profit organization incorporated in the State of Nevada, doing
7 business as TahoeCleanAir.org, and is registered to conduct business in the State of California.
8 TahoeCleanAir.org works to restore clean air and water, and to preserve all natural resources
9 within the Lake Tahoe basin and Sierra Nevada range including wildlife, beneficial plant and
10 aquatic life, and their habitats, Tahoe Area wilderness; and to expand awareness of adverse
11 cumulative environmental, safety and health impacts resulting from human over-capacity; and
12 to help ensure greater resident and visitor safety during wildfire and winter peril evacuations.
13 TahoeCleanAir.org has expressed particular concern for the environment. TahoeCleanAir.org
14 is adversely affected by Respondents' failure to comply with CEQA in approving the Project.
15 TahoeCleanAir.org submitted written comments on the Addendum and the proposed
16 amendments to the TBAP .

17 11. Petitioner NORTH TAHOE PRESERVATION ALLIANCE is C4 Non-Profit,
18 Nevada Corporation formed in 2007 by local Lake Tahoe residents. North Tahoe Preservation
19 Alliance has over 600 members who live, recreate and work in and around Tahoe Basin,
20 including within Placer County. The Mission of the North Tahoe Preservation Alliance is to
21 preserve the natural beauty and rustic character of the North Shore of Lake Tahoe and to
22 perpetuate an easygoing lifestyle within this wild environment without promoting
23 overdeveloped urbanization of existing commercial areas. The North Tahoe Preservation
24 Alliance was formed after citizens became involved with several proposed and Tahoe Regional
25 Planning Authority endorsed (or approved) projects that did not fit the scale, character, or
26 community interests of the North Shore, and it became clear a non-profit corporation was
27 required for continued citizen's involvement. North Tahoe Preservation Alliance submitted
28 written comments on the Draft EIR and Final EIR.

1 miles. The area includes the communities of Kings Beach/Stateline, Tahoe City, Carnelian
2 Bay, Dollar Point, Sunnyside, Homewood, Tahoe Vista, and Tahoma.

3 **B. THE TAHOE BASIN AREA PLAN**

4 17. The Placer County Board of Supervisors adopted the TBAP on December 6, 2016
5 The TBAP replaced previous community plans, general plans, land use regulations,
6 development standards and guidelines, and plan area statements within the Tahoe Basin portion
7 of Placer County. The TBAP includes a policy document and implementing regulations that
8 serve as the zoning code for the Tahoe Basin portion of Placer County.

9 18. The TBAP sets forth the regulations that implement the Lake Tahoe Regional Plan
10 in the Placer County portion of the Lake Tahoe region.

11 **C. THE PROJECT – AMENDMENTS TO THE TAHOE BASIN AREA PLAN**

12 19. The TBAP amendments purport to focus on process, policy and code enforcement
13 to encourage lodging, mixed use developments, along with a variety of housing types, including
14 workforce housing. The amendments also seek to diversify land uses and increase diversity of
15 businesses and housing types.

16 20. The TBAP amendments implement recommendations set forth in the Economic
17 Sustainability Needs Assessment to facilitate and streamline revitalization projects in the Town
18 Centers and workforce housing throughout North Tahoe.

19 21. The TBAP amendments significantly change policies regarding scenic resources;
20 vegetation, socio-economic, land use, mixed use, Town Centers, community design,
21 redevelopment, and housing.

22 22. The TBAP amendments also significantly changes the TBAP Implementing
23 Regulations to facilitate development particularly in the Mixed-Use Districts and residential
24 districts. For example, in the 21 residential zone districts listed as Preferred Affordable,
25 Moderate, and Achievable Areas, the TBAP amendments allow multifamily and employee
26 housing by right with no use permit if the 100 percent of units are deed restricted to affordable,
27 moderate, or achievable based upon the TRPA Code of Ordinances Chapter 90.

28 //

1 23. The TBAP amendments amend Parts 2.6, 2.7, 3.4, 3.5, 4.3, 4.7 and 8.2 of the
2 TBAP, and Chapters 1, 2, and 3 of the TBAP Implementing Regulations to change policy and
3 code sections aimed at supporting workforce housing, as well as encouraging lodging and
4 mixed-use redevelopment in Town Centers.

5 **D. THE COUNTY’S APPROVAL OF THE PROJECT**

6 24. On August 10, 2023, the Placer County Planning Commission held a public
7 meeting on the proposed amendments to the TBAP and the proposed Addendum to the 2016
8 Final EIR. The Planning Commission voted to recommend approval of the amendments to the
9 TBAP and Addendum.

10 25. On October 16, 2023, the Placer County Board of Supervisors held a public
11 hearing on the proposed amendments to the TBAP and the Addendum. After hearing public
12 comment during the public hearing, the Board continued the matter to October 31, 2023.

13 26. On October 31, 2023, the Placer County Board of Supervisors held a public
14 meeting where it received a staff report responding to the comments submitted by the public
15 and interested parties. Without allowing any public comment during the October 31st Board
16 meeting, the Board took the following actions:

17 a. adopted the Addendum and the Errata to the Tahoe Basin Area Plan
18 Environmental Impact Report;

19 b. adopted Planning Commission Resolution 2023-257 approving
20 amendments to the Tahoe Basin Area Plan policy document;

21 c. adopted Ordinance 6230-B amending the Tahoe Basin Area Plan
22 implementing regulations;

23 d. adopted Ordinance 6231-B amending Placer County Code, Chapter 12,
24 Article 12.08, Section 12.08.020(A).

25 27. On November 1, 2023, Respondents filed a Notice of Determination with the
26 Placer County Clerk as provided by Public Resources Code section 21152.

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28 //

1 **JURISDICTION AND VENUE**

2 28. This Court has jurisdiction over the matters alleged in this Petition pursuant to
3 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
4 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
5 Public Resources Code section 21168.5.

6 29. Pursuant to Code of Civil Procedure section 394(a) venue is proper in this Court
7 because the Respondents are located within the County of Placer.

8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 **AND INADEQUACY OF REMEDY**

10 30. Petitioners have performed any and all conditions precedent to filing the instant
11 action and have exhausted any and all available administrative remedies to the extent required
12 by law.

13 31. Petitioners have complied with the requirements of Public Resources Code section
14 21167.5 by mailing written notice of this action to the Respondents. A copy of this written
15 notice and proof of service are attached as Exhibit A to this Petition for Writ of Mandate.

16 32. Petitioners have complied with Public Resources Code section 21167.6 by
17 concurrently filing a request concerning preparation of the record of administrative proceedings
18 relating to this action.

19 33. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law
20 unless this Court grants the requested writ of mandate to require Respondents to set aside their
21 approval of the Addendum and Errata to the Final EIR and approval of TBAP amendments. In
22 the absence of such remedies, Respondents' approval will remain in effect in violation of State
23 law.

24 34. This action has been brought within 30 days of Respondents filing of the Notice of
25 Determination as required by Public Resources Code section 21167(c).

26 **STANDING**

27 35. Because Petitioners' and their respective members' aesthetic and environmental
28 interests are directly and adversely affected by the Respondents' approval of the Project, and

1 because they participated at every phase of the process by submitting oral and written
2 comments, Petitioners have standing to bring this action.

3 **CAUSE OF ACTION**
4 **(Violation of the California Environmental Quality Act)**

5 36. Petitioners reallege and incorporate by reference Paragraphs 1 through 35,
6 inclusive, of this Petition, as if fully set forth below.

7 37. “At the ‘heart of CEQA’ [citation] is the requirement that public agencies prepare
8 an EIR” (*Friends of College of San Mateo Gardens v. San Mateo County Community*
9 *College Dist.* (“*San Mateo Gardens*”) (2016) 1 Cal.5th 937, 944 (“The purpose of the EIR is ‘to
10 provide public agencies and the public in general with detailed information about the effect
11 which a proposed project is likely to have on the environment; to list ways in which the
12 significant effects of such a project might be minimized; and to indicate alternatives to such a
13 project.’ [Citation.]” (*Ibid.*) “The EIR thus works to ‘inform the public and its responsible
14 officials of the environmental consequences of their decisions before they are made,’ thereby
15 protecting ‘not only the environment but also informed self-government.” [Citations.]” (*Id.*
16 at 944-945, italics omitted.)

17 38. CEQA requires supplemental environmental review when substantial changes to a
18 project or its circumstances require new lead agency approvals that in turn require major
19 revisions to a prior CEQA documents due to new unstudied environmental impacts. (Pub.
20 Resources Code, § 21166(a); CEQA Guidelines, § 15162(a)(1); *Concerned Citizens of Costa*
21 *Mesa v. 32nd Dist. Agricultural Association* (1986) 42 Cal.3d 929, 932, 935-936.) “Section
22 21166 provides that “no subsequent or supplemental environmental impact report shall be
23 required” unless at least one or more of the following occurs: (1) “[s]ubstantial changes are
24 proposed in the project which will require major revisions of the environmental impact report,”
25 (2) there are “[s]ubstantial changes” to the project's circumstances that will require major
26 revisions to the EIR, or (3) new information becomes available. (*Friends of College of San*
27 *Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 945.)

28 //

1 39. New information triggers a supplemental EIR to inform an agency’s new
2 discretionary project approval if it (1) was not known and could not have been known at the
3 time the initial EIR was certified as complete for an original project, (2) the information shows
4 new or substantially more severe significant impacts, or demonstrates the feasibility of
5 important mitigation measures or alternatives previously found infeasible, or discloses
6 important new mitigation measures or alternatives, and (3) the new information is of substantial
7 importance to the project. (Pub. Resources Code § 21166(c); CEQA Guidelines, §15162(a)(3).)

8 40. If one of the conditions described in section 21166 (and Guidelines section
9 15162(a)) applies, the lead agency must prepare either a subsequent EIR or a supplemental EIR.
10 If major changes are required to make the previous EIR adequate, the agency must prepare a
11 subsequent EIR. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126
12 Cal.App.4th 1180, 1199-1200.) If only minor additions or changes are necessary to make the
13 original EIR adequate, the agency may prepare a supplement to the EIR. (*Id.* at 1200; see also
14 CEQA Guidelines, § 15163(a).) An addendum to an EIR is appropriate to document an
15 agency’s determination that a subsequent EIR or a supplemental EIR is not required. (*San*
16 *Mateo Gardens, supra*, 1 Cal.5th at 946; CEQA Guidelines, § 15164(a).)

17 **A. WILDFIRE AND WILDFIRE EVACUATION**

18 41. Since the 2016 approval of the TBAP, California has experienced a significant
19 increase in wildfires and intensity of wildfires that was not addressed or anticipated in 2016.
20 This new information is discussed in the California Attorney General’s October 2022 *Best*
21 *Practices for Analyzing and Mitigating Impacts of Development Projects Under the California*
22 *Environmental Quality Act*. The Attorney General pointed out that eight of the 10 largest
23 wildfires in California history have occurred in the past decade. The Attorney General further
24 stated that “the climate crisis is here, and with it comes increasingly frequent and severe
25 wildfires that force mass evacuations, destroy homes, and lead to tragic loss of life. We must
26 build in a way that recognizes this reality.” As discussed by the Attorney General “[r]ecent
27 changes in fire frequency, intensity, and location pose increasing threats to the residents and
28 environment of California. More acres of California have burned in the past decade than in the

1 previous 90 years.” To this end, the Attorney General’s Best Practices provides guidance to
2 local governments for designing “projects in a way that minimizes impacts to wildfire ignition,
3 emergency access, and evacuation, and protect California’s residents and the environment.”
4 That data and information regarding the increase in intensity of wildfire’s was not available in
5 2016 when the County approved the TBAP. As stated by the Attorney General “The changing
6 nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts,
7 the number of Californians displaced—is a worsening crisis that will unfortunately be part of
8 California’s future.”

9 42. Respondents failed to consider the new information and changed circumstances
10 regarding wildfires and wildfire evacuation since the certification of the 2016 Final EIR. The
11 Final EIR failed to substantively address wildfire and emergency evacuation. Such failure was
12 due in part to the lack of information available at that time, including the lack of modeling tools
13 that are now available. Also, the changing of housing types and density will effect emergency
14 evacuation. Without modelling and analysis these potentially significant impacts are left un-
15 analyzed and without mitigation measures.

16 43. While Level of Service is no longer analyzed under CEQA, traffic congestion
17 becomes a public safety issue if there is a need for an emergency evacuation. A real possibility
18 in a very high Fire Hazard Severity Zone, such as the area that comprises the TBAP. Since
19 certification of the 2016 Final EIR and approval of the TBAP, the capacity of State Route 28
20 has significantly decreased as Caltrans reduced it from four lanes to two lanes with roundabouts
21 in Kings Beach. The reduced capacity of State Route 28 and gridlock associated with the
22 reduced capacity during a wildfire means that emergency vehicles will be delayed and
23 evacuations cannot be safely implemented in places such as Incline Village. Given that these
24 significant impacts to traffic and evacuations occurred subsequent to the 2016 approval of the
25 TBAP, CEQA mandates that the County address them in a supplemental or subsequent EIR.

26 44. As this new information and data regarding wildfires and wildfire evacuation in
27 California was not available at the time of approval of the TBAP, the County’s failure to
28 consider it and address it in a subsequent EIR constitutes a prejudicial abuse of discretion and is

1 contrary to law. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

2 **B. LAND USE**

3 45. The amendments to the TBAP add different types of housing where they did not
4 exist before. The change in the land use comes with no minimum parking requirements that
5 will result in traffic and air quality impacts that were not previously address. While level of
6 service is no longer an impact under CEQA, as discussed above, increased traffic congestion
7 during an emergency evacuation creates a significant impact to public safety.

8 46. The TBAP amendments' significant changes to land use patterns and parking
9 requirements constitutes substantial changes and along with the change circumstances may have
10 significant environmental impacts. These significant impacts were not addressed in the 2016
11 Final EIR and thus, require the preparation of a supplemental or subsequent EIR. (Pub.
12 Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

13 **C. CUMULATIVE IMPACT ANALYSIS**

14 47. A number of new projects that are slated for development were not included in the
15 2016 Final EIR's analysis. This new information was not available at the time the County
16 certified the Final EIR and the record indicates that the TBAP Amendments may have
17 significant cumulative impacts that need to be addressed through a subsequent EIR. (Pub.
18 Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

19 **D. SUBSTANTIVE CHANGES IN GROWTH**

20 48. Since Respondents' certification of the 2016 Final EIR and approval of the TBAP,
21 substantive and unforeseeable changes in growth have occurred within the Project area and
22 vicinity. These changes in growth are in part due to COVID and the significant increase in
23 tourism, particularly from the Bay Area. Additionally, the recent and unforeseen growth in
24 Truckee and the significant increase in the populations of Reno and Carson City all have
25 significantly impacted the Tahoe Basin, including Lake Tahoe. These substantial changes to
26 the Project's circumstances were not addressed in the 2016 Final EIR. Additionally, the
27 unexpected growth, due in part to COVID, constitutes new information that affects traffic, air
28 quality, noise, wildfires and evacuation. All of which CEQA requires to be addressed in a

1 subsequent or supplemental EIR. (Pub. Resources Code, § 21166(c); CEQA Guidelines, §
2 15162(a).)

3 51. Based upon each of the foregoing reasons, Respondents' failure to prepare a
4 subsequent or supplemental EIR is contrary to law and constitutes a prejudicial abuse of
5 discretion in violation of CEQA in approving the Project.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioners pray for judgment as follows:

8 That this Court issue a peremptory writ of mandate ordering Respondents to:

9 a. Vacate and set aside the following approvals:

10 i. Addendum and the Errata to the Tahoe Basin Area Plan
11 Environmental Impact Report;

12 ii. Resolution 2023-257 approving amendments to the Tahoe Basin
13 Area Plan policy document;

14 iii. Ordinance 6230-B amending the Tahoe Basin Area Plan
15 implementing regulations;

16 iv. Ordinance 6231-B amending Placer County Code, Chapter 12,
17 Article 12.08, Section 12.08.020(A).

18 b. prepare, circulate and consider a subsequent or supplemental EIR for the
19 Project;

20 c. suspend all activity that could result in any change or alteration to the
21 physical environment in the Project site until Respondents have taken such actions as may be
22 necessary to bring their determination, findings or decision regarding the Project into
23 compliance with CEQA;

24 2. For Petitioners' costs associated with this action;

25 3. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure §
26 1021.5; and

27 4. For such other and further relief as the Court may deem just and proper.

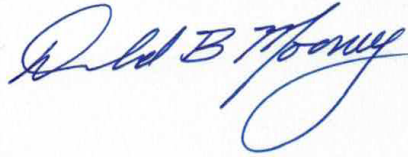
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Dated: November 29, 2023

Respectfully submitted,

LAW OFFICES OF DONALD B. MOONEY

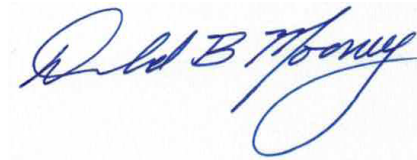


By _____
Donald B. Mooney
Attorney for Petitioners Friends of
the West Shore, TahoeCleanAir.Org, and
North Tahoe Preservation Alliance

VERIFICATION

I am the attorney for Petitioners Friends of the West Shore, TahoeCleanAir.Org, and North Tahoe Preservation Alliance. Petitioners are located outside the County of Yolo, State of California, where I have my office. For that reason, I make this verification for and on Petitioners' behalf pursuant to California Code of Civil Procedure section 446. I have read the Verified Petition for Writ of Mandate and know its contents. The matters stated in it are true and correct based on my knowledge, except as to the matters that are stated therein on information and belief and as to those matters, I believe them to be true.

I declare under penalty of perjury that the above is true and correct. Executed this 29th day of November 2023, at Davis, California.



Donald B. Mooney

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EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-304-2424

dbmooney@dcn.org

November 29, 2023

***VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL***

mwood@placer.ca.gov

Megan Wood
Clerk of the Board
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

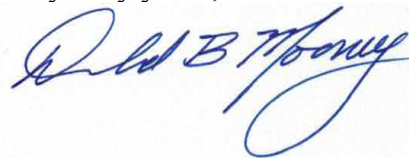
Re: NOTICE OF INTENT TO FILE CEQA PETITION

Dear Ms. Wood:

Please take notice that under Public Resources Code section 21167.5, that Petitioners Friends of the West Shore; TahoeCleanAir.Org and North Tahoe Preservation Alliance intend to file a petition for Writ of Mandate in Placer County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, against the County of Placer and the Placer County Board of Supervisors. The Petition for Writ of Mandate challenges the Board of Supervisors' October 31, 2023 adoption of an Addendum and Errata to the Tahoe Basin Area Plan ("TBAP") Environmental Impact Report; adoption of Planning Commission Resolution 2023-257 approving amendments to the Tahoe Basin Area Plan policy document; enactment of Ordinance 6230-B amending the Tahoe Basin Area Plan implementing regulations; and enactment of Ordinance 6231-B amending Placer County Code, Chapter 12, Article 12.08, Section 12.08.020(A).

The Petition for Writ of Mandate will request that the court direct Respondents to vacate and rescind approval of the Addendum, Resolution 2023-257, and Ordinances 6230-B and 6231-B. Additionally, the Petition will seek Petitioners' costs and attorney's fees associated with this action.

Very truly yours,



Donald B. Mooney
Attorney for Petitioners
Friends of the West Shore;
TahoCleanAir.Org and North Tahoe
Preservation Alliance

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Blvd, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On November 29, 2023, I served a true and correct copy of as follows:

NOTICE OF INTENT LETTER DATED NOVEMBER 29, 2023

X (by electronic mail) to the person at the electronic mail address set forth below:

X (by overnight delivery service) via Federal Express to the person at the address set forth below:

Megan Wood
Clerk of the Board
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603
mwood@placer.ca.gov

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2023 at Davis, California.



Donald B. Mooney



Date: October 12, 2023

RE: Public Comment - October 16, 2022, Placer County Board of Supervisors Public Hearing – Agenda Item 3. Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments

EEPEP = Placer County 2015 Eastside Emergency Preparedness and Evacuation Plan (EEPEP)

EIR = 2016 Placer County Certified Environmental Impact Report, adopted January of 2017 by the TRPA

EIR ADDENDUM or ADDENDUM = Current Placer County proposed EIR addendum

LOS = Loss of Service

PROPOSED CHANGES = Proposed Placer County amendment to the Placer Tahoe Basin Area Plan

TRPA = Tahoe Regional Planning Agency

TBAP = Placer County Tahoe Basin Area Plan

THE COUNTY = Placer County

Dear Placer County Board of Supervisors:

The following comments are provided by the undersigned Conservation Groups concerning the TAHOE BASIN AREA PLAN (TBAP) proposed AMENDMENTS (PLN22-00490) AND ADDENDUM # 1 to the previously certified December 6th, 2016, by Placer County and adopted January 25, 2017, by TRPA, TAHOE BASIN AREA PLAN ENVIRONMENTAL IMPACT REPORT (EIR)

Per the information provided below, including Attachments A, B, C, D, E, F and G, the County must provide a subsequent EIR to the TBAP.

Pursuant to CEQA Guidelines § 15164, an addendum can be prepared to a previously certified Final EIR by a Lead Agency or a Responsible Agency when changes or additions are needed, but these changes or additions must not trigger conditions requiring preparation of a subsequent EIR. Addendums are only appropriate for inclusion of minor technical changes or additions, which is not the situation in this case. § 15164 states that an addendum can be used “if some changes or additions are necessary but **none of the conditions** described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (emphasis added) As this letter will show, at least

one of the conditions in § 15164 has most definitely occurred.

https://www.califaep.org/docs/CEQA_Handbook_2023_final.pdf

CEQA was enacted in 1970 to ensure that public agencies consider the potential environmental impacts of their decisions before making them. CEQA was enacted to protect California's unique and diverse environment by ensuring that projects (policies) are carefully evaluated for the potential impact on the environment. CEQA also promotes transparency and public participation in the decision-making process.

CEQA was designed to help ensure careful environmental analysis for potential significant impacts.

Section 15162 states the following basis for triggering a subsequent EIR: "New 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 or the Negative Declaration was adopted, show any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR.
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The proposal approving changes under an EIR Addendum is improper due to the significant number of changes that occurred that were not analyzed within the 2017 EIR. A subsequent EIR should be developed. The Addendum's conclusion that the proposed TBAP amendments "would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant impacts beyond those analyzed in the previously certified EIR certified in 2016" is not substantiated by facts or evidence and is therefore an arbitrary and capricious conclusion not compliant with CEQA. **Additionally:**

1. The County failed to provide substantial evidence to reach the conclusion that the proposed TBAP amendments "would not result in new significant environmental effects or a substantial increase in the

severity of previously identified significant impacts beyond those analyzed in the previously certified 2016 EIR and adopted 2017 EIR”.

2. The forty-three policy changes and eighteen regulation changes as part of the TBAP amendments are cumulatively substantial and cannot be approved without a substantive cumulative impact analysis and subsequent environmental review under CEQA.
3. The 2017 EIR and proposed EIR Addendum fails to consider, discuss, and analyze “collective” (cumulative) area wide effects from proposed increased height, density, coverage and increased human capacity. This includes cumulatively substantial adverse environmental effects, as well substantial effects on residents and visitors during wildfire evacuation and therefore runs counter to CEQA, § 21002.1.(d) i.e. USE OF ENVIRONMENTAL IMPACT REPORTS; POLICY (d) i.e. the lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project. (See **Attachments A and H**).

Based on significant new data driven and substantial evidence discussed in **Attachment B** (Flawed Traffic Data and Assumptions), the 2017 EIS information contained on page 3.1.33 including Table 3-4 and page 3.1.34 of **Attachment C** relating to ease or timing of emergency evacuation, is most likely significantly inaccurate. **This demonstrates a significant adverse impact on wildfire evacuation and emergency access.**

As an example, Table 3-4 on page 3.1.4 of the 2017 TBAP EIR (**Attachment C**) uses an evacuation estimation of 13,563 vehicles and states:

*“A typical travel lane of a two-lane highway can accommodate on the order of **1,800 vehicles per hour**. Dividing the total vehicles by 1,800 per egress point over two egress points (and assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours.”*

Because the remaining development potential is “modest”, and there is no evidence to suggest that the project would adversely affect ease or timing of emergency evacuation, and that there is no discernable difference between future project conditions and no project conditions, the impact would be less than significant.

Based on new data driven evidence provided in **Attachment C**, it is apparent that the roadway capacity can easily slip to approximately 632 vehicles per hour in either direction. Under this scenario, using the TBAP EIR calculation process, the time to undertake evacuation would significantly increase from 3.77 hours in either direction, to approximately 10.73 hrs. in either direction. (13,563 vehicles / 632 vehicles per hour = 21.46 hrs. / 2 in each direction =10.73 hours in each direction).

Based on the retired fire professional's expert *opinions* expressed within signed **Attachment A**, we do not agree with the following bullet item comments contained in the 2017 EIR (**Attachment C**). Further, the comments below are controversial, speculative, subjective and agenda driven and not based on substantial data:

- In an emergency situation requiring evacuation, roadways and intersections would likely be controlled by emergency personnel, which would implement measures designed to maximize roadway capacity in the outbound direction, including converting lane directions.
 - As discussed therein, the project would not cut off or otherwise modify any existing evacuation routes.
 - The Placer Operational Area East Side Emergency Evacuation Plan ... addresses all elements of emergency response and evacuation.
 - The proposed project would have a less-than-significant effect on emergency access and evacuation in the Plan area.
 - Placer County maintains a **comprehensive** emergency evacuation plan.
 - There is no evidence to suggest that implementation of the proposed project would have a substantial effect on emergency access or evacuation.
 - The vehicle evacuation, **assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity.**
4. The County must provide a corrected accounting that includes a discussion of the topics and entitlements as described in **Attachment D**, including an analysis of their environmental impacts with updated numbers, before more TBAP or TRPA Regional Plan amendments go forward.
5. Placer County's growth management cap discussions, mentioned throughout the TBAP, are not based on substantial evidence. The TRPA Cumulative Accounting Dashboard fails to adequately describe

TRPA's cap on development. The document has numerous omissions and inconsistencies and obfuscates the real facts (**See Attachment D**).

The Addendum to the EIR seems to say that the inspiration for the changes to the Tahoe Basin Area Plan is the lack of development under the existing plan. It seems clear that the purpose of the project is to increase development which inevitably brings more travel and more travel-related impacts (air quality, GHG, energy, VMT etc.).

The TBAP language is, "In this case, no changes are proposed to the regional growth control system. Therefore, the total development potential within the plan area would not be affected by the amendments."

Placer County is changing the plan and causing more growth than occurs under the current plan. The allusion to future project review is not sufficient. These impacts of the plan must be analyzed when the plan is adopted.

County narrative about how these changes would help achieve already adopted goals is pointless. The impacts do not disappear because the project serves existing goals.

6. The 2017 EIR, proposed Code changes and proposed EIR Addendum, **run counter to CEQA**, Chapter 1: Legislative Intent, by failing to identify critical population capacity thresholds within Town Centers and adjacent mixed-use areas, and prevent such critical thresholds from being reached. Critical population centers in this case represent dense town centers and adjacent mixed-use areas which serve as critical "**choke points**" during a wildfire evacuation. (**See Attachments A**).

CEQA 21000, Chapter 1 (d) *The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and **SAFETY** of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.*

Resident and visitor populations within each of the more densely populated town centers and mixed-use areas individually and cumulatively represent **significant concentrated populations**.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP **built** environment,

including concentrated town centers and mixed-use areas are, per the California State Fire Marshal, classified as a **Very High Fire Hazard Severity Zones (VHFHSZ)**, and within or adjacent to the “**Wildland Urban Interface Defense Zone**”.

https://osfm.fire.ca.gov/media/nl1ndqjj/fhsz_county_sra_11x17_2022_placer_2.pdf

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control significantly and adversely impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas. (**See Attachments A & B**).

7. The EIR failed to analyze and discuss the significant adverse evacuation impacts and emergency access from planned “road diet” lane reductions and the additionally planned single lane roundabout at the intersection at SR 267 and Hwy 28.
8. The EIR addendum failed to include any discussion whatsoever of the significantly cumulative environmental and safety effects from increased traffic from the now international destination, and National Scenic Byway East Shore Trail.

The trail was placed in service after the 2017 EIR in June 2019. This represents a significant new circumstance which may impact the environment and wildfire evacuation within the TBAP planning area. This, as East Shore trail visitors access and egress the new trail from one of only three highway options, one of which includes the planning area from Brockway Summit along Hwy 267 and SR 28 both East and West impacting the more densely populated Kings Beach Town Center. Densely populated Town Centers represent potential “choke points” during wildfire evacuation (**See Attachment A**).

In connection with the East Shore Trail, the County failed to analyze, discuss, or include a discussion regarding the cumulative environmental effects from increases in greenhouse gas emissions (GHG), Vehicles Miles Traveled (VMT), and sediment deposits due to increased roadway particulates, as well as the cumulatively significant adverse effects on wildfire evacuation and emergency access. This, in connection with significant increases in vehicles accessing and egressing Hwy 267 and 24 including through the Kings Beach town center.

9. The County failed to consider new information of critical and substantial SAFETY importance, pertaining to wildfire evacuation planning since the 2017 EIR, including the October 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.

<https://oag.ca.gov/system/files/attachments/pressdocs/Wildfire%20guidance%20final%20%283%29.pdf>

The California AG Guidance information discussing best practices for wildfire **evacuation** planning was not known and could not have been known with the exercise of reasonable diligence at the time the 2017 EIR was certified as complete.

10. The County failed to provide substantial evidence to make the following conclusions regarding Wildfire Risks and evacuation: **(See Attachment A)**.

- *“While concern about wildfire and emergency evacuation from the Plan area is an acknowledged and legitimate concern, the notion that the project—defined as the Tahoe Basin Area Plan and Tahoe City Lodge—would exacerbate existing conditions with respect to emergency evacuation is not supported by facts.”*
- *...“ operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact” (Area Plan EIR pg. 18-23).*
- *...the TBAP “could result in a modest increase in the number of visitors in the plan area, and thus, the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”*

11. A new environmental analysis is required for the Tahoe Basin Area Plan because Placer County failed to properly vet “achievable” housing deed restrictions with the public and the term remains poorly defined. “Achievable” is a construct made up in 2018. In the Placer County’s Tahoe Basin Area Plan, the 2016 EIR and the 18-page 2023 Addendum to the previously certified Environmental Impact Report fail to adequately describe the “achievable” concept and its environmental impacts **(See Attachment E)**.

12. The additional discussion items below continue to demonstrate the need for a subsequent cumulative impact EIS. This includes a required analysis based on substantial data concerning the cumulative impact of the proposed TBAP changes.

Additional Discussion (also see Attachment G for comments from former TRPA Planners)

There have been substantive changes in growth since the 2016 Certified EIR including since covid (2020), which have not been addressed by your staff, including new substantive information, and changed environmental conditions since the 2016 certified EIR.

The following proposed changes could result in a significant impact and have not been thoroughly analyzed based on substantial data:

- No parking minimums for commercial, multi-family, and retail, significantly impacting town centers including neighborhoods and businesses.
- Increased density for multi persons per acre zoning from 25 persons per acre to 62 persons per acre,
- Conversions of CFA to multiple family and TAU's to mimic TRPA programs.
- Inclusion of all housing types in plan areas where they were not all considered previously.
- Requested modification of TRPA thresholds related to scenic standards.
- Exemptions to groundwater interception,
- Reduction of rear setbacks between commercial and residential properties,
- Streamlining or allowing "by right" projects involving housing, hotels, retail, and other uses eliminates public review.

The amendments allow luxury single family condominium projects into Town Centers with an affordable component, reduction of lot sizes to accommodate smaller and denser building sites, tiny homes, ADU's and Junior ADU's.

The changing natural environment resulting from the current pollution of Lake Tahoe from micro plastics, lead from cables, Cyanobacteria toxic algae (Harmful Algal Blooms), and invasive species, were not considered/mitigated in the eighteen-page amendment package or addressed in the certified EIR.

The newest concern as reported by TRPA September 23, 2023, is the New Zealand Mud snails never seen in Tahoe until now.

The addition of new projects not previously planned/named in the 2016 EIR are also significant and need to be evaluated cumulatively.

The amendment package should have included a current traffic analysis post covid, analyzing the SAFETY and environmental impacts of growth and gridlock resulting from summertime July and August construction (new since 2017). This then resulting in unsafe wildfire evacuation due to level of service (LOS) F impacts for more days of the year than initially represented, which could have significant impacts on quality of life, including Idling cars which produce pollutants adversely impacting the environment as well as adverse safety wildfire evacuation effects (See Attachments B and C).

The increase of tourism from the Bay Area, Truckee growth, and doubling of Reno and Carson City population all have impacts on the basin that have not been analyzed. (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation), and a proliferation of Short-Term Rentals (STR's) 3,400 active permits in eastern Placer County alone, are changes from 2016 conditions.

There is no one project that is part of the amendments however, the amendments enable many projects to be allowed either "by right" or with streamlining virtually eliminating environmental review which is contrary to the County stating that *"the TBAP Amendments would require future projects within the plan area to be reviewed pursuant to CEQA and TRPA requirements through a project specific environmental review which would include required mitigation measures for any significant environmental effect."* How can a project be reviewed through

CEQA if the County deems it is exempt from review and allowed “by right”? Hotels, motels, restaurants, building materials and hardware stores, repair services etc. currently require public notice and CEQA review. Under the amendments many of these uses would not have any or a very scaled down review.

Placer County is relying on an “*Envision Tahoe*” report obtained by the Tahoe Prosperity Center (TPC) as a basis for the TBAP amendments to conclude that impacts will not be significantly increased by the actions it is taking. This claim is unsupported by substantial evidence based on the potential changes and impacts as referenced above.

TPC relied on old data (2020) and disputable conclusions. The Sacramento firm, ICS, LLC, the third party that they hired is primarily a PR and crisis management firm. There is little mention of Tahoe’s environment in the report. The amendments are also driven by the *Economic Sustainability Needs Assessment* and the *Resort Triangle Transportation Plan*, as the County has not achieved the growth and redevelopment that they would like to see within our communities.

The County must also complete a cumulative impacts analysis that includes the above effects as well as the large number of projects that are slated for development and have not been included in the 2016/2017 EIR. These include but are not limited to: i.e., Tahoe Inn, Cal-Neva redevelopment, 39 Degrees, Neptune Investments, Kings Beach Lodge, Jasons, Ferrari/Laulima, Dollar Creek Crossing, Boatworks Redevelopment, Palisades, and Martis Valley West. (**Attachment F**).

In addition, there should be a complete review and accounting of the mitigation measures that have not been completed from past projects and required as part of the 2017 EIR in order to implement the existing TBAP before any new amendments are allowed.

Furthermore, basing these amendments on an economic study, whose conclusions are entirely subjective and provide little if any evidence for its claims, is unacceptable, particularly due to its effects on Lake Tahoe, a nationally treasured lake.

LAND USE

CEQA requires that all affected stakeholders should be represented in any public participation process. The amendments were proposed with no input from the 35 original plan team members who spent four years crafting the TBAP. These developer and tourist driven amendments are the result of the County consulting with a handful of people representing tourism, and developers including the (North Lake Tahoe Resort Association, The North Tahoe Business Association, The Downtown Association, The Prosperity Center) leaving the entire rest of the community out of the process.

In a general plan process, the entire community is involved. Stakeholder groups may include: • Community and neighborhood groups • Environmental groups, School districts, charter schools, and county offices of education • Transportation commission’s • Utilities and public service providers. The Planning Commission approved the amendments August 10th, with no regard to the 60 business, environmental groups, and community members, or the North Tahoe Public Utility District (NTPUD) board member that told the commissioners that infrastructure is limited in the Kings Beach grid with not enough fire hydrants and that more analysis is needed before the

TBAP amendments should be approved. Amendment that would create smaller lots and denser conditions. What is the point of public input if it is ignored?

Land use patterns are proposed to be changed by TBAP amendments by adding different types of housing where they did not exist before. i.e., housing in industrial areas and adding multi-person zoning into areas previously zoned for multiple family dwellings. Reduction of lot sizes results in more compact development and changes to the built environment. There was no explanation of why certain areas in the TBAP did not originally include all types of housing in each community to begin with. The inclusion of multi person comes with a density increase- from 25 persons to 62 persons per acre in all areas allowing multiple family and employee housing from Kings Beach to Tahoma. This increase with no parking minimums has not been analyzed but is based on a weak argument that it is compatible in scale to multiple family development density allowances. The parking and traffic impacts would be quite different in a comparison analysis of both housing types.

No minimum parking requirements for commercial and other housing, retail and hotel projects will most likely cause further unsafe congestion, traffic, and air quality impacts to not only densely populated town centers but also our surrounding residential neighborhoods as it is unrealistic to expect that people will not have cars, especially our workers. i.e., the plumbers, electricians, construction workers, teachers, hospital workers, as well as ski area employees etc. As stated previously people will park their cars in neighborhoods and on the street.

Palisades reports that 50% of their 3,000 employees have cars. 100% of their professional employees have cars. TRPA reports in their own housing initiatives that 66 % of the employees have 1 car and that 4 % do not have cars. Dollar Hill Apartments has 17 affordable 350 sf to 625 sf apartments and 25 parking spaces which the manager says is not enough and car shifting during winter months is a daily activity.

LAND COVERAGE:

According to the Placer County addendum- "The Area Plan EIR concluded that the TBAP's effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers resulting in environmental gains, and that it would not adversely effect the development pattern or land uses within the plan area and the TBAP would preserve open space and accelerate the pace of SEZ restoration with the plan areas".

Where is the evidence that more open space has been preserved and that accelerated SEZ restoration has resulted from either the existing TBAP or will happen with the proposed amendments? There is no requirement that entitlements and land coverage transfers come from outside Town Centers or that SEZ land be restored. Additionally, by reducing setbacks how does this preserve open space? In fact, the built environment will appear more congested with smaller lot sizes allowing 15-unit acre densities. Open space preservation? This is not explained but is a subjective comment not based on accounting.

PIECEMEILLING

Placer County says that piecemealing is not occurring because the amendments are not specific projects however, this first step voted in by Placer County leads the way for the Tahoe Regional Planning Agency (TRPA) to solidify their proposed new development code changes that will forever change the character and quality of life of our nature based, charming, rustic, and artistic communities. To retract the building heights and mass out of the amendments and allow it to come back later through TRPA code changes is also completely disingenuous

even though there is no specific project at this time driving the changes. It also creates piecemeal planning issues for Placer County and TRPA in the future when developers come in one at a time to request changes for more height and more mass.

SHORT TERM RENTALS

The impacts from 3,900 Short Term Rental permits have not been individually or cumulatively analyzed in previous environmental documents. The TRPA Basin Carrying Capacity identifies in their cumulative impact studies the remaining entitlements for residential units and tourist accommodation units yet the conversion of single-family dwellings to tourist accommodation or short-term rentals with all of the ensuing impacts of traffic, excessive noise, parking conflicts, neighborhood impacts, and reductions in available workforce housing, has not been analyzed. If each STR needed a TRPA Tourist Accommodation Allocation (TAU) then the TRPA carrying capacity in the Tahoe Basin would be far exceeded.

Short-Term Rentals have also impacted on the workforce housing resulting in a potential loss of up to 600 homes for families based on studies worldwide stating that 10-15% of the STR's would be rented to the workforce if they were reduced or did not exist. Pew Charitable Trusts and the Harvard Business Review (HBR) have published research showing a correlation between the number of short-term rentals and the quantity of affordable housing units decrease. The effect of STR's has also been to increase rents by as much as 20% and increase housing prices up to 14% as it is big business to rent homes short term.

The Town of Truckee has 1,550 STR's for a population of 20,000 people, and there is a mandatory waiting period of a year before an entitlement can be applied for. This eliminates the investment as the only reason for home purchase and the amount of STR's is far lower than other locations around the lake thus offering opportunities for the workforce to rent second homes).

Breckenridge, Boulder, and Aspen seem to have the most forward thinking-community conscience driven programs of all the mountain communities. Basically, the STR's are capped based on zones. 1). Tourism Zone 2). The Downtown Core 3). Residential Areas. The residential STR cap in a neighborhood is 10%. Fees are assessed based on number of bedrooms, and ALL the revenue generated by fees like our TOT taxes is earmarked for specific workforce housing related programs and STR impacts.

AQUATIC INVASIVE SPECIES, CYANOBACTERIA – HARMFUL ALGAL BLOOMS, and MICROPLASTICS

Lake Tahoe is an EPA-designated Tier III Outstanding National Resource Water (ONRW) whose renowned high-quality waters are supposed to be protected from degradation by resource agencies in the Tahoe Basin. Nonetheless, these agencies' efforts to address the decline and degradation of the lake's near-shore water quality with mitigation fees and stormwater infiltration systems have been ineffective in stabilizing, let alone reducing the degradation. Lake Tahoe is being loved to death and the agencies, including Placer County, are prioritizing prosperity over their duty to protect and maintain the high-water quality and the ONRW status by following the Prosperity Center's guidebook for growth without regard for the environmental impacts from that growth. Only since 2023 have scientists started looking at near-shore water quality, including algal growth, which reached record levels around the lake in 2022. As recently stated by the Director of Tahoe Environmental Research Center (TERC), Geoffrey Schladow, regarding the 2023 State of the Lake Report, scientists have only just started a 5-prong monitoring strategy in 2023 to study Lake Tahoe's near-shore water quality.

Aquatic Invasive Species (AIS)

As mentioned above, New Zealand mud snails have now been discovered in Lake Tahoe, most likely from recreationists. Kayaks and paddle boards are among the watercraft that do not undergo inspection. Other potential sources are fishing gear according to this news article: [Infestation of Highly Invasive Species Threatens Lake Tahoe's Ecosystem \(msn.com\)](#). The California Department of Fish and Wildlife state that the “subsequent spread is likely due to recreational activities. Mud snails easily attach to boots, waders, clothing, shoelaces, watercraft, aquatic vegetation, and gear, and can easily go unnoticed due to their very small size. As a result, they are commonly transported by unsuspecting anglers, boaters, other water recreationists, or even wildlife, including harvested fish. Mudsnailed also disperse through floating freely or on algal mats, or by surviving passage through fish guts.” Other than inspections for large boats, there is very little else that undergoes AIS inspections in the Basin. Leaving inspections up to the anglers, kayakers, other water recreationists, besides boaters, is what has led to this invasion.

Other invasive species that have become increasingly problematic since 2017 are the invasive Asian clams, non-native bivalves that have now spread around the lake since they were first discovered in 2002. The clams excrete waste that increases concentrations of nutrients spurring blooms of cyanobacteria, or harmful algal blooms (HABs), to grow. The cyanobacteria blooms in themselves are on the rise as well.

In addition, the invasive aquatic weeds have been spreading from the Tahoe Keys throughout the Lake because of increased recreational boating that spreads the weeds throughout the lake. The warm, stagnant, nutrient-filled waters of the Keys’ man-made lagoons are a breeding ground for the invasive weeds with its surrounding community of lush green lawns adding fertilizer to the lagoons. In 2022, aquatic herbicides were allowed for the first time ever in Lake Tahoe without demonstration that non-chemical methods would work as required by the Lahontan Water Board’s Basin Plan, which is one of the basis for an ongoing lawsuit by the Sierra Club.

Cyanobacteria

The toxic soup at the Keys is also a breeding for cyanobacteria blooms. The blooms grow when the nutrients in the water are high. When the weeds die and decompose, nutrient concentrations soar, causing these toxic blooms. Although a problem in many lakes (see article [here](#)), these toxic blooms are increasing throughout the lake due to climate change and added nutrients to the lake from increasing wildfires (see article [here](#)). Additionally, β -N-methylamino-L-alanine ([BMAA](#)), which is produced by cyanobacteria and microalgae such as diatoms and dinoflagellates, has also been found in waters throughout Lake Tahoe. Much more research than is currently being done is needed regarding BMAA, which is linked to [Lou Gehrig’s Disease \(ALS\) and other neurological diseases such as Parkinsons disease](#).

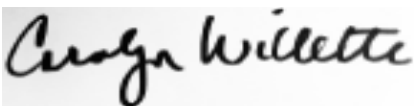
Microplastics

One of the most surprising and worrisome recent findings in Lake Tahoe is the report that Lake Tahoe has the third highest concentration of microplastics of thirty-eight lakes studied in twenty-three countries. In fact, this study found that Lake Tahoe has an even higher level of microplastics than the ocean trash heap - Los Angeles Times ([latimes.com](#)). Sierra Sun’s 2020 report cites 8,000 pounds of garbage have been pulled out of Lake Tahoe and Donner Laker Lake over the last 2 years. Sources of the plastic include everything from vehicle tire dust and garbage left on the beach to polypropylene sandbags. “[Polypropylene sandbags are one example](#) of what could be adding to the microplastics in Lake Tahoe. Tarps made of the same material are also commonly used around

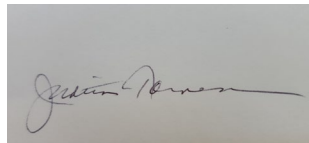
the lake to cover boats, kayaks and protect things from the wind and the sun's rays, the exact thing that speeds up the deterioration of the plastic." See the following reports: <https://www.sierrasun.com/news/the-fate-of-plastics-in-lake-tahoe/> <https://tahoe.ucdavis.edu/microplastics> and <https://www.latimes.com/california/story/2023-07-14/lake-tahoe-troubling-concentrationmicroplastics>

This is no doubt the result of the huge amount of waste that is dumped into Lake Tahoe from the recreational boating public and the enormous amounts of waste left in throughout the basin, including on our beaches by the 25 million tourists (Tahoe Transportation District (TTD) and Nevada Dept of Transportation statistics) that come to Lake Tahoe, many of whom recreate along the lake's shoreline. TERC has only started sampling microplastics since the summer of 2020. These recent findings of the levels of microplastics in the Lake is a great cause for concern about the environmental effects these plastics will have on the lake ecosystem. Therefore, any proposal to increase density, height and coverage that will inevitably bring more people into the Basin must be analyzed in Subsequent EIR at a minimum.

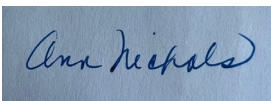
The discovery of the New Zealand Mudsnaileds, other invasive species threats, growing widespread cyanobacteria and other near-shore algal blooms, and microplastics in Lake Tahoe are either new threats to Lake Tahoe or are threats that have grown worse over the past 6 years and, therefore, pose significant changes since 2017 that require thorough analysis in a subsequent EIR. To quote the Best Practices guidance, "[t]he CEQA Guidelines require an analysis of "any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected." Certainly, adding additional development that will have the effect of bringing more and more people to the Basin to vacation and recreate will exacerbate the worsening invasive species problem in Lake Tahoe and poses a significant environment effect that requires analysis in a subsequent EIR.



THE SIERRA CLUB TAHOE AREA GROUP



FRIENDS OF THE WEST SHORE



Preserve North Tahoe INC



TAHOE SIERRA CLEAN AIR COALITION



10/30/23

To: Placer County Board of Supervisors

From: Tahoe Sierra Clean Air Coalition

Regarding: Public Comment, Placer County BOS Meeting – October 31, 2023, Agenda Item 12, of the Placer County Proposed Tahoe Basin Area Plan (TBAP) – Economic Sustainability and Housing Amendments (PLN22-00490) - Supervisorial District 5 – Please make this comment part of the record and the minutes.

Dear Placer County Board of Supervisors:

In addition to past written and verbal comments made by Tahoe Sierra Clean Air Coalition during the October 16, 2023, Placer County BOS meeting, and additionally based on the information provided below, the county must provide an SEIR and must comply with **Government Code 65302.15 (a) and (b)**. This includes reviewing and revising its TBAP safety element, since the proposed code amendments and EIR Addendum, include substantial housing element revisions. Failure to do so constitutes a prejudicial abuse of discretion.

1. The county has failed to update its 2015 Placer Operational Eastside Emergency Evacuation Plan (EEEP) since its 2017 TBAP incorporation by reference, to help implement an emergency preparedness and evacuation plan consistent with **then** Government Code Section 65302. The EEEP is a substantial part of the County's safety element and has remained without revisions since 2015 (eight years ago).
2. Since at least 2020, the county knew or should have known that the proposed revisions to the TBAP Housing element would require a revision of the safety element upon each revision of the housing element. As discussed in item 1. above, a key portion of the safety element, the EEEP has not been updated for approximately eight years.

The proposed TBAP amended regulations appearing on the County Website (7/18/23), discuss extensive modifications to the Housing Element and regulations. As just one example, Part 4 – Land Use Plan HS-P-7 through HS-P-14. Therefore, per item 2. above, upon each revision of the housing element, the county must update, at minimum, the critical safety element portion known as the EEEP and identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios. The current EEEP fails to identify these critical life safety requirements and must do so prior to adoption of the proposed amendments.

3. Additionally, Government Code **65302.15 (a) and (b)** requires the county to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

Government Code 65302.15 (a) and (b) was not available to the county during the previous revision of the safety element which adopted the EEES by reference. This government code section represents substantial factual information, that 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.

4. In addition, based on substantial factual new information, discussed above, the county must complete a supplemental EIR.

5. The proposed amendments run counter to Page 17 of the EIR Addendum since the proposed amendments will alter existing laws and regulations (Government Code Section 65302.15 (a) and (b), adopted to protect public and environmental health.

Additional Supporting Background Information

On approximately November 17, 2015, the County approved revisions to the April 8, 2008, Operational Eastside Emergency Evacuation Plan (EEEP).

Page 3.1-35 of the 2017 Final EIR states:

“The 2015 Placer Operational Eastside Emergency Evacuation Plan is intended to implement the General Plan’s Health and Safety Element and further comply with the requirements of Government Code Section 65302(g)”.

“In response to this comment, two additional policies have been added to the revised version of the Area Plan released concurrently with this Final EIR/EIS (Policies N-H-P-6 and N-H-P-7), which incorporate by reference the 2015 Placer Operational Eastside Emergency Evacuation Plan and outline a requirement for all new development projects within the Plan area to prepare and implement an emergency preparedness and evacuation plan consistent with then Government Code Section 65303. The additional polices include the following”:

“Policy N-H-P-6. All new development projects within the Plan area shall prepare and implement an emergency preparedness and evacuation plan consistent with Government Code Section 65302(g) (protection from unreasonable risks associated with the effects of seismic, geologic, or flooding events or wildland fires, etc.) and in the furtherance of the Placer Operation Area East Side Emergency Evacuation Plan (Update 2015)”.

“Policy N-H-P-7: The Placer Operational Area East Side Emergency Evacuation Plan, as updated by the Board of Supervisors in 2015 is hereby incorporated by reference”.

Current Government Code Section 65302.15 (a) and (b) States:

(a) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2022, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element adopted pursuant to subdivision (g) of Section 65302 shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios. A county or city that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives may use that information in the safety element to comply with this section and, in that event, shall summarize and incorporate into the safety element that other plan or document.

(b) After the initial revision of the safety element pursuant to subdivision (a), the planning agency shall review and, if necessary, **revise the safety element upon each revision of the housing element** or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

And finally, I hereby incorporate by reference the public comment letter submitted to the Placer County Board of Supervisors by the Moutian Area Preservation (MAP) Non-Profit group dated October 13, 2023, titled Tahoe Basin Area Plan Amendments.

I also incorporate by reference, the public comment letter and Attachments A, B, C, D, E, F and G submitted jointly to the Placer County Board of Supervisors from the four conservation groups (Tahoe Chapter of the Sierra Club, Friends of the West Shore, North Tahoe Preservation, Inc and Tahoe Sierra Clean Air Coalition dated October 12, 2023 in connection with the Placer County Hearing in Kins Beach on October 16, 2023 concerning: The TAHOE

BASIN AREA PLAN (TBAP) proposed AMENDMENTS (PLN22-00490) AND ADDENDUM # 1 to the previously certified December 6th, 2016, by Placer County and adopted January 25, 2017, by TRPA, TAHOE BASIN AREA PLAN ENVIRONMENTAL IMPACT REPORT (EIR),

Sincerely,

Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation

Registered to do business in California

774 Mays Blvd 10-124

Incline Village, NV 89451

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 12/5/2023 12:01:35 PM
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Cc: Nicole Rinke <nicole.rinke@doj.ca.gov>; Dan Siegel <dan.siegel@doj.ca.gov>; Amanda Johnson <amanda.johnson@doj.ca.gov>; Alex Padilla <edgar_rodriguez@padilla.senate.gov>; Kevin Kiley <edward.heidig@mail.house.gov>; Kevin Kiley <chelyssa.horvat@mail.house.gov>; Heidi Mayerhofer <heidi.mayerhofer@sen.ca.gov>; NV Legislative Committee Research Division staff <alysa.keller@lcb.state.nv.us>; Angie Taylor <angie.Taylor@asm.state.nv.us>; Skip Daly <Skip.Daly@sen.state.nv.us>; Shannon Bilbray - Axelrod <Shannon.BilbrayAxelrod@asm.state.nv.us>; Rich DeLong <rich.delong@asm.state.nv.us>; Melanie Scheible <Melanie.Scheible@sen.state.nv.us>; Robin Titus <Robin.Titus@sen.state.nv.us>; NV Legislative Committee Research Division staff <research@lcb.state.nv.us>
Subject: Public Comment - Lack of Public Transparency - Public Due Diligence and Process - Timing for Approval of Phase 2 Housing Amendments

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

I wrote an **email immediately after the RPIC meeting on November 15th to TRPA staff** at the suggestion of RPIC **to provide what the 12 areas that the RPIC committee Chairman indicated needed change or clarification in the Housing Amendments.**

In a reply email from Karen Fink, I was told to review the RPIC meeting recording for this information. In the recording, the Chairman did not specify each area and it is not clear to the public what amendment language changes were actually asked for.

I again, requested this information and when a "red-line" document of the Housing Amendments would be available and where? I asked for these 12 areas that RPIC members asked for to track the changes and clarification in the Amendment language.

We have been gaining common ground but these amendment language changes need to be specified for the public and can be clearly stated (only 8 of the 12 TOPICS mentioned in the RPIC meeting are on the housing webpage)....not sure what happened to the other 4?

All areas as outlined by RPIC should have been available to the public so anyone in the public as well as the Governing Board can understand what's being modified and find the language changes in the red-line document prior to consideration for final approval. Five (5) days during the Holiday Season prior to a final deciding meeting is insufficient time for the public to review and ask questions of the red-line document.

Unfortunately, per 13.6.7. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, Amended September 27 2023, I now find that NO public comments will be considered by the Governing Board if received after the December 6th APC meeting? **How is this considered public due process when the final Amendment Language Red-Line Document hasn't even been released for public review and at that point, public comment will not be accepted?**

<https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf>

Page 152 of 714 in the PDF above

I'm not a lawyer but I know that this Definitely does not Demonstrate DUE PROCESS for the Public

Another public engagement meeting with back and forth discussion would only be beneficial for all involved and can be under YOUR Ordering if you want.

As suggested in Leah Kaufman's 36 page public comment, Lack of Transparency and Community Frustration is the biggest issue with this process. Trust of Placer County and TRPA is at an all-time low. Exhibits have been misrepresentative, Flash vote results not fully disclosed or public comments considered, only ineffective 3 minute speeches allowed by the public....

I will point out that I actually counted the number of commenters in the 744 pages of written public comments to the TRPA about these Housing Amendments (as of 12/3) - 175 don't support as stated and 6 support

I support Leah Kaufman's comments and encourage everyone to read her LATEST well researched, detailed, public comment letter offering alternative solutions and listing many questions that still remain unanswered.

I support her statement - "In my opinion, the APC and Governing Board, are rushing substantial housing code of ordinance changes prematurely for both TBAP amendments as well as for TRPA code changes. This is not a stall tactic; it is because the amendments are based on flawed assumptions from one housing consultant, looking at only one parcel size (12,000 sf) to create the codes. There are too many loose ends, and unanswered questions."

I also support her suggestion that we urge you and other Governing Board members to:

- 1. VOTE AGAINST TRPA's STAFF'S RECOMMENDATION THAT TRPA HOUSING CODE AMENDMENTS SUPERSEDE AREA PLANS.**
- 2. VOTE TO "OPT OUT or VOTE NO**

REASONS TO OPT OUT OR VOTE NO-

- a. Years of work and a thorough environmental analysis went into crafting the Basin Area Plans involving actual input from the community members. Jurisdictions with existing adopted Area Plans or having affordable housing projects either in the planning stages or on the ground have met or are meeting their obligation to provide workforce housing in the basin. In other words, TRPA's housing policies are not evaluated with the same level of environmental review or community input and scrutiny that was part of crafting the Area Plans.
- b. **The Governing Board members do not have to take staff's recommendation that TRPA code amendments must supersede Area Plans** as some of the jurisdictions are already showing progress towards state inclusionary housing goals and providing affordable housing in the basin.
- c. TRPA board members can ask staff to tighten up policies that protect the environment, achievable definition and evaluate the impacts of codes on parcel size. Board members can ask that a slower based approach with performance-based benchmarks are required for some of these larger projects, as well as **identify suitable specific sites**. Cindy suggested this and the public was very receptive (including MAP) as it is a better idea to address areas where these housing amendments work best as **differences around the basin vary greatly and a "one size fits all" does NOT work**.
- d. A priority should be incentivizing existing blight and boarded up structures like the Garni and Norfolk Woods Inn to redevelop as they already have the infrastructure and parking. New York City has a pilot program to pay 15 homeowners \$395,000 to build additional housing on their property - ADU's- (Source Kendall Green November 22, 2023 as reported by Fox 5 News).
- e. Questions raised by the public should be answered and more work needs to be done to tighten up the codes to prevent loopholes and inconsistencies and impacts to the neighborhoods and natural environment. Exploration of offered alternatives should be taken more seriously.

Putting these Amendments in place Basin-Wide and THEN addressing Plans for Growth in Phase 3 is a recipe for Disaster

Please conduct a **site-specific analysis to identify opportunity sites within Town Centers** that can accommodate more height, density, and lot coverage without degrading viewsheds, natural resources, and public safety. A one-size-fits-all approach doesn't make sense.

I support the League to Save Lake Tahoe's suggestion to remove areas outside Town Centers from these amendments for now because providing incentives for large-scale housing projects in Transition Zones and Multi-Family Zones means encouraging sprawl without identifying suitable sites for intense land uses.

You have the option to insist on the public's concerns, suggestions and questions being addressed including Leah's, before taking any action to pass these amendments

Please VOTE Against these Housing Code Amendments superseding Area Plans and Vote to Opt Out or Vote No - And then do it the correct way - with the Public's support

Thank you.

*Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998*

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From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 12/5/2023 11:57:18 AM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwifpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>
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Subject: Pubic Comment -Where are current Environmental Thresholds? What Legal Language in CEQA - NEPA substantiates the Environmental documentation supporting these Amendments?

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

Resubmitted from **PUBLIC COMMENT at OCT 11 2023 APC MEETING - NO answer or REPLY RECEIVED**

Dear TRPA Advisory Planning Commission and Governing Board,

THANK YOU for seeing the necessities of definitive thresholds whether they are attained or not. I'm glad it was recognized by the commission that threshold targets should be targeted and details regarding any deviation therefrom in threshold evaluation reports explained. **While a statement of intent is seen as too broad.**

As indicated in the meeting, **all four of the proposed Environmental Thresholds that TRPA proposes to change are currently in question** of being attained in the next publicly available Threshold Evaluation 4 year report (due in 2024). Thresholds have been slipping and we need to keep the definitions of targeted thresholds in place and give explanatory reason and mitigation to any deviation.

Where are current Environmental Thresholds? Are there any Interim reports available to substantiate no changes in Environmental Thresholds since 2019?

Of the 10 threshold areas stated, are all thresholds being met prior to these proposed Amendments to the Regional Plan. If not, which ones are not being met?

Resubmitted from **PUBLIC COMMENT at JUNE 14 2023 Governing Board Meeting - NO Answer Received**

From the TRPA website -

"The Bi-State Compact as revised in 1980, gave TRPA authority to adopt environmental quality standards, called thresholds, and to enforce ordinances designed to achieve the thresholds. In 1982, TRPA adopted nine environmental threshold carrying capacities (thresholds), which set environmental standards for the Lake Tahoe basin and indirectly defined the capacity of the Region to accommodate additional land development. In 2021, TRPA adopted an additional threshold, Transportation and Sustainable Communities."

My question - **Is there another Threshold Evaluation Report in the works?** when will it be published? The last one being 2019 and they are to be completed every 4 years according to your website. Also, the **2019 report only indicates two of the ten thresholds are rated as "attained or better than the target"**, and many **threshold details show that there was "insufficient data"**. **21 thresholds had mitigation management implemented in 2019**

- <https://thresholds.laketahoeinfo.org/ThresholdCategory/Index>

Interim studies conducted should prove that all the thresholds from 2019 have improved? and now "attain the original goals set" or these amendments to density wouldn't be merited, would they?

Where are these interim studies?

The Governing Board and public have the right to be provided with this information prior to considering Basin wide changes in Land Use development proposed in these Housing Amendments.

The timing of these proposals is purposeful.

Why is TRPA staff pushing so hard for these Housing Amendments to be passed quickly without ANY current environmental threshold status transparency or a Cumulative Environmental Assessment, instead providing only an Environmental Checklist?

As I pointed out in October, Attorney General Bonta joined a Comment Letter in Support of Proposal to Strengthen Federal NEPA Regulations (Press Release Oct 3, 2023, [LINK Here](#)),

In their comment letter, the attorneys general supports CEQ's proposal and recommend additional changes to strengthen the rule, including:

- **Strengthening analysis of climate change effects in all types of NEPA review, including requiring consideration of climate change effects when conducting environmental reviews of proposed actions that do not require preparation of an environmental impact statement.**
- **Providing direction to agencies on how to evaluate cumulative disproportionate adverse effects on environmental justice communities.**
- Incorporating provisions of CEQ's previously published greenhouse gas emissions guidance.

?? - I asked at the October 11th TRPA Advisory Planning Commission meeting for the commission **to ask TRPA staff to consult with the Attorney General's office** that the environmental analysis documentation was sufficient enough for the proposed Housing Amendments and thereby also meet the necessary strengthened Federal NEPA Regulations and CEQA guidelines. - **NO REPLY**

?? - I asked TRPA staff and Legal Counsel specifically for the legal language in CEQA and NEPA that substantiates their legal counsel that no Cumulative Environmental Assessment is necessary. Especially considering the fact that the **Tahoe Basin is classified as being in a Very High Fire Hazard Severity Zone** - **NO REPLY**

In addition, the public feels that the TRPA Regional Plan Chapter 6 Policies and Goals: Public Services & Facilities Element falls woefully short of providing an "Environmental Threshold carrying capacity", "to maintain public health and safety within the region", as discussed in the Bi-State Compact.

Thank you for your time and consideration.

*Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998*

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Sent: 12/5/2023 11:55:16 AM
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Subject: Public Comment - Requirements for EIR with AREA PLANS and REZONE for RHNA with less density proposed but NOT for Amendments increasing density that SUPERCEDE the AREA PLAN?

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

From Leah Kaufman's public comment - **These questions asked previously have not been answered.**

An environmental checklist has been used for Phase 1 housing amendments (conversions), transfer of land coverage between hydrologic areas, and transfer of entitlements around the basin. None of these code amendments were analyzed in the original 2012 EIS document.

- An EIR was required for the Area Plans tiering off of the 2012 Regional Plan. TBAP was approved in 2016 setting the standards for height, density, zoning, setbacks, parking, and Town Center Boundaries in Placer County.
- An EIR is required for the REZONE process as part of the California States Regional Housing Needs Assessment (RHNA) for 74 properties identified for a MAXIMUM density increase to 30 units per acre to accommodate a mix of affordable housing. The Placer County rezoning as described above, requires an EIR analysis for a maximum 30 units per acre density proposed on 74 parcels.

Please explain why rezoning of 74 parcels with a maximum density of 30 units per acre requires a full EIR under CEQA, but the TRPA proposed code changes affecting areas outside of Town Centers, changing zoning on thousands of potential parcels basin with unlimited density, and up to 100% land coverage allowances, and reduced or no parking minimums is evaluated with only a checklist?

Please explain why the **2016 Area Plan required an EIR analysis** as it was also based off of the 2012 EIS and was the document that regulates density, height, setbacks, and parking. The **TRPA amendments are proposed to supersede the Area Plans with substantial proposed changes to height, density, parking and land coverage with only a simple checklist.** ?? TBAP crafted height, density, parking, setbacks, and Town Center boundaries with a full EIR.

The "findings" discussion at RPIC was incredibly confusing, but I think if I understand it right, the TRPA staff said if amendments are allowed without being considered a "special use" there would be a lessened amount of environmental review resulting in possible loss of protections to the community? **Please clarify.** What triggers environmental review for proposed projects? Please note that many projects previously requiring TRPA and or County review are now exempt under TBAP.

These questions asked previously have not been answered.

APC and GOVERNING BOARD MEMBERS, I WOULD SERIOUSLY BE QUESTIONING AND WANTING LEGAL LANGUAGE REFERENCES TO SUBSTANTIATE THIS REQUIREMENT OF AN ENVIRONMENTAL CHECKLIST ONLY. ULTIMATELY IT IS YOUR DECISION AND LEGAL RESPONSIBILITY

Thanks for your due diligence.

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Subject: Public Comment - California Law on Density

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

The public questions how TRPA has the Authority to mandate unlimited density in these Housing Amendments. The state of California is very tight with their allowance of density. How can TRPA override this?

Leah Kaufman has researched CA Housing Density Law and locations in California and found only one reference to “unlimited density” in density bonus legislation and programs for affordable housing projects.

1. **California State Code AB2334- allows increased “unlimited density” if the project is located in an urbanized very low vehicle travel area, and housing is 100% affordable.** 80% of the units are restricted to lower income households and no more than 20% are for moderate income households. Senior citizen housing is also allowed. There is also a limitation on height. There are seven counties and cities in Southern California such as Los Angeles and ten Northern California cities such as Alameda, San Francisco and Sacramento that have been identified as qualifying.

Otherwise,

2. **California Government Code 65915 is a statewide mandate which allows developers who meet the requirements to build up to 50% over the maximum allowed density on rental or ownership projects in exchange for affordable housing.** Other towns in California that allow a Density Bonus Program are cities with transportation systems running more frequently than once an hour or 30 minutes and are far more populated.

3. San Diego - 35% bonus density override for affordable housing only.

4. Glendale-up to 50% bonus density override that must include for sale units at affordable levels.

5. Encinitas— maximum density bonus up to 50% with the following provisions- 44% of the housing must be moderate, 24% Low income, and 15% very low income.

6. **AB 682 is a Density bonus law for affordable and senior housing, maximum height is 33 feet plus a density study is required.** The developer may submit a base density study to the community, including all applicable objective development standards such as allowable floor area ratios, setback requirements, open space and parking requirements.

7. **Placer Co rezone- 74 parcels proposed to be rezoned for 30 units per acre maximum density. Meets CA State inclusionary housing requirements.**

“Unlimited density” as proposed for the housing code changes is inappropriate for a rural mountain community as we do not have the transit headways or reliability of service, the population, or the services offered by metropolitan cities.

Developer bonus density in major cities (as referenced above) do not exceed 50 percent of current zoning densities and come with requirements to provide low and moderate-income housing NOT “achievable housing which is a definition not in State housing codes and was developed by the Mountain Housing Council for Tahoe and Truckee.

The TRPA staff has said that developments outside Town Centers are to encourage smaller duplex, triplex, and multi-family projects. However, there are no policies, regulations or ordinances that would guide these types of noncontroversial proposals and in fact, density as of May 2023 outside of Town Centers was proposed at 60 units per acre but that was also changed in favor of “unlimited density” with no explanation to the public or concern for the environmental impacts that unlimited density could create on parcels larger than 12,000 sf (from Cascadia study).

PLEASE CONSIDER THE LEGALITY AND NECESSITY OF UNLIMITED DENSITY PROPOSED IN THESE AMENDMENTS.

Thanks for your consideration

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Subject: Public Comment - Transparency - Why haven't any of these projects been brought forth to the public as examples? What is an "achievable rent"?
Attachments: [39degreesNorth-KingsBeach.JPG](#)

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

Until I started to collaborate with other concerned residents and completing alot of online research, no one would ever know about all these **projects** sitting on the sidelines, **"waiting" for the "achievable" definition to be confirmed in the Housing Amendments.**
That's great but.....What is an "achievable" rent?

Why is it that none of the following projects are given as examples of "what TRPA is trying to facilitate"? to meet workforce housing needs? why?
The first three projects, supposedly breaking ground next spring, aren't even planned with the height and density proposed changes, and include parking! Isn't this what the public is looking for?

In Multi-Family Zones?

www.alpineestates.net

70 "achievable" apartments in South Lake Tahoe
No rents stated

www.dollarpointllc.com

Alpine View at Dollar Point, Tahoe City
24 "achievable" apartments
No rents stated

www.alpineviewestates.net

4 -3bedroom/2bath "achievable" apartments in Tahoe Vista
No rents stated

----- **NOT what the Public is looking for**-----

www.39northlaketahoe.com - 5 stories in Kings Beach



10,500 sf commercial - restaurant and retail

153 room hotel

36 - for sale 3 and 4 bedroom townhomes with 2 car garages behind the hotel

74 unit - 1-2 bedroom apartment building for "achievable" deed restricted rental workforce housing - (indicates 80-220% of AMI)

Per the "Residential Bonus Unit Fact Sheet" [link](#) - Average Median Income (AMI) in Placer County is currently \$102,500 for a 3 person household or \$34,166 after taxes per person - 220% of AMI would be \$75,166 after taxes in Placer County?

Will rental calculations be based on 1, 2 or 3 person households? keeping in mind these are 1-2 bedroom apartments

What rental price point is defined as "achievable"? What is AMI for the "missing middle"? BE Transparent with the public and maybe you will slowly gain their support?

Don't create a mess like Hopkins Village in promising "achievable" housing and then it becomes apparent that the "Missing Middle" won't be able to afford it, the projects fail and then who's at fault?

And then the real question is if "Achievable" Units meet the requirements for inclusion in the California Regional Housing Need Determination (RHNA).

Has anyone asked this question? Isn't this one of the goals ? All four of the above projects are in California and advertising "achievable" units

CONDUCT A SITE SPECIFIC ANALYSIS to identify opportunity sites within Town Centers that can accommodate more height, density, and lot coverage without degrading viewsheds, natural resources, and public safety. A one-size-fits-all approach doesn't make sense. __Remove areas outside Town Centers from these amendments because providing incentives for large-scale housing projects in Transition Zones and Multi-Family Zones means encouraging sprawl without identifying suitable sites for intense land uses.

Have TRPA staff crunch the numbers with developers ON SPECIFIC SITES to determine a framework available to the public and report back to the Board

Opt Out or VOTE NO on these Amendments as stated

Thanks for your consideration.

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Subject: Public Comment - Housing Amendments - Bonus Units - Qualification Compliance and Monitoring

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

As indicated on the TRPA Achievable Housing webpage - development must use "bonus units," a type of residential development right reserved for deed-restricted housing.

There are only 946 bonus units left, and many are already reserved for existing housing per TRPA presentations.

The allocation of Bonus Units needs to be clarified for the APC, Governing Board and the Public. A breakdown of how many Bonus Units have been already allotted AND in what income categories (affordable, moderate, achievable), geographic areas/projects? How many REMAIN AVAILABLE to be allocated in each category and in each area?

This has been mentioned in presentations but has never been completed and needs to be clarified for all.

I've asked for this information to be made available to the public in emails to TRPA Staff on November 28th and December 2nd.

From my rough calculations, I understand that most of the "affordable/moderate" allotment is already exhausted within current projects? Correct me if I'm wrong....are most of the remaining to be allocated to "Achievable"?

In addition, it was obvious at the RPIC meeting, even TRPA staff have doubts about qualification compliance and monitoring, especially since TRPA doesn't have the best track record to monitor this type of program - their proposed program with a 10% sample is not sufficient to guard against abuse!

Many disagree with TRPA's statement that - "Homes with deed-restrictions cannot garner the same increases in value over time that a non deed-restricted home can (does that really matter to someone who just wants to live in Tahoe?), and the pool of buyers is much more limited (do you really think so if they are offered for less and their are no income or asset restrictions?)."

And because the pool of buyers or renters is smaller and restricted to households that qualify based on their income or employment location, TRPA does not anticipate a large demand for these homes from anyone who can afford to purchase an unrestricted home (**I think they are WRONG - are there studies proving otherwise?.... I think more likely, its a matter if this pool buyers will be able to AFFORD them, even if they QUALIFY**)

And then the real question is on the California side if "Achievable" Units meet the requirements for inclusion in the California Regional Housing Need Determination (RHNA).

Has anyone asked this question? Isn't this one of the goals ?

I wrote an **email on November 15th to TRPA staff** at the suggestion of RPIC **to clarify what the 12 areas that the RPIC committee indicated in the meeting to see Amendment language changes and clarification.**

I was told to review the RPIC meeting recording. In the recording, the Chairman did not specify each area and it is not clear to the public what amendment language changes were actually asked for.

Strengthen deed restriction enforcement and outline enforcement mechanisms IN CODE. Deed restricted housing for our workforce is meaningless if deed restrictions aren't enforced.

I specifically asked TRPA staff what clarifying language would be added to the code regarding the "review committee" for achievable housing review, which I believe was to include how it would be funded, their purpose and responsibilities regarding compliance and monitoring. - No Reply Answer

These amendment language changes need to be specified and clearly stated and be able to be reviewed by the Governing Board and available to the Public prior to consideration for approval. Five (5) days during the Holiday Season prior to a final action meeting isn't enough. Time needs to be

provided to review and ask questions. Another public engagement meeting with back and forth discussion would only be beneficial for all involved.

What if there are further suggestions from the public for language tightening? How is this considered public due process?

Please DON'T take action on these Phase 2 Housing Amendments until we get it right.

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Subject: [BULK] Public Comment -Phase2 Housing Amendments - Close the CODE LANGUAGE Multi Use project and "Achievable" Loopholes
Attachments: [New Code 13.5.3.1.jpeg](#)

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

Despite a similar public comment being submitted to the TRPA Advisory Planning Committee last month, the committee nor staff ever specifically addressed this public comment or ANY of the questions raised below. PLEASE obtain answers to these questions before moving forward with the Housing Amendments as proposed. We ALL want housing but it is your responsibility to address the real need and allow only sustainable development. **The devil is in the details!**

WHERE IS THE REVISED LANGUAGE THAT TRPA STAFF IS SUPPOSED TO BE WORKING ON? THIS NEEDS TO BE BROUGHT FORWARD BEFORE HOUSING AMENDMENTS ARE APPROVED TO BE MOVED FORWARD TO THE NEXT BOARD OR COMMITTEE.

AND YOU and the PUBLIC NEED CLARIFICATION HOW THE TRPA - LOCAL JURISDICTION AREA PLANS SUPERSEDE EACH OTHER (OPT-IN OR OPT-OUT) - THIS INFORMATION NEEDS TO BE AVAILABLE IN WRITING ON THE WEBSITE AND THERE NEEDS TO BE MORE CLEAR AND TRANSPARENT PUBLIC OUTREACH IMPLEMENTED - MOST COMMITTEE MEMBERS DONT SEEM TO UNDERSTAND, LET ALONE THE PUBLIC DOES NOT UNDERSTAND AND THESE AMENDMENTS HAVE VAST EFFECTS AT A COMMUNITY LEVEL !

Dear Committee Members,

Please consider the following.....

From TRPA Achievable Housing webpage - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

The proposed changes to land coverage, height, and units per acre in the Phase 2 Housing Amendments only apply to deed-restricted affordable/workforce housing projects. - BUT it doesn't specify what percentage of a MIXED USE PROJECT needs to be a 100% deed restricted workforce housing component to qualify.

So my question is, under the code language 13.5.3.1 below: What percentage of a mixed use project is required to be for workforce housing in order for a developer to utilize the entirety of these proposed code incentives in a Town Center. Could all the required residential component be only FOR SALE 100% deed restricted achievable housing? Will ANY of it be RENTAL HOUSING? WHICH BEST ADDRESSES THE NEED OF WORKFORCE HOUSING WHEN ONE IS TALKING ABOUT DENSE, 1-2 BEDROOM UNITS WITHOUT PARKING IN TOWN CENTERS? WHAT INCOME LEVEL WILL WANT THIS HOUSING TYPE? Seems these would be best as Rental units?

WHAT HAPPENS IF A DEVELOPER CANT SELL UNITS AT THE DETERMINED PRICE POINT NECESSARY TO MAKE A PROFIT AND WHO WILL BE SUED FOR THE SHORTFALL IF THEY NEED TO SELL AT A LOWER PRICE?

What percentage of a mixed use project would need to be 100% deed restricted housing and again, could it all be "achievable"? Seems ridiculous but that's how I read it currently..... PLEASE ASK LEGAL STAFF TO CLARIFY - WHERE IS THIS LANGUAGE?...for yourselves and for the public -

WHAT IS THE DECIDED UPON PERCENTAGE COMMERCIAL SPACE VS 100% DEED RESTRICTED HOUSING IN A MIXED USE PROJECT?

Code Language -

13.5.3.1	[NEW CODE SECTION] Allows up to 65' for deed-restricted housing in centers. Allows additional height on multi-family zoned parcels depending on slope of the parcel, roof pitch, and if adjacent and contiguous to a town center boundary.	13.5.3.1 Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans A. The maximum height specified in table 13.5.3.1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines. B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.
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Where's the housing need? What income level has the most need?

IS THERE ANY ALLOCATION OF THE 946 BONUS UNITS FOR RENTAL UNITS - THE MAJORITY OF THE SEASONAL WORKFORCE NEED?

From the 2021 No Tahoe-Truckee Regional Housing Implementation Plan- The overall need in Eastern Placer County (Tahoe area) is:

Studio or 1 bedroom: 66% of the need (1 person or possibly a couple)

2-bedroom: 31% of the need (2 roommates)

3-bedroom: 3% of the need

WHO is the "missing middle"? Singles or a Couple with no kids making management or technical higher per hour wages? Is \$2450/mo rent reasonable? Is a 650 sq ft unit what these tenants want, with no parking or storage for recreational equipment?? They want to live in Tahoe for a reason :D recreation??

MORE WORK NEEDS TO BE DONE ON THE ALLOCATION OF BONUS UNITS TO BE SURE THEY ARE ALLOCATED TO THE REAL NEED. EVEN IF THE ENTIRE REMAINING UNALLOCATED UNITS REALLY WERE ALLOCATED TO AFFORDABLE - MODERATE IT STILL WOULDN'T FULFILL THE NEED.

Rent Calculations and affordability need to be determined and the real need addressed....and it likely won't be feasible without being a subsidized 100% Workforce Housing Development.....not Private development mixed use.

As I currently see it, the "Achievable" housing definition is a "loophole" to allow private developers to qualify an entire mixed use project for the beneficial "housing amendment code changes" with an unspecified number of "deed restricted units" for a minor sector of the workforce that really doesn't need a hand..... WHERE IS THE SPECIFIC Language in the Code that indicates otherwise?

Other questions that need to be answered for the public (and likely for you as the Regional Plan Implementation Committee)-

As indicated on the TRPA Achievable Housing webpage - To qualify for an "achievable" unit, a household must either meet the "affordable" or "moderate" income requirements **OR have at least one household member who works a minimum of 30 hours a week for an employer with a business license or tax address in the Tahoe-Truckee region.**

WHY CAN'T WE HAVE AN ASSET LIMIT/CAP RELATED TO THIS QUALIFICATION IF WE DON'T HAVE AN INCOME CAP?

Take out this "Loophole"how is it going to be efficiently monitored, to be sure not just anyone with any income level who obtains "a business license and tax address in the Tahoe-Truckee region" can qualify? THIS IS NOT WHERE THE WORKFORCE HOUSING NEED IS.

*** A resident that is retired and has lived in a deed restricted unit in the Tahoe basin for more than 7 years - would likely qualify under "affordable" or "moderate" income requirements. How many are there?**

**** The TRPA "achievable" definition does say it "may" include asset limits.** If they did, it would keep a billionaire' son from qualifying, but it doesn't say that. If the requirement for deed restricted housing was an equal percentage of low income, moderate and achievable/missing middle, it would appear more in line with "supporting workforce housing" as stated in the TBAP ordinance to repeal. But it doesn't say that either.

Obviously, even staff have doubts, especially since TRPA doesn't have the best track record to monitor this type of program - their proposed program with a 10% sample is not enough!

"Homes with deed-restrictions cannot garner the same increases in value over time that a non deed-restricted home can (**does that really matter to someone who just wants to live in Tahoe?**), and the pool of buyers is much more limited (**do you really think so if they are offered for less and their are no income or asset restrictions?**). And because the pool of buyers or renters is smaller and restricted to households that qualify based on their income or employment location, TRPA does not anticipate a large demand for these homes from anyone who can afford to purchase an unrestricted home (**I think they are WRONG - are there studies proving otherwise?**).

Nevertheless, TRPA is continuing to adaptively manage deed restrictions and will consider whether there are additional, reasonable restrictions that can be added to the achievable definition in the future. Any changes to deed restrictions must be approved by the TRPA Governing Board". **How about a 120% of AMI "single" income limit and scale for multi-person qualification and a low asset limit to start?**

TRPA needs to determine what income level has the greatest need for housing in the Tahoe Basin and address this housing need !

These amendments should NOT be approved as currently proposed without these DETAILS completed and presented to all boards, committees and the public in an easy to understand way. Outline of changes with page numbers - Redline Documents.

Thanks for your consideration.

*Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998*

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13.5.3.1	<p>[NEW CODE SECTION]</p> <p>Allows up to 65' for deed-restricted housing in centers. Allows additional height on multi-family zoned parcels depending on slope of the parcel, roof pitch, and if adjacent and contiguous to a town center boundary.</p>	<p><u>13.5.3.1 Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans</u></p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.</u></p> <p><u>B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.</u></p>
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From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 12/5/2023 11:41:14 AM
To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; Executive Assistant Washoe <executive.assistant@washoetribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Knoneil <Knoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>
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Subject: Public Comment - Misrepresented Flash Survey results from September - Placer Parking Enforcement Job Example
Attachments: [image001.jpg](#)

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

STILL QUESTIONS LEFT UNANSWERED

Dear Committee Members,

Please see below my email to Housing and Community Revitalization Program Manager, Karen Fink. Again, I will reiterate..... I can see plenty of people being able to **"qualify"** for the three housing options (achievable, moderate, affordable) but how many will **be able to actually "afford" the housing** that would be allowed to be built by a private developer. WE ALL know that Affordable Housing is not a private developers domain. It needs subsidies and concessions and although I agree with some of the proposed details, I have submitted separate public comments where I disagree with details and want "loopholes" to be closed. There needs to be a definitive ALLOCATION OF BONUS UNITS BASED ON THE NEEDS OF THE COMMUNITY - 1BDRM-STUDIO RENTALS vs FOR SALE BY SIZE/#BEDROOMS and what types of buildings they will reside in. These BONUS UNITS ARE LIMITED with NO MORE DEVELOPMENT BEING ALLOWED...They need to be allocated wisely.

What's the real need of the community and what does the community want? The information below was not presented fully transparent to RPIC at the last meeting.

1. The **Flash survey put out by TRPA** in late September indicated the following questions -

Q2

Which of the following, if any, do you think are the best options to provide more housing in the Tahoe Basin (Choose all that apply)

Had the most votes -

Small multi-family buildings (up to 10 units) - 66%

NOT 5-story-65' - 10+ unit buildings

Please see [link to the survey](#) for details and read the more than 600 free text comments, it's quite enlightening.....

Q3

How much do you agree or disagree with the following statement?

"I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options"

This question does not indicate any actual height, yet the largest percentage of 31.9% indicated that they strongly disagree.

Workforce housing can be built without increasing heights to 65' in town centers. Affordable Housing developments will still NOT be attractive to private developers unless their are loopholes ,and such projects should be treated in a different way.

2. The TRPA Achievable Housing webpage - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

the webpage show NO actual renderings at 65' (5 stories) and it talks about AMI but doesn't clarify that it's actually based on a **3 person household income** - [source](#) - when **most of the "needed" workforce housing is for 1 or 2 person households**

There is a disconnect between being able to "qualify" and being able to "afford" anything that a private developer would develop and still be able to make a profit. The public is confused about AMI and what it is based on (1, 2, or 3 person households?). Only when you dig deep into the "TRPA Residential Bonus Unit Fact Sheet" above, do you realize this when the only rental example I've seen is \$2450/mo rent for a 650sqft unitis this meant to be for 3 people? In this same report there are "suggested sales prices" but there are no suggested rental calculations based on the determined AMI percentage - why not? These rental calculations should not be too difficult to determine for examples, so that the proposed housing solutions are transparent to the public (let alone to your decision making).

Rental Price Guidance in the report indicates - pg 7 of the report - [link](#)

"TRPA requires that deed restricted units be rented and/or sold to a household that meets the income category restrictions of the deed restriction; depending on the specific language of the deed-restriction, **rental prices of these units are sometimes left to the discretion of the property owner and the lessee. In this case the rental price should be based on the area median income (AMI)** and the requirements of applicable state and federal law, **including the recommendation that a household not pay more than 30% of their monthly income in rent and utilities.** Because homes may be occupied by households of varying sizes, **federal guidance provides for rents to be set by number of bedrooms.** TRPA suggests using **Fair Market Rents by number of bedrooms to develop rents, published by the Housing and Urban Development (HUD) and California Department of Housing and Community Development (HCD).** Fair Market Rent is calculated by HUD annually using census estimates and can be found here. Other methodologies may also be appropriate.

Can we see rental calculation parameters from TRPA based on the NEED for a 1 bedroom/studio - based on available calculations of the Fair Market Rents by number of bedrooms, published by the Housing and Urban Development (HUD) and California Department of Housing and Community Development (HCD)?

The example I asked Karen Fink about below for the **recently published Placer County Parking Enforcement Officer starting at \$29.70/hr** indicates that although **he/she may qualify**, a rent of \$2450/mo for a 1 bedroom/650 sqft unit **would not be affordable as the rent is 60% of his/her take home pay before utilities. What "suggested parameters" for rents will be in the ordinance?**

Thanks for your consideration of this investigation into the details of these Housing Amendments.

kindly,
Niobe Burden Austere

----- Forwarded message -----

On Mon, Oct 23, 2023 at 1:56 PM Karen Fink <kfink@trpa.gov> wrote:

Hi Niobe,

Thanks for your e-mail. We did not end up having a Tahoe Living Working Group meeting in October, and the next group that will consider the amendments is the APC, on November 8. Let me know if you would like me to include your comment as part of the public comments that accompany the packet for that meeting.

I included responses to your questions, in red, below.

Karen Fink, AICP

Housing and Community Revitalization Program Manager

Office: 775-589-5258

kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: Wednesday, October 18, 2023 10:33 AM
To: distHousing <housing@trpa.gov>
Subject: Information for your meeting today

Hello Tahoe Living Working Group,

As we've heard from the public, there are many concerns about what truly is "affordable" in the eyes of your group.

An Example -

Yesterday, there was this job posting for a county employee-

Parking Enforcement Officer Recruitment #2023-16601-01 \$29.70 - \$37.09/hour; \$61,776.00 - \$77,147.20/year + \$1,000/mo Tahoe Assignment Premium

Would this Placer Parking Enforcement officer be able to afford ANY of the proposed housing options?

Depending on how many people are in this employee's household, they may be able to qualify for any of the three income categories that TRPA requires for deed-restricted housing. See the income limits in our [Residential Bonus Unit Fact Sheet](#). However, they would likely qualify for "moderate" or "achievable." For a 3-person household, the income limit in Placer County to qualify for "moderate-income" housing is \$123,000. For a 1-person household, it's \$95,700. There is no income limit for our "achievable" deed-restriction, only a local workforce requirement.

Would they qualify for housing rent assistance? If they got a raise or promotion to the higher end of this job classification would they still qualify.....what's that income level of qualification? Less than \$70k annually?

TRPA does not oversee rental assistance, but some counties may have different programs to provide rental assistance. As noted above, the "achievable" deed-restriction does not have an income limit, just a local workforce requirement. So, even if they received a promotion at their job they would not become unqualified for the housing. TRPA's deed-restrictions have these clauses:

4. An owner-occupant household of a Property who has provided all required annual compliance reports and who has had an increase in income so that it no longer meets the income eligibility requirements for Achievable Housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to a qualified buyer.

5. A renter household which has had an increase in income or change in circumstances such that it no longer meets the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.

I did a quick calculation if they could afford (starting out) what I've seen as proposed:

\$2450/mo rent - 650sf 1bdm BOX in a 5 story building

Starting out - \$29.07/hr - \$61,776 before taxes

If you're single and live in California

Fed 2022 taxes - 6359

FICA taxes - 4726

State 2022 taxes - 2163

Total taxes - 13,248

Retirement contributions - 0

Take-home pay \$48,528

Allowance for housing

Divided by 12 = \$4,044 / month

4,044 x 40% of take home pay = \$1,617 (Higher than Housing allowance per standard bank lending practices)

4,044 x 50% of take home pay = \$2,022

4,044 x 60% of take home pay = \$2,450

This is a good paying job. More than most earn at administrative jobs at Tahoe Forest Hospital which start at \$23/hr. Try that example and see how much they can **AFFORD.**

Not everyone has a partner nor wants to **share a bedroom with a roommate.?!**

"Achievable" housing for sale isn't where the need is and it is quite obvious that subsidiary funds are necessary to build affordable rental housing in this community like it is nationwide. What funding sources are being looked at?

We all know it takes alot of work and red tape but it is where the need is.

The feasible rent calculations that were shown as part of the Cascadia analysis are meant to demonstrate how much a developer would need to charge to make a project pencil under our current regulations, and how much that cost could be lowered with changes to our regulations. It is not intended to show the rental rates that TRPA would allow or require. As you note, subsidies will likely still be needed, particularly for deed-restricted "affordable" and "moderate." So far, most subsidies have come in the form of land donations or grants. The solutions for providing housing for our communities and workforce will need to come from a variety of solutions.

STRs -

The community also doesn't understand why Placer County doesn't lower the cap for STRs immediately. The number of STR permits has hovered between 3200-3300 for a year now and defensible space inspections aren't being completed by lazy STR property owners. It's time to lower the cap in Placer County by 500-1000 and attrition the permit holders who are only benefiting their pocketbook. At the same time this change happens, the option of incentives to rent to the local workforce needs to be marketed to these property owners to consider housing the workforce. This could take immediate effect and provide some relief.

The Flash Survey-

Please read the 2 day TRPA flash survey put out in late September. There were 1255 respondents, 631 free text comments. They are worth reading!

TRPA staff indicated to the TRPA Regional Plan Implementation committee on Sept 27 that the flash survey indicated a 50/50 split regarding approval of height (not even indicated). When in fact, the largest percentage of respondents strongly disagreed with the question 3 - "I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options" - a **BLATANT LIE** to the **COMMITTEE** who is relying on the staff to summarize for them.

See comments under each question for the real concerns that community members couldn't vote on with this survey. Especially pay attention to the 403 comments under question 5....a good summary of how the community feels. These results are available for the following meetings, but again most committees are relying on TRPA staff to summarize.

WE the PUBLIC encourage you to READ the Comments and make your own deductions and then question TRPA.

Also remember, people who come to Tahoe to work, do not expect to live in a box apartment in a 5 story building. They come to enjoy living in a cabin, in law unit, small older house with a trail behind their dwelling where they can take a walk in the woods or a bike ride from their door. Please also **consider storage for recreational equipment (at least bikes/skis/SUP), it's a way of life here in Tahoe, don't you think?**

Thanks for your consideration and hard work.

Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998

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**TAHOE
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To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwfwpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmonail <Kmonail@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>
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Subject: Public Comment - TRPA Housing Amendments - Alternative Solutions to Incentivize Workforce Housing Options without Additional Height and Density

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

Please consider the following Alternative Solutions to Incentivize Workforce Housing Options without Additional Height and Density, Basin wide code changes in these proposed Housing Amendments

Please consider the Other Key Takeaways from the Tahoe Pro Forma Analysis slides - [link](#) - pg 32-35 Cascadia study report -

"List of some ways to offset the cost of development:

Zoning reforms can only do so much to create more deeply affordable units 19% reduction in feasible rents "

- Cost reductions (fees waivers or exemptions)
- Direct investments (subsidy)
- Land banking (land cost)
- Construction technology changes (modular)

These should be initiated for current property owners who want to redevelop their properties, especially for mixed use, onsite housing and TAUs.

Additional incentives -

Establishment of a TRPA Redevelopment Agency - loans / forgiveness funding for Sustainable Redevelopment

Facilitate local jurisdictions with establishing **Property Tax concessions** and tax credits for Sustainable Housing Development

Facilitate local jurisdictions with establishing **Concessions of property re-evaluations** upon completion of redevelopment projects until property changes hands

Establish funding/grant resource webpage for private homeowners and developers to consider when potential workforce housing

Immediately Limit STRs in Eastern Placer County to match rest of basin - Establish reasonable caps **Immediately Incentivize STR renewal applicants to rent long term**

Encourage **Tax credits** for Long term rental income at local jurisdiction level

Study ideas from other resort destinations - ski areas giving away ski passes for housing employees on transit routes or in close proximity to resorts. Many popular tourist destinations are limiting STR permits to 120 days per year and incentivizing those remaining days for long term rentals, increasing inventory for "Lease to Locals"

Enforce workforce housing unit requirements that have been approved in the past and don't have them or have phased them out - ie Tonopalo.

Utilize the Mills Act Program to foster preservation of residential neighborhoods and revitalization of downtown commercial districts

Require large projects with support staff/employees to have **onsite workforce housing**

Partnerships with local businesses/property owners to provide funding for onsite or above business workforce housing. Encourage local/county governments to tax incentivize hotel remodeling and to provide construction tax credits or property tax concessions. Encourage use of existing county (Placer) Facade Improvement programs.

Survey local property owners and businesses for their ideas about how they see workforce housing can be improved. Inclusion of these community stakeholders will improve communication overall, support collaborative projects and there may be some creative and surprising ideas learned.

And from Leah Kaufman's letter -

- The go-slow planning approach suggested by the League based on performance benchmarks, and progress towards environmental goals is a good idea. Adopt Adaptive zoning!

- Candidate sites should be considered in locations that are in concentrated areas with a chance to be walkable such as in Town Centers utilizing the existing 56 feet of height and subsidies reserved for those projects and the redevelopment of boarded up structures.
- Bonus units should be equally distributed between the states instead of on a first come first serve basis. An equitable housing policy between Nevada and California should be required.
- Mandate that all the deed-restricted housing is in Town Centers and is affordable with at least 80% of the housing for low/affordable (below 80% of AMI) and 20% for moderate (81% to 120% of AMI) housing categories if unlimited density is proposed. Suggest a sliding scale that allows more achievable housing for reductions in both height and density. There are approximately 712 remaining bonus units that can be “achievable” so defining this use is imperative
- Support community land trusts or other non-profits with mechanisms designed to increase affordable housing.
- Provide incentives toward repurposing abandoned buildings and converting existing structures from empty commercial spaces to housing instead of focusing only on new building units.
- Address code language to require large McMansions and Nevada luxury condo projects to contribute to a housing fund or build actual workforce housing to support the workforce these projects are creating.

Thank you for your time and consideration.

Niobe Burden Austere
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Property Owner in Tahoe since 1998

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Subject: Public Comment -Transparency at ALL TIME LOW - Please postpone Dec 13th Action - Identify Specific Sites for these Housing Amendments

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

There has not been a truly INTERACTIVE workshop scheduled since September involving TRPA staff, Commissioners and community members, so that an actual back and forth can take place, engaging in meaningful and open dialogue with concerned members of the affected communities. Only one-sided 3 minute public comments which have led to many frustrated folks and TOO MANY unanswered questions still remaining. You have had a multitude of area resident professionals asking very specific questions and raising very specific concerns in the details of these amendments along with alternatives. Many of my questions and concerns have been addressed TO TRPA staff as suggested at RPIC and copied to you and still aren't addressed.

Please Don't take Action or VOTE Against these Housing Code Amendments superseding Area Plans as they are stated - Vote to Opt Out or Vote No

Once new codes and zoning are in place, it is almost impossible to turn the clock back. **Rather than approving the Amendments before you, I urge you to consider implementing the following, to further address these EVOLVING AMENDMENTS:**

- 1. Conduct a site-specific analysis to identify opportunity sites within Town Centers (and later in Transition Zones and Multi-Family Zones),** that can accommodate more height, density, and lot coverage without degrading viewsheds, natural resources, and public safety. A one-size-fits-all approach doesn't make sense. Basin-wide amendments don't make sense for so few "bonus units".
- 2. Ask TRPA Staff for an Accounting of Bonus Units** to be made available to the public, which indicates the allocations **within each income category - Affordable, Moderate and Achievable** and how many have already been accounted for. Further show these allocations geographically and how many are already accounted for and how many are remaining in each category. Doing my own research and calculations, the only ones that I see as available would be for Achievable. Yet again not addressing any further Affordable and Moderate categories, where the majority of rental needs is. Please prove me wrong as otherwise, the TRPA is lying to the public with their "Affordable Workforce Housing" webpage tagline.
- 3. Ask TRPA Staff for an Accounting of Affordability with "Estimated" Rental and Sales projections...**or even what current projects that have already been approved are selling and renting for? TRPA needs to be accountable to the local workforce that they truly are aiming to provide additional "Affordable Workforce Housing" with these incentives. **EVERY Single Premise of these Housing Amendments alludes to more "Affordable" Housing availability yet there has been NOT ONE EXAMPLE** and the "Achievable" Housing category doesn't meet the criteria of RHNA.
- 4. Identify other strategies for getting locals into existing housing inventory.** Mountain communities similar to Tahoe have **created programs to incentivize homeowners to rent to the local workforce while reducing vacation homes and short-term rentals.** Reduce and eliminate these businesses in neighborhoods. Placer County has saturated their 3900 short term permits allowance, at around 3200-2400 for more than a year now, yet they aren't considering lowering the cap and incentivizing long term alternatives for those up for renewal. It worked to provide some housing in South Lake, why not North Lake?
- 5. Establish a parking minimum of 1 space per unit.** Folks need reliable transportation, and the Basin doesn't have it yet. Rather than creating another problem, why don't we **de-incentivize by requiring paid parking and have a jurisdiction parking management plan in place before a project comes to the table so the project has a reference to MOU.**
- 6. Create an income cap for the Achievable Housing definition** to remove the loophole of the future housing stock going to outside basin workers or becoming ski-leases/luxury condo development. What happens when private developers aren't able to sell the "Achievable" units and can't cover their carrying costs and shortfall? lawsuits, increased sales prices? Let's learn from Hopkins Village in eastern Placer County?
- 7. Include a requirement for mixed-use projects that the deed-restricted housing portion of the project must be built in phase 1.** Commercial or Tourist Accommodation Units (TAUs) must be in phase 2. The community benefit needs to be provided up front.
- 8. Strengthen deed restriction enforcement and outline enforcement mechanisms in code.** Full annual audits are necessary. Housing for low-income communities and workers is meaningless if deed restrictions aren't enforced.

9. **Complete the required environmental analysis and develop appropriate mitigation measures.** Relying on data from 2011 that is over a decade old to make decisions that will have lasting impacts on Tahoe's future is not only **legally inadequate under the California Environmental Quality Act (CEQA)**, but it's also irresponsible planning that destroys community trust. The required Environmental Threshold for 2024 is supposed to be complete within months. Use these findings as part of the environmental analysis. Fire Evacuation plans are vastly inadequate in a high tourist population. As presented by jurisdiction fire departments and Cal Fire, do you really think people are going to be waiting in their homes to be called to evacuate in order?? The public does not believe TRPA has met Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects/Change in Land Usage Under the California Environmental Quality Act.

It's your responsibility as a governing committee to assure complete transparency to the public. It's not apparent where the answers to the numerous questions raised at the September workshop have been listed and addressed. **The Housing Amendment page documents with red line changes are to be available 5 days before the Governing Board meeting.** This is **NOT enough time for the Governing Board to fully study the revised amendments and read further public comments.** Seriously (and the public again feels this is intentional) do you think that everyone is going to have time with the xmas parties, business get-togethers and holiday cheer to **read and analyze that all 12 or so areas raised at RPIC were fully and accurately addressed. Addressed with language that is sufficient and meets the approval of everyone?** This requires being full time like staff and we don't believe any on the **Governing Board or APC are in this position, when considering their other jobs and responsibilities?**

We have gained common ground but there have been **numerous questions still in the more than 744 pages of public comments**, direct emailed questions to staff for clarification and specific language and reference to details that still have not been addressed. **Many of them in public comments AGAIN before this meeting.** It is your responsibility to the public that all questions raised in public comments are addressed **BEFORE** passing of these all encompassing amendments as stated.

Thanks for your consideration and due diligence.

Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998

(530)320-2100
www.niobeburdenphotoart.com

From: Ellie <tahoellie@yahoo.com>
Sent: 12/4/2023 5:35:29 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment Kristina Hill Dec 6, 2023 TRPA Advisory Planning Commission
Attachments: [Comment to APC GB 12.4.23.doc](#)

----- Forwarded Message -----

From: Kristina Hill <tahoehills@att.net>
To: Marja Ambler <publiccomment@trpa.gov>
Cc: Ann Nichols <preserve@ntpac.org>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Ellie Waller <tahoellie@yahoo.com>
Sent: Monday, December 4, 2023 at 01:35:24 PM PST
Subject: Public Comment

Please incorporate the attached comments into the record for the APC hearing 12/6/23 and the TRPA Governing Board hearing 12/13/23.

Thank you,
Kristina

Kristina Hill
Hill Planning, Inc.
P.O. Box 6139
Incline Village, NV 89450

c: (775) 544-4345

Kristina Hill
P.O. Box 6139
Incline Village, NV 89450

MEMO

Date: December 4, 2023
To: TRPA APC and GB members
From: Kristina Hill
Subject: Proposed Code Amendments to Allow More Building Height, Coverage and Density

TRPA is directed by the Compact to “establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities,” (Compact Article I(b)) and to “ensure an equilibrium between the Region’s natural endowment and its manmade environment.” Compact Article I(a)(10).

The paragraph above is copied from TRPA’s Strategic Plan. As a former TRPA employee and long time resident and environmental planner, I find it incomprehensible that anyone, let alone the TRPA Governing Board, could rationalize that the proposed changes to the Code will “achieve and maintain” the established threshold carrying capacities. Where are the written findings that are required to be made when amending the regional plan under Section 4.4.1 of the Code? Findings that the amendments will not cause harm to the threshold carrying capacities?

Allowing unlimited density? No parking requirement? Building heights up to 65’? Are you kidding me? This is a recipe for disaster. Not only for our beloved lake and surrounding forest environment (more traffic, congestion, run-off, litter, people in general) but for wildfire evacuation which has become the elephant in the room.

There needs to be a much more comprehensive environmental evaluation of the cumulative, long term impacts of the proposed amendments. An initial environmental checklist is woefully inadequate to determine the significance of these enormous, far reaching changes to our way of life.

I’m pleading with you to stay away from the “affordable housing” kool-aid and think rationally about how these proposed amendments, if approved, will change the character of our communities and the health of our environment forever.

From: Chris King <ckingaei@yahoo.com>
Sent: 12/4/2023 5:27:14 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Urgent Concerns Regarding Recent Amendments to the 2017 Tahoe Basin Area Plan

Dear Tahoe Regional Planning Agency (TRPA),

I am a full-time Incline Village resident writing to express deep concerns regarding the recently approved amendments to the 2017 Tahoe Basin Area Plan (TBAP) and the proposed development code changes for housing in the Lake Tahoe region. The amendments, approved by the Placer County Board of Supervisors, have raised significant apprehension among residents and conservation organizations, of which I am a member.

The approved amendments, passed by Placer County without public discussion despite over 300 public comments, prioritize developer interests and pose a potential threat to the character and quality of life on the North Shore. Residents are alarmed by the lack of analysis on crucial issues such as environmental thresholds, wildfire evacuation risks, congested roads, affordable workforce housing, and the impact of STRs.

Leading conservation groups, including the Tahoe Area Sierra Club, Mountain Area Preservation (MAP), and the League to Save Lake Tahoe, have emphasized the necessity for a comprehensive environmental analysis before implementing such impactful changes. The modifications to the TBAP, including alterations to land use patterns, removal of parking requirements, and reduction of setbacks and lot sizes, demand a thorough California Environmental Quality Act (CEQA) analysis.

Additionally, concerns have been raised about the proposed development code changes allowing multi-level buildings up to 65 feet in town centers, with no setbacks, unlimited densities, and no parking requirements.

Moreover, the promise of creating "achievable" housing units through these amendments is a huge loophole, as there is no income limitation. These units will not be affordable to our retail and service workers, exacerbating the existing housing crisis.

The community urges TRPA to prioritize responsible redevelopment within the existing framework established by the community in 2017. The community's voice - reflecting extensive knowledge, experience, and commitment to preserving Lake Tahoe - should be valued in decision-making processes to ensure a balanced approach to redevelopment without adverse effects on the natural environment and resident communities.

The impact of uncontrolled tourism on Lake Tahoe is well known, and concerns about insufficient planning for safe evacuation in case of a wildfire require immediate attention.

In conclusion, we, the community, implore TRPA to uphold its original purpose of prioritizing environmental concerns, sustainable growth, managed tourism, and the improvement of the quality of life for all residents. The public, as well as local jurisdictions, should have equal representation in decision-making processes, and we urge TRPA to prioritize responsible redevelopment that respects the delicate balance between nature and progress.

Sincerely,

Chris King

947 Divot Court #1

Incline Village

From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
Sent: 12/4/2023 4:58:46 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment for the 12-6-23 TRPA Advisory Planning Commission Item VI.A TBAP
Attachments: [APC.12.6.23.Tsigdinos.pdf](#) , [TRPA.STR.TahoeDailyTribune.11.24.2023.pdf](#) , [PLACER.County.Lawsuit.11.29.23.pdf](#)

Please accept this letter and attachments as my public comment and enter them into the record for the 12-6-23 TRPA Advisory Planning Commission (APC). Please also share this email with TRPA board members, staff and executives regarding the proposed code changes for Agenda Item No VI.A. Placer County Tahoe Basin Area Plan (TBAP) amendments

December 4, 2023

To **TRPA Advisory Planning Commission (APC) members,**

Please accept this letter as my public comment regarding the proposed code changes for Agenda Item No VI.A. Placer County Tahoe Basin Area Plan (TBAP) amendments.

I write to ask you **NOT** to recommend adoption of these amendments. They are not in the public interest and would harm public safety (wildfire and evacuation).

APC must reject the staff's findings as they are flawed on many levels. Further, you must agree that to accept, with no data, the assertion that there will be "no significant effects" is reckless.

I also ask you to vote NO on any motion to recommend adoption of Ordinance 2024-__, amending Ordinance 2021-02, to amend the Tahoe Basin Area Plan as shown in Attachment C.

It's critical that the APC (and Governing Board), **NOT rush** substantial ordinance changes; this applies to both TBAP amendments as well as for TRPA code changes.

It would be nothing short of foolhardy to rely on flawed assumptions from one housing consultant. There are too many loose ends and unanswered questions. The proposed amendments are also too broad-based and do not preserve the desired character of Tahoe's rural communities.

The public has repeatedly requested and deserves in-depth analysis of the true environmental impacts these proposed changes would introduce. (Please also note the lawsuit filed against Placer County on this very topic.)

Contrary to claims from business-funded non-profits as well as TRPA executives, staff and consultants, the Tahoe Basin does not have a shortage of housing units. What it does have is a shortage of housing units available to those who seek to live and work here. (If you have not, please read the attached piece from Alex Tsigdinos in the ***Tahoe Daily Tribune***, published November 24, 2023- *Basin wide short term rental caps must be part of TRPA's Housing Plan*).

Finally, the rezoning of transition areas and multiple family zoned parcels for development outside Town Centers violates every policy the Regional Plan and TBAP EIR goals stand for.

Respectfully submitted,
Pamela Mahoney Tsigdinos
Full-time Tahoe resident



Opinion

14 | Friday, November 24, 2023 | Tahoe Daily Tribune

Basin-wide short-term rental caps must be part of TRPA's housing plan

Alex Tsigdino

A family of four in the San Francisco Bay Area, Los Angeles, Europe, Asia, or elsewhere planning a vacation in the Tahoe basin can choose from more than 5,000 licensed short-term rental (STR) listings and likely many more that are unlicensed. Yet a family of four seeking a long-term rental might be lucky to find a few listings—most unaffordable as demand dwarfs supply. Contrary to claims from

the Tahoe Regional Planning Agency (TRPA), the Tahoe basin does not have a dire shortage of housing units. What it does have is a shortage of housing units available to residents who seek to live and work here. The TRPA, a federally and bi-state-funded planning body originally formed to protect Lake Tahoe and its surrounding environment, could go far in remedying this housing imbalance by reversing an amendment it put in place in March 2004.

It legitimized single and multiple family dwellings as short-term or vacation rentals despite being widely recognized as business uses.

TRPA then punted to counties and permitted them to declare STRs “a residential use,” violating previous long-standing local residential zoning and CC&Rs so counties could collect transient occupancy (TOT) tax. This tax collection merely shifted from basin hotels to residential neighborhoods as STRs poach customers,

contributing to some Tahoe lodging establishments losing or going out of business.

A proliferation of STRs also reset the housing market fueling greater competition for the already built housing stock. Younger Tahoe residents struggle to find housing. Aaron Vanderbilt noted in a public comment: STR ordinances should not favor or “be for those trying to keep a second, third, fourth, etc.

TSIGDINO, 30



PROVIDED / ALEX TSIGDINOS

Tahoe local Aaron Vanderpool at Washoe County's latest STR ordinance workshop at the Incline library.

TSIGDINO

From page 14

vacation home when so many can't even afford a single home. There is an affordable housing crisis. It is insulting to allow STRs as they currently exist while we have this crisis.”

Washoe county, for example, has covered the annual STR program shortfall – about \$259,000 – from its general fund. So, taxpayers in Washoe county currently subsidize STR owners' business models.

In defense of STRs, some TRPA board members continue to argue that “Tahoe has always had vacation rentals.” True, but times have changed. Wide-reaching online platforms turbocharged the STR business advertising not just locally, but internationally starting in 2007. On the strength of “Destination Marketing” initiatives boosted by STR companies, Tahoe visitor numbers soared from two million

in 2004 to 25 million a year in recent years.

To put that number in perspective, the 207,000-acre Tahoe basin now gets two times more visitors than America's most visited national park, the 522,419-acre Great Smoky Mountains National Park. At the behest of developers and non-profits funded to write up reports that benefit business interests, TRPA is poised to set aside its commitment to protecting the lake, wildlife habitats, and scenic quality among other conservation efforts.

On December 13, the TRPA staff and Regional Plan Implementation Committee will recommend approval of buildings 65' in height inside town centers, 53' in height anywhere there is multi-family zoning, unlimited density, 100% land coverage and no required parking if there is deed restricted housing. (Enforcement of deed restrictions is notoriously lacking.)

Further, there is no income cap on “achievable” deed restricted housing. Just self-report you work in the area 30 hours a week no matter how much money you earn. How does that help low-income service workers?

These draconian amendments serve developers plain and simple. Ironically, TRPA, once the Basin's environmental watchdog, is advancing these aggressive amendments without undertaking detailed environmental analysis to gauge the cumulative impacts on traffic, infrastructure, and public safety (wildfire risk and evacuation). Instead, TRPA is employing its often-used Initial Environmental Checklist that flows from its 2012 Regional Plan Update's Environmental Impact Study. Incredibly, it lists almost every environmental factor tied to these new amendments as having “no impacts.”

Noticeably absent in TRPA's

proposed amendments are basin-wide STR limits. This would make an immediate improvement in housing availability. The experience in South Lake with Measure T is that 10-15% of STRs have so far converted to long-term rentals – a substantial percentage. Back of the envelope math tells us a similar measure, basin-wide, would yield 500 to 1,000 housing units. The latter number exceeds the housing target set by TRPA's amendments. And this in a matter of months not years without moving dirt, tearing down and forever altering town centers, providing tax incentives or public subsidies, or requiring costly changes to infrastructure. This is low-hanging fruit.

Hundreds of communities nationwide have already capped or restricted STRs, including in Airbnb's corporate home of San Francisco where only permanent residents are allowed to be STR hosts.

I would wager the vast majority

of Tahoe residents – particularly those not associated with commercial development, the real estate business or their lobbyists and attorneys – oppose the proposed plan amendments. If TRPA held a public referendum of Tahoe registered voters it would fail. This is not “NIMBYism.” Concerns about increased population density and increased demands on the Tahoe basin's infrastructure, fragile environment, and public safety (wildfire risk and evacuation) are legitimate.

Write to TRPA (publiccomment@trpa.gov) and ask that it go back to first principles: Protect the Lake and basin; prioritize housing for use by residents and local workers without forever urbanizing our rural town centers.

If TRPA is serious about addressing workforce housing it must act on STRs, regardless of any development or redevelopment initiatives it pursues.

Tahoe Conservation Groups File Lawsuit Against Placer County Challenging it to Prepare Required Environmental Impact Report

Proposed Tahoe Basin Area Plan fails to comply with the California Environmental Quality Act (CEQA)

AUBURN, Calif., Nov. 29, 2023 /PRNewswire/ -- Today, the Friends of West Shore, TahoeCleanAir.org, and North Tahoe Preservation Alliance, ("Conservation Groups") filed a [lawsuit](#) against Placer County, CA for failing to comply with the California Environmental Quality Act (CEQA) in approving new amendments to its Tahoe Basin Area Plan ("TBAP").

The lawsuit is necessary to protect Lake Tahoe, safeguard the interests and safety of Placer County residents and nearby Tahoe communities, which rely on limited infrastructure, and to maintain environmental and safety impact transparency surrounding important code amendments that will materially change the Tahoe environment.

Placer County adopted the amendments to its 2016-developed Tahoe Basin Area Plan Environmental Impact Report (EIR) on October 31, 2023, using an addendum process to CEQA rather than a Subsequent EIR, which is required because of the numerous changes and increased safety threats that have occurred since 2016.

The Conservation Groups contend that Placer County has an obligation to prepare a subsequent (EIR) for the amendments to the TBAP as required by Public Resources Code section 21166 and CEQA Guidelines, section 15162(a).

"The human carrying capacity in the Tahoe Basin is already beyond strained and is at a breaking point," said Tobi Tyler, **Sierra Club, Tahoe Area Group**, "with the Lake's [nearshore water quality](#) severely impaired with [algae](#) and [cyanobacteria](#) blooms, [microplastic levels](#) in the lake higher than even in the ocean gyres, [lead levels](#) along with other [toxic materials](#) in the lake's waters surpassing the EPA-approved limit by more than 2,500 times, a new aquatic invasive species – the [New Zealand mud snail](#) – found in Lake Tahoe, and [a trash problem](#) that is now infamous around the world such that [travel guides](#) are warning the public to stay away. This and more underscore the need for urgent action from Placer County."

North Tahoe Preservation Alliance President Ann Nichols, stated: "Rather than protect and preserve a national treasure, the focus, with the help of developers and their lobbyists, seems to be on finding new ways to build out the Basin in service of attracting more and more people to come here. If Placer County truly cares about protecting the environment and the impacted community's public safety, and not just developer profit margins, it will act now to prepare an EIR. Placer County has so far refused, only providing an environmental checklist. The County

has ignored thousands of pages of public comment during hearings. Now it's time for a judge to decide."

Friends of West Shore added: "Placer is relying on the outdated 2016 Environmental Impact Report completed for the TBAP (and 2012 analysis for the Regional Plan that guides the Area Plans). However, CEQA requires additional comprehensive analysis when circumstances have changed, there are new or significant environmental effects or additional mitigation measures that could be adopted to mitigate impacts but were declined. Community and local conditions such as traffic, wildfire danger and its spread, and visitor populations have dramatically changed since 2016. In addition, different large development projects are now on the table. The TBAP must be considered in this updated context," said Judith Tornese, FOWS President.

However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with **existing** conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, plus the impacts from increasing these populations as proposed;
- Emergency Evacuation and access for responders;
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects;
- Cumulative Impacts of other approved but not yet constructed projects in the area;
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets.

Underscoring the evacuation crisis, Doug Flaherty, a retired fire battalion chief, and **TahoeCleanAir.org** President, said, "Government officials have demonstrated that they prefer to ignore or punt the creation of a critically needed data-driven roadway by roadway evacuation capacity evaluation, even though fire agencies have stated that 'we have a long way to go to protect the Tahoe Basin and our citizens with fuel reduction and evacuation planning.'" Flaherty went on to say, "No data-driven, worst-case fire evacuation capacity based plan currently exists. Communities are gravely concerned about the current unsafe gridlock on our two-lane roads which will only be exacerbated by these amendments making evacuations that much more difficult."

From: Aaron <renotahoesky@gmail.com>
Sent: 12/4/2023 3:52:31 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment Dec 6 2023 APC meeting

Dear publiccomment@trpa.gov

Please distribute my comments to all members and ensure they are in public record. Thank you very much.

Please enter this into record for

TRPA Governing Board Meeting Dec 6th 2023 APC meeting.

Re: Item VI. A. Economic Sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

I am extremely concerned about these amendments.

If TRPAs objective as they portray is to address and fix affordable housing problems, they should be outlawing STRs in non-owner-occupied-primary-residence homes FIRST. STRs are a commercial transient use and should be restricted and regulated as commercial use and on commercial land only with higher density to free up residential. It is difficult enough for a single person to have a primary home and yet we permit this use in the face of a worsening affordable housing crisis. This is proven throughout the world. There is a massive and growing pushback by society against STRs. Italy and New York City are just two big ones of countless examples. <https://www.businessinsider.com/airbnb-florence-italy-short-term-rentals-ban-2023-12> A local example is South Lake Tahoe's Measure T. That move has significantly increased housing supply. Increased supply means increased affordability.

It is irresponsible to go through with these amendments without first taking action of eliminating STRs basin wide that is proven effective. And no, singularly giving money to incentivize wealthy people to rent out their empty homes long-term does not help equality, societal health or affordability. It makes it worse.

I also find no plan for enforcement of deed restrictions and no income cap an irresponsible move to protect Lake Tahoe as well. I also know that eliminating parking requirements not only causes additional problems but further oppresses the working class.

STRs and these amendments in my opinion continue to grow wealth and social inequality. It is no secret that STR operators are making significant amounts of income and that income goes back into taking more housing supply from the market to buy more STRs among other things. They are doing this through partially by externalizing costs to taxpayers. An example is Washoe County's \$259,000 shortfall running the STR program and the program isn't even adequate to address problems and dangers created by STRs. Not to mention STRs eternalize costs to HOAs and neighbors.

Furthermore, there is currently a lawsuit against Placer County on failure to perform an Environmental Impact Report with their approval of area amendments. I would also challenge that TRPAs environmental checklists on various projects including the area plan has been honest and truthful. I know it is a fact that is has been not from my experience with the east shore express operations. The amendments do impact the basin in negative ways in the face of our holistic situation.

What has happened in the Tahoe Basin is that residential traffic may have gone down or not changed but visitation has gone up tremendously. This is because of mass marketing, amenity and attraction creation and the increase of short-term rentals (STRs) by the wealthy or profit seeking end of society. This backward development strategy that worsens our living conditions (further creating oppression and inequalities) has been ironically permitted, promoted and approved by agencies responsible to protect society. Just as with the current COP28 2023 Climate Conference being hosted in Dubai and run by the oil companies and investors, is the same thing happening with the agencies and governments around Lake Tahoe that appear to be commandeered by selfish, conflict of interest, or misguided interests? I ask, is the wolf is in charge of the hen house?

It is also a well-known and proven concept that equality brings health and happiness to society. If true of the lack of parking requirements, lack of income caps, lack of deed restricted enforcement, increasing population density, not restricting and outlawing STRs, and incentivizing commercial property owners to kick out mom and pop businesses in favor of developers for luxury markets, I caution that these amendments are not considerate to the future of working toward an equal, healthy and happy society. It is irresponsible and there are proven actions that should be taken first.

Thank you for considering my comment,

Aaron Vanderpool

Incline Village, NV

From: Kristina Hill <tahoehills@att.net>
Sent: 12/4/2023 1:35:18 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Ann Nichols <preserve@ntpac.org>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Ellie Waller <tahoellie@yahoo.com>;
Subject: Public Comment
Attachments: [Comment to APC GB 12.4.23.doc](#)

Please incorporate the attached comments into the record for the APC hearing 12/6/23 and the TRPA Governing Board hearing 12/13/23.

Thank you,
Kristina

Kristina Hill
Hill Planning, Inc.
P. O. Box 6139
Incline Village, NV 89450

c: (775) 544-4345

Kristina Hill
P.O. Box 6139
Incline Village, NV 89450

MEMO

Date: December 4, 2023
To: TRPA APC and GB members
From: Kristina Hill
Subject: Proposed Code Amendments to Allow More Building Height, Coverage and Density

TRPA is directed by the Compact to “establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities,” (Compact Article I(b)) and to “ensure an equilibrium between the Region’s natural endowment and its manmade environment.” Compact Article I(a)(10).

The paragraph above is copied from TRPA’s Strategic Plan. As a former TRPA employee and long time resident and environmental planner, I find it incomprehensible that anyone, let alone the TRPA Governing Board, could rationalize that the proposed changes to the Code will “achieve and maintain” the established threshold carrying capacities. Where are the written findings that are required to be made when amending the regional plan under Section 4.4.1 of the Code? Findings that the amendments will not cause harm to the threshold carrying capacities?

Allowing unlimited density? No parking requirement? Building heights up to 65’? Are you kidding me? This is a recipe for disaster. Not only for our beloved lake and surrounding forest environment (more traffic, congestion, run-off, litter, people in general) but for wildfire evacuation which has become the elephant in the room.

There needs to be a much more comprehensive environmental evaluation of the cumulative, long term impacts of the proposed amendments. An initial environmental checklist is woefully inadequate to determine the significance of these enormous, far reaching changes to our way of life.

I’m pleading with you to stay away from the “affordable housing” kool-aid and think rationally about how these proposed amendments, if approved, will change the character of our communities and the health of our environment forever.

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 12/4/2023 12:46:01 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: preserve@ntpac.org <preserve@ntpac.org>; 'Doug Flaherty' <tahoebblue365@gmail.com>; 'Ellie Waller' <tahoellie@yahoo.com>; Kristina Hill <tahoehills@att.net>; 'Pamela Tsigdinos' <ptsigdinos@yahoo.com>; 'Diane Heirshberg' <dbheirshberg@gmail.com>; rondatyce@aol.com <rondatyce@aol.com>; 'carolejblack@gmail.com' <carolejblack@gmail.com>; 'Judy and Jerry Winters' <Jmtornese@aol.com>; 'Ron Grassi' <ronsallygrassi@mac.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'carolyn willette' <carolyntahoe@sbcglobal.net>; Gavin Feiger <gavin@keptahoeblue.org>; jesse@keptahoeblue.org <jesse@keptahoeblue.org>; DarcieGoodman-Collins <Darcie@keptahoeblue.org>; 'Alexis Ollar' <alexis@mapf.org>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>;
Subject: [BULK] Kaufman Planning Housing comments for TRPA, APC & Governing Board
Attachments: [TRPA RPIC Meeting Comments November 8th \(3\).docx](#) , [2023.01.30 LTSLT Comments on Palisades \(VPTSP\) RDEIR.pdf](#) , [2023.10.31 LTSLT Comments on TBAP Amendments for Placer BoS.pdf](#)

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: Monday, December 4, 2023 12:42 PM
To: 'publiccomment@TRPA.gov' <publiccomment@TRPA.gov>
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Subject: Kaufman Planning Housing comments for TRPA, APC & Governing Board

TRPA-Please incorporate these comments into the record for the Apc hearing 12/6/23 and TRPA Governing Board hearing 12/13/23 for North Tahoe Preservation Alliance.

Thank you,

Ann Nichols

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December 2, 2023

To APC and Board of Supervisors, Planning Staff and Legal counsel,

Please accept this letter as comments regarding the proposed code changes for TRPA's "Achievable/Affordable housing" that will be heard in front of Governing Board on December 13th, 2023, as well as my comments for the November 6th APC hearing regarding the Tahoe Basin Area Plan (TBAP) amendments running a parallel course with TRPA code changes. I am also responding to Cindy Gustafson, Vince Hoenigman and Shelly Aldean who commented at the November 15th RPIC meeting regarding TRPA's proposed Housing code.

TBAP amendments were approved by the Placer County BOS on October 31, 2023, but also require approval by TRPA APC and TRPA Governing Board. The TRPA Governing Board hearing on December 13, 2023 (same day as TRPA housing amendments) for TBAP amendments has been postponed.

This letter is a compilation of **hours** of research, reading codes, TRPA environmental reports, and TBAP red-lined amendments, conversations with northshore community members, and the five conservation groups. I am also interjecting my own two cents as a local business owner (land use planner) living on the northshore for 45 years and prior TRPA employee.

As land planners we are trained to examine words carefully, read code, make findings for our projects, and offer mitigations if there are impacts. It is with this level of detail I am analyzing the TRPA proposed code changes.

My comments are all sourced, and *suggestions* are offered throughout the document and in the summary section of this *long* letter based on solutions from other resort communities in their quest to address workforce housing needs.

In my opinion, the APC and Governing Board), are rushing substantial housing code of ordinance changes prematurely for both TBAP amendments as well as for TRPA code changes.

This is not a stall tactic; it is because the amendments are based on flawed assumptions from one housing consultant, looking at only one parcel size (12,000 sf) to create the codes. There are too many loose ends, and unanswered questions.

This letter points out errors in tracking bonus units, inconsistencies between the TRPA housing codes and TRPA Goals and Policies implementing the 2012 Regional Plan, and mixed messages leading to confusion between concurrent planning processes, (TRPA code changes and Tahoe Basin Area Plan (TBAP) amendments).

Placer County amendments and TRPA code changes bypass the years of hard work that went into crafting Area Plans that are detailed and address the unique character of each community, provide the nuts and bolts of planning policy and guided development and protections for the environment.

The “one size fits all” code changes do not address changes to land use patterns, , or account for very different development proposals between the north and south shores of Lake Tahoe. The codes were written specifically for developers, and it appears maybe one or two large Town Center projects.

“Unlimited density” is non sensical, it does not exist in any other resort community I could find in my research except for Los Angeles and 16 other metropolitan cities in California with an 80% affordable “low and very low” and “20% moderate income housing requirement, a 5-minute headway transit system, and a supporting dense population with millions of people.

The environmental analysis for the TRPA code changes is a checklist stating **NO IMPACT** for every resource topic and is the fourth major plan revision to the TRPA codes since 2012, all changes based on a checklist tiering off the 2012 EIS. There is no analysis of the impacts of the code amendments on changing land use patterns, community, neighboring impacts, shade on more than just the ground floor, and parking reductions without management plans in place etc.

The weak mitigation measures do not differentiate between the impacts of building on 12,000 sf lots or five acre parcels or provide protections for the natural built environment such as saving specimen trees, air quality, traffic and other resource topics.

The code amendments do not concentrate development in Town Centers but promote sprawl with the inclusion of Multiple Family zoned properties outside of Town Centers, and Transition Areas ½ mile in each direction from the Town Center boundaries. On the Northshore this includes a large portion of Incline Village, Kings Beach, the Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, parcels around the Tahoe City Golf Course, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma.

(Source: GIS.TRPA.org/housing/Placer County TBAP).

Expansion outside the Town Center boundaries for the added density, height, land coverage etc. is in direct conflict with policies in the TBAP EIR, and 2021 TRPA Regional Plan goals and policies.

TBAP: The Tahoe Basin Area Plan (TBAP) 2016 EIR states that:

“TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.”

Additionally,” 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.”

TRPA Goals and Policies The amended April 28th, 2021 Goals and Policies document under Land Use states:

Goal 3.3 of the TRPA Goals and Policies document

“DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP.”

Specific Goals under Land Use:

LU-1.2 REDEVELOPING EXISTING TOWN CENTERS IS A HIGH PRIORITY. Many of the Region's environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area's natural resources. To correct this, environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority.

LU-2.7 The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation.

GOAL CD-1 ENSURE PRESERVATION AND ENHANCEMENT OF THE NATURAL FEATURES AND QUALITIES OF THE REGION, PROVIDE PUBLIC ACCESS TO SCENIC VIEWS, AND ENHANCE THE QUALITY OF THE BUILT ENVIRONMENT.

GOAL CD-2 REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.

iv. Town Center Boundaries: Land Use Design criteria includes that Buildings located within Town Centers should have transit **within a ¼ mile radius to the use.**

TRPA codes propose additional density, height, and land coverage in areas that are ½ mile distance to transit which is farther than envisioned in the Regional Plan.

Areas zoned for multiple family are not necessarily close to major services, transit is not reliable to run regularly in winter and runs at 30 minute and 1-hour headways on a good day. Tart Connect only will drive within a three-mile radius for pickup and delivery. The ski areas do not appear to shuttle employees, some of whom live 20 miles away from the resorts, and 96 percent of basin workers have cars. (66% have one to two cars). (Source TRPA).

There is limited infrastructure (bike trails and sidewalks), so it is unrealistic to expect that promoting density in these areas will lead to walkable communities.

See pictures below of typical snow days (Kings Beach) and parking overflow on side streets from workers in Incline Village (Southwood Drive) who need cars based on their jobs.



Worker Cars parked along Southwood Drive in Incline Village 12/3/2023



Typical snowy winter day in Kings Beach

- **Flawed Assumptions**

The entire premise for the TRPA code changes is based on a flawed assumption from one housing consultant (Cascadia), that “achievable housing” developments will be on 12,000 sf parcels. There is no proof that future development will be on this size of parcel. There is no inventory of parcels to inform the agency of what is affected by the rezoning changes i.e., size, occupancy, (vacant or developed), and location of parcels affected by the code amendments, and parcel size. Based on review of assessor parcel maps it appears the basin wide these amendments will affect thousands of parcels.

Note: TRPA staff threw out a number at RPIC that there are 500 vacant parcels but gave no source for this number or a total basin wide count of parcels affected by the code changes on developed land or size of parcels. Since land is valuable, we are sure that redevelopment will be on more than just vacant parcel lots.

The examples given by Cascadia do not take into consideration that **heights** may **not** need to be as tall if the parcel sizes are larger.

The examples given by Cascadia do not consider that **density** may be less if the parcels are larger.

The proforma that the code changes are based on is for twenty-four (640 sf units) in a five-story building, in a Town Center, on a 12,000-sf parcel with .75 parking spaces per unit, and 100% land coverage, eliminated setbacks, and a 12% rate of return for the developer. Rents are stated as \$3,000 to \$3,300/month. Subsidies and modular construction could reduce rents to \$2,430/month. (Source Karen Fink Housing presentation to Incline Village Advisory Board May 2023). This represents a density of approximately 66 units per acre. (I sent this link directly to Cindy). This proforma analysis was also found on the TRPA website.

Note: We have asked TRPA several times to ask their housing consultant to provide additional examples and a proforma analysis of proposed projects on lots larger than 12,000 sf with heights within the current allowable for Town Centers at 56 feet. We have asked TRPA to provide an analysis of Multiple family dwelling lots outside Town Centers on larger than 12,000 sf lots with unlimited density proposals and parking minimums.

Proposals for 100 % land coverage do not take into consideration that we live in snow country and that snow storage is an issue in winter. There is no room for screening and tall buildings will change the visual character of the community. Both Sugar Pine Village and the application for Dollar Hill Crossing are on acreage parcels, propose density between 15 and 21 units per acre and have over 11 acres of land to support their developments. Are there specific projects that we are catering to that require 100% land coverage and 65 feet of height incentives?

No response

More effort should be put into solutions for fixing the existing basin problems as identified by the thousands of members in community and conservation groups instead of shutting us out, ignoring our suggestions, and insulting our intelligence. Basically, we expect more from the TRPA than to be told: "We are working on it."

TRPA must set aside TBAP housing amendments and TRPA code changes until a complete environmental analysis has been prepared and reviewed. Conservation groups, community members, visitors, and businesses owners have legitimate concerns about the “one size fits all” regulations, proposing density and height only found in 17 California metropolitan cities (with millions of residents and multiple forms of transit), relying on one housing consultants’ opinion based on an inadequate incomplete environmental checklist that is insufficient.

REASONS TO SET ASIDE TBAP AMENDMENTS AND TRPA Housing Codes

Years of work and a thorough environmental analysis went into crafting the Basin Area Plans involving actual input from the community members. Jurisdictions with existing adopted Area Plans or having affordable housing projects either in the planning stages or on the ground have met or are meeting their obligation to provide workforce housing in the basin. In other words, TRPA’s housing policies are not evaluated with the same level of environmental review or community input and scrutiny that was part of crafting the Area Plans.

The Governing Board members **do not have** to take staff’s recommendation that TRPA code amendments must supersede Area Plans as some of the jurisdictions are already showing progress towards state inclusionary housing goals and providing affordable housing in the basin.

TRPA board members can REQUEST staff to go back to the drawing board and tighten up policies, that protect the environment and evaluate the impacts of housing codes on parcel size. Board members can ask that a slower based approach with performance-based benchmarks are required for some of these larger projects, as well as identify suitable specific sites. Supervisor Gustafson suggested this and upon contemplation it is a good idea.

A priority should be incentivizing existing blight and boarded up structures like the Garni and Norfolk Woods Inn to redevelop as they already have the infrastructure and parking.

New York City has a pilot program to pay 15 homeowners \$395,000 to build additional housing on their property - ADU’s- (Source Kendall Green November 22, 2023 as reported by Fox 5 News).

Questions raised by the public should be answered and more work needs to be done to tighten up the codes to prevent loopholes and inconsistencies and impacts to the neighborhoods and natural environment.

- **Mixed Messages**

The Placer County BOS approved County housing amendments on October 31, 2023, closing the public hearing without taking public comment. While Placer County height proposals to 72 feet were removed from the Placer County amendments due to lack of public support, the County and Board members had the knowledge that the TRPA was running a parallel planning course proposing major changes to TRPA's housing code of ordinances affecting heights to 65 feet, unlimited density, 70-100% percent land coverage allowances, reduced setbacks, parking reductions, and changes to Town Center boundaries.

In the court of public opinion this was perceived as surreptitious. The Northshore community was led to believe by Placer County legal counsel that the most restrictive rules between the two agencies (TRPA and Placer County) would apply, which is clearly not the case.

TRPA's housing code (Section HS -3.1) states *"TRPA shall adopt development standards to promote 100% deed -restricted affordable housing that supersede local jurisdiction's standards including in approved area plans."*

"Local jurisdictions may propose within an area plan, alternative development standards that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed restricted affordable housing."

As stated above, Placer County and other jurisdictions are demonstrating that they are facilitating the construction of deed restricted housing and should not have to do further environmental analysis.

Page 76 of the Placer County Tahoe Basin Area Plan (TBAP) states that "because TRPA standards are generally stricter and more detailed than other County requirements, the TBAP utilizes the Regional Plan and TRPA Code of Ordinances as its foundation." This is also not true.

The TBAP has more restrictive zoning for density and height. Height regulations are lower in the TBAP (56 feet in Town Centers) than the 65 feet TRPA is proposing, and density is less for all housing types not “unlimited density zoning” as is proposed by the TRPA.

Town Center boundaries as part of the TBAP are also more restrictive with the exception of transition areas. These boundaries are proposed to be expanded as part of TRPA’s code changes.

TRPA code changes promote sprawl with height, unlimited density, increases in land coverage, reduction of setbacks, and reduction of parking into Transition Areas and areas zoned for Multiple Family Dwellings effecting thousands of parcels basin wide as stated previously.

What is the rush?

- **California Inclusionary Housing Requirements are met**

It is not the case that TRPA has to adopt more California Inclusionary housing requirements or they will be fined.

Placer County has existing and proposed affordable housing either on the ground or in progress and is meeting its California State inclusionary housing requirement by rezoning 74 parcels for a maximum density of 30 units per acre in Placer County.

Other large projects in the planning process are 110- 140 units of affordable housing at Dollar Creek Crossing. We have identified at least 100 units planned for “achievable housing” in the planning stages. In addition, Placer County has a fair number of conversions of existing commercial and motel buildings for workforce housing. The City of South Lake Tahoe is building 248 affordable units called Sugar Pine Village, with additional projects in the works.

California inclusionary housing laws are not uniform policy and give local governments broad discretion to realistically advance affordable housing in a creative manner. In everything I have read there must be some requirement for including a minimum percentage of dwelling units that are affordable to very low- low- and moderate-income households.

➤ Will “achievable” housing meet the Inclusionary Housing requirements?

Eastern Placer County has shown great progress in meeting affordable housing objectives. In fact, if you count the reserved bonus units inventory provided by Karen Fink, California (north and south shore) has 470 bonus units reserved to Nevada’s 21 bonus units for Boulder Bay.

Douglas County was one of the first area plans to be approved by TRPA and lacks an affordable housing policy. TRPA acts as the lead agency not the local jurisdiction for this plan, even though TRPA is a regional planning agency, but abdicated responsibility to require “affordable housing” to the local jurisdictions. (Mistake)

Case in point is Latitude 39 in Stateline, Nevada with a recent approval for 40 luxury condos, pickleball, a dog washing station, restaurant and 94 feet of height with zero affordable component because *they did not have to* according to attorney Lew Feldman.

Lew was also the attorney pushing the rezoning in Incline Town Center of the Nine 47 Tahoe four story condo project. (“Effortless Luxury meets Endless Adventure”) with a starting asking price of 2.5 million dollars. There is no requirement for the developer to ever build affordable housing on the lot across from his development, and if he does what will the units rent for? The proposed 5 one-million-dollar condos are hardly “affordable.”



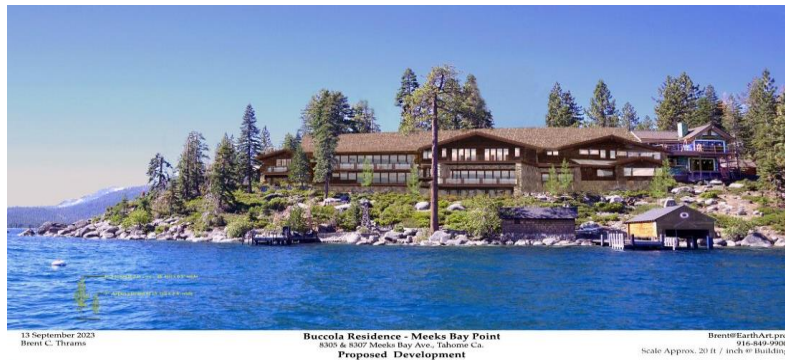
Nine 47 Tahoe- Incline Village luxury condos

The existing TRPA code of ordinances facilitate the continued approvals for luxury condo developments and McMansions that are getting even more outrageous with underwater hockey pools, sports courts, salt rooms, bowling alleys, golf tees,

hair salons, and convention sized gathering spaces , and STR permits, all of which require a workforce that these projects create. There are no code proposals to address the magnitude and neighborhood changing characteristics of these Mega Homes or require these projects mitigate the workforce they create. Business as usual will ensure that more will get constructed without the need to mitigate their workforce.



Underwater Hockey Pool Lakeshore Drive



Proposed 14,000 sf single family dwelling with two STR permits overlooking Meeks Bay replacing two small historic cabins.

There is nothing in the proposed code amendments that will encourage or require a fair and equitable “affordable housing” policy between both states.

- Density

I have researched other locations in California and found only one reference to “unlimited density” in density bonus legislation and programs for affordable housing projects.

1. *California State Code AB2334*- allows increased “unlimited density” if the project is located in an urbanized very low vehicle travel area, and

housing is 100% affordable. 80% of the units are restricted to lower income households and no more than 20% are for moderate income households. Senior citizen housing is also allowed. There is also a limitation on height. There are seven counties and cities in Southern California such as Los Angeles and ten Northern California cities such as Alameda, San Francisco and Sacramento that have been identified as qualifying. Otherwise,

2. *California Government Code 65915* is a statewide mandate which allows developers who meet the requirements to build up to 50% over the maximum allowed density on rental or ownership projects in exchange for affordable housing.

Other towns in California that allow a Density Bonus Program are cities with transportation systems running more frequently than once an hour or 30 minutes and are far more populated.

3. San Diego - 35% bonus density override for affordable housing only.
4. Glendale-up to 50% bonus density override that must include for sale units at affordable levels.
5. Encinitas— maximum density bonus up to 50% with the following provisions- 44% of the housing must be moderate, 24% Low income, and 15% very low income.
6. AB 682 is a Density bonus law for affordable and senior housing, maximum height is 33 feet plus a density study is required. The developer may submit a base density study to the community, including all applicable objective development standards such as allowable floor area ratios, setback requirements, open space and parking requirements.
7. Placer Co rezone- 74 parcels proposed to be rezoned for 30 units per acre maximum density. Meets CA State inclusionary housing requirements.

“Unlimited density” as proposed for the TRPA housing code changes is inappropriate for a rural mountain community. We do not have the transit headways or reliability of service, the population, or the restaurants, grocery stores, and other services offered by metropolitan cities. Developer bonus density in major cities (as referenced above) do not exceed 50 percent of current zoning densities and come with requirements to provide low- and moderate-income housing not “achievable housing which is a definition not in State housing codes and was developed by the Mountain Housing Council for Tahoe and Truckee.

The TRPA staff has said that developments outside Town Centers are to encourage smaller duplex, triplex, and multi-family projects. However, there are no policies, regulations or ordinances that would guide these types of non-controversial proposals and in fact, density as of May 2023 outside of Town Centers was proposed at 60 units per acre but that was also changed in favor of “unlimited density” with no explanation to the public or concern for the environmental impacts that unlimited density could create on parcels larger than 12,000 sf.

- **Code Language Changes between TRPA and TBAP**

TRPA and TBAP amendments are confusing and conflict as per the following examples.

Single family proposals

TRPA- height to 65 feet is based on 100% deeded affordable/achievable housing **No** single-family dwellings or market rate condos are allowed However, 50% of the project could be mixed-use non-deed restricted. Chapter 36.13

But then- TRPA- HS pg 9 allows conversions of existing multifamily to single family dwellings condos via the (two-step process) providing 50 percent of the units are deed restricted affordable but,

TBAP- New single families- (townhomes and condos) are allowed. Projects are not required to be 100% affordable if the market rate condos are 25% or less of a project development. Unsure is if these units are eligible for the incentives.

- County allows 75% affordable deed restricted housing for single family uses and allows 25% market rate. Do these units qualify for extra height and other housing incentives?
- County allows 15 multiple family dwellings approval by right with no environmental review. Does TRPA review these projects?
- TRPA requirement is that 50% of housing must be deed restricted if proposing a mixed-use commercial development and requesting the extra 10 feet of height to 65 feet but allows conversions to single family dwellings as part of a two-step process if 50% of the units are affordable. Do the two-step conversions qualify for the additional height and other bonus incentives?

TBAP- TBAP has reduced parking to no minimums **for all uses** except TAU development in Town Centers regardless of if it is deed restricted or not.

- TRPA- has no parking minimums for affordable deed restricted housing in Town Centers, and .75 parking spaces per unit outside Town Centers for Multifamily developments.
- Does TRPA have parking minimums for other uses within the Town Centers?
- Do TRPA parking minimums apply only for deed restricted or market rate housing or both?

However, TBAP- TBAP supersedes TRPA Code of Ordinances Chapter 36 Mixed Use and Chapter 34 parking. (Page 1 of TBAP).

- So, in reality who supersedes who?

Help!

TBAP- Allows Reduced lot width and size of lot to 2,999 sf to promote tiny homes.

TRPA- small lots (less than 3,000 sf) do not receive good IPES scores if vacant or are only allowed base land coverage (600 to 900 sf depending on Land Capability)

- Would this provide enough land coverage to build on?
- TRPA ordinance allows 1,200 sf of land coverage for ADU's exempting driveway land coverage. How does this work on the reduced lot parcels?

TBAP- proposes all housing land uses (Multi person dwelling, employee housing, multifamily etc. in every area where multiple family zoning is allowed. Density for multiple persons per acre has been increased from 25 persons per acre to 62 persons per acre as part of TBAP. Placer County reported that this increased density matches TRPA zoning, but TRPA code has not changed from the 25 persons per acre density. **Please clarify.**

Suggestion: TRPA should prepare a flow chart that assists the public and planning staff to navigate the code changes between TRPA and TBAP.

- **Achievable Housing**

We appreciate that Vince Hoenigman is asking for more analysis of the “achievable housing” definition in the TRPA housing codes. The definition must have an income cap.

The looseness of the current definition will lead to loopholes.

Lack of enforcement will lead to loopholes.

Not having an income qualifier or “affordable housing” component requirement in every project will lead to loopholes.

Last year the Tahoe Living Working group had an income qualifier in this definition that required renters to qualify at no more than 120% of the AMI.

This was removed. WHY?

The other ski resort communities look at second residence ownership, time occupying a lease, and a physical location for the jobs. Density bonus programs in other locations in California come with a requirement to build “low, very low and moderate” affordable housing to receive density increases which should also be a

requirement as part of the TRPA amendments and is identified in the Housing Element of the TRPA Goals and Policies as stated below:

POLICIES: HS-1.1 SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW-INCOME HOUSEHOLDS (50 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME)

- Based on my calculations there are 712 bonus units remaining that could be used for Achievable Housing that does not assist lower or median income families and since “achievable housing” does not come with rent control how is one to know it would even be affordable?

Developers building the achievable housing have no rental caps or requirements to make the rents affordable.

The minimum wage in California is currently at \$15.50 per hour.

Suggestion: Tighten up the “achievable definition” and put in benchmarks that allow for revisiting the definition and requirements to ensure that these units do not become condos for second homeowners and that the target market is indeed being served. Some type of income qualifier and rental cap may be necessary as there are no guarantees that rents will be affordable.

J-1's who service our ski areas, restaurants, grocery stores, and retail, can only pay approximately \$200/week +/- for their housing. Even a \$30/hour employee would have to pay over 60% of his or her income to live in the “achievable housing” based on TRPA's proforma of \$2,430 to \$3,000/month for rent. The single high school math teacher I spoke to a few days ago said it would be a stretch to pay \$1,500 a month for his housing so he lives with roommates.

Suggestion: Perhaps a percentage of low, and moderate housing units should be mixed in with the achievable housing.

The Alpine View Housing developer at the meeting stated that their projects would be affordable to the workforce but did not identify what specifically this meant? The website <http://www.dollarpoint.com> advertises brand new

underground parking, one-to-three-bedroom apartments, with elevator and private balconies designed to elevate the lifestyles of the middle-class Tahoe Workforce. Sounds fabulous just concerned what the rents are proposed to be.?

Suggestion: Truckee, bordering the Basin has similar STR, tourist management, and workforce issues like what we face in the basin, has similar transit headways, is located in snow country, and has the track record for projects constructed. Workforce housing in Truckee includes For sale- for rent- affordable low and moderate income projects in different locations.

A list of these projects with number of units, apartment/room sizes, number of bedrooms, monthly rents and/or for sale price tags, tenancy requirements, with the pros and cons of each development, subsidies received, etc. would help us in the Basin to craft good projects. We don't have to reinvent any wheels or guess what will be effective when our neighbors have already crossed this bridge.

- **Bonus Unit accounting**

There is a discrepancy in bonus unit accounting. Staff at RPIC mtg said there are 946 bonus units remaining. They, however, did not break down what is available for “achievable housing” but said that the past bonus units have been for affordable housing at low- and moderate-income levels. Taking this information, I came up with the following:

The TRPA housing website says the starting bonus pool is 1,124 bonus units and that half of them are for affordable “low and moderate income” housing and half could be “achievable housing.” However, the 2012 EIS states there are 1,440 bonus units available as part of the 2012 Regional Plan which is 312 more units. Staff reports state 960 remaining bonus units.

➤ So what is it? 1,124 bonus units or 1,440 bonus units?

- 1,440 bonus units would result in 720- Achievable – 720 Affordable

- 1,124 bonus units would result in 562 Achievable and 562 affordable.

TRPA staff also said that 480 bonus units have been used for affordable housing leaving 960 bonus units left either reserved or available.

If you subtract 480 from 1,124 then you would have 644 units. If you subtract 480 from 1,440 you would have 960 units. If the regional plan EIS 1,440 bonus units are correct, then.

- ***240 of the remaining units 960 units are required to be “affordable.”**
- **720 +/- bonus units left can be “achievable.”**

***Sugar Pine Village is proposing to use 248 of the affordable housing bonus units thus leaving all the remaining 712 bonus units to be “achievable housing.”**

- **Bonus Unit Inventory**

TRPA staff provided a bonus unit inventory of both used as well as reserved bonus unit projects. It does not appear to be complete for Placer County as identified below. (email dated November 14, 2023, from Karen Fink)

960 Bonus Units remaining

- 140 Dollar Creek Crossing-Dollar Hill
- 70 Crossings- south shore
- 74 39 North-Kings Beach
- 120 Sugar Pine remaining phases-south shore
- 20 Silver Dollar-south shore
- 24 Boulder Bay-Crystal Bay
- 12 Homewood-West shore (California)
- 8 Aspens-South shore
- 9 ADUs

In reviewing the Placer County projects that are in the planning process or have been approved what appears to be missing are:

- Boatworks project (Tahoe City) affordable component?
- Tahoe City Lodge (Tahoe City) affordable component?
- Chalet Blanc (Tahoe City)- 18 “achievable units that just received 1.5 million in TOT funds from Placer County for “achievable housing.”
- Alpine View (Dollar Hill)- 24 “Achievable units.”

- **Conversions:**
 - Wandas flower shop to dorm style housing - Approx 28 beds. Conversion from CFA.
 - Dollar Hill Apartments- 17 studio and one-bedroom units- conversion from CFA.

 - TAU conversions- Employees housed in hotels and market rate developments. Example: (Palisades purchased the Tahoe Vistana hotel in Tahoe Vista and apartments on Brockway Hill in Kings Beach for employee housing). Tahoe Vistana holds approx. 50 employees, Brockway Hill Apartments house approx. 15- 20 employees +/- . (Source Snow Brains/Sierra Sun May 26th, article).
 - Tahoma Meadows Cottages
 - Garni Lodge

- How are conversions tracked by TRPA?

- Employees in hotel rooms that were once TAU’s or conversions from commercial to residential use represent a major change of use category. Are these conversions from tourist accommodation to residential uses or from commercial to residential uses required to obtain bonus units (employee housing) or Residential Units of Use (RUUs) or any other type of entitlement?

- Is there a time frame to submit project applications for changing a use by converting?
- Do converted projects used for employee housing come with the same TRPA housing incentives as are allowed for bonus units? i.e., Extra height, density, coverage, reduced setbacks, and parking reductions?
- Are both TRPA and County permits required for conversions?

None of these questions asked previously have been answered.

In 1987, the public utility districts and TRPA required that all existing development identify under what category of use they wanted to be or were operating as i.e., commercial, residential, mixed use, tourist accommodation, public service, recreation etc. It is obvious that many of these uses have clearly changed since originally inventoried. I.e., conversions, the use of market rate housing and hotels for employee purposes, public service going to commercial, TAUs to long term tenancy etc.

- Chapter 6.3.1 of the TRPA Code of Ordinances requires tracking of entitlements. How current is this?

The proposed TRPA housing codes propose encouraging long term residency in hotels. Counties collect TOT taxes from hotels and motels (short term under 30 day rentals) which goes to support infrastructure and affordable housing projects.

- Has this been vetted with local jurisdictions that could lose possible revenue? How many hotels have been converted basin wide?
- Is there a limit on the number of tourist accommodation properties that can be converted to long term tenancy?
- Do conversions come with the requirement to update BMP's and fix dilapidated structures to make them safe and habitable for the employees occupying such units?
-



Garni Lodge Crystal Bay

Local utility districts have different requirements/fee schedules based on use. There are sewer pressure tests required and a change in fees going from tourist or commercial to residential. The fire department considers changing occupancy very seriously and has much more stringent requirements under fire codes for residential use than commercial. Fire sprinklers etc.

(The IEC says no effect for any of the topics involving public services). We beg to differ that effects could be significant if not mitigated and should be identified as such.

- **Environmental Analysis**

The lack of a thorough environmental analysis is perplexing. As stated previously, housing amendments are proposed to be approved with a simple environmental checklist in which minimal findings are made, mitigation measures are lacking, and every resource topic question is either a “no” or there is no stated environmental impact for both TRPA as well as California CEQA code changes. The checklist references the 2012 Regional Plan but there is no discussion as to what benchmarks have been made since 2012, status of the thresholds, and if required mitigation measures as part of the regional plan have been implemented.

There is no cumulative impacts analysis of projects or changes from outside influences specifically the 25,000,000 million annual visitors that impact the basin carrying capacity during peak seasons resulting in gridlock and a lake that is suffering from microplastics, trash, snails, and other invasive species because of human influence.

An environmental checklist has been used for Phase 1 housing amendments (conversions), transfer of land coverage between hydrologic areas, and transfer of entitlements around the basin. None of these code amendments were analyzed in the original 2012 EIS document.

- An EIR was required for the Area Plans tiering off of the 2012 Regional Plan. TBAP was approved in 2016 setting the standards for height, density, zoning, setbacks, parking, and Town Center Boundaries in Placer County.
- An EIR is required for the REZONE process as part of the California States Regional Housing Needs Assessment (RHNA) for 74 properties identified for a MAXIMUM density increase to 30 units per acre to accommodate a mix of affordable housing. The Placer County rezoning as described above, requires an EIR analysis for a maximum 30 units per acre density proposed on 74 parcels.
 - Please explain why rezoning of 74 parcels with a maximum density of 30 units per acre requires a full EIR under CEQA, but the TRPA proposed code changes affecting areas outside of Town Centers, changing zoning on thousands of potential parcels basin with unlimited density, and up to 100% land coverage allowances, and reduced or no parking minimums is evaluated with only a checklist?
 - Please explain why the 2016 Area Plan required an EIR analysis as it was also based off of the 2012 EIS and was the document that regulates density, height, setbacks, and parking. The TRPA amendments are proposed to supersede the Area Plans with substantial proposed changes to height, density, parking and land coverage with only a simple checklist. TBAP crafted height, density, parking, setbacks, and Town Center boundaries with a full EIR.
 - The “findings” discussion at RPIC was incredibly confusing, but I think if I understand it right, the TRPA staff said if amendments are allowed without being considered a “special use” there would be a lessened amount of environmental review resulting in possible loss of protections to the community? **Please clarify.**

➤ What triggers environmental review for proposed projects?

Please note that many projects previously requiring TRPA and or County review are now exempt under TBAP.

These questions asked previously have not been answered.

A recent lawsuit filed by three conservation groups and supported by others charges that Placer County with the TBAP should have prepared an EIR (Environmental Impact Report) to assess the changes proposed by the Placer County amendments as the checklist addendum prepared was not adequate.

The League letter to the BOS (copy enclosed) points out that traffic was not addressed under TRPA's new VMT requirements. "The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045. While the TBAP approved in 2016/17 may not have caused the old VMT threshold to be exceeded at the time, it may undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard and this needs to be analyzed.

TRPA's VMT threshold is closely aligned with Placer County's SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update.

Regardless of the County's interpretation of how the Project's impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County's Transportation Study Guidelines) standards of significance. Because the 2016 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations."

“The impacts from the Palisades plan also need to be analyzed. The County commented in the Attachment M errata that there would be a tradeoff between traffic generated by Martis Valley West that is not currently an active project, and Palisades proposed expansion for impacts that would be basically offset, This also should be analyzed as you can’t just substitute two very different projects in different places for the purpose of environmental review. One project impacts Highway 267 and the other a two-lane road Highway 89 leading from Truckee to Tahoe City.

Additionally, there are concerns regarding cumulative impacts, and questions regarding the benefits of the amendments that do not just address housing opportunities.

Other changes include Reno issued 12,002 building permits in one year alone in 2022, (Source-Washoe County local jurisdiction report 2022 Census for Building Permits issued), growth in Truckee, Sacramento and other regions affecting the Tahoe Basin and the impact of 25,000,000 annual tourists (Source NDT) more than three times the number of visitors as Yosemite. (Source- Fodors Lake Tahoe has a People Problem November 17, 2022 resulting in traffic jams, packed beaches and decreased lake clarity). Analysis of the amendments do not provide mitigation measures for land use pattern changes, impacts to the natural built environment, and there is no analysis of a roadway-by-roadway plan for fire evacuation etc.

The TBAP code changes come with a lot of “collaborate, suggest, promote support”, but lack the wording “require” when it comes to policy and actual regulations that will affect change. Please refer to DP-P-11 regarding “supporting redevelopment of aging lodging, products and encourage revitalization and creative new high-quality lodging.” Support is empty without the resources to back it up.

Suggestion Do not approve TBAP housing amendments until there is more research and analysis of the issues raised above.

- How can TRPA say their code amendments are in conformance with the 2012 Regional Plan EIS and the local Area Plans (TBAP 2016) when neither the Regional Plan EIS or the individual Area Plans environmental documents ever analyzed “unlimited density” zoning, heights above what was approved in the Area Plan, reduced parking with no parking plans in place or firm requirements to provide parking solutions (TC-P-19) does not require a parking management plan to be in place.
- increased land coverage proposals up to 100% coverage affecting neighbors and the natural built environment, shade on more than the ground floor and changes in community character, no room for walking paths, snow removal and landscaping? The plan documents never analyzed what these similar proposals would be on parcels located out of the Centers and in Transition Areas or on parcels larger than 12,000 sf.

- **Lack of Transparency and Community Frustration**

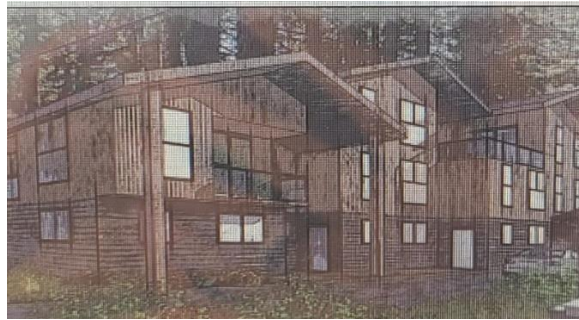
This is a big one for me and very unsettling. Trust of Placer County and TRPA is at an all-time low and could have been avoided by actively involving the community that was responsible for crafting the Area Plans in 2016. 35 members of the community collaborated and came up with policies they felt their communities along the northshore should look like and regulations to enhance redevelopment. If this wasn't working fast enough for staff or wasn't enticing enough for developers, then there should be communication with the team. Failed CEP projects were not the fault of agency regulations, they attracted the wrong kind of people and were too ambitious. The financial market has also not helped.

Desired community character has been communicated to staff numerous times and in numerous ways. TRPA staff has tried many ways to “Solicit Support for Height” with exhibits, flash vote surveys, attendance at Farmers Markets and at the Summit and with their own housing website. The community has continually pushed back that they do not want the height and in fact height is not necessary if TRPA would examine projects with parcels greater than 12,000 sf.

1). Exhibits

Heights for the buildings are represented at different heights depending on who they are being shown to. For example, this triplex rendering shown at RPIC last month was stated to be 48 feet tall, however TRPA staff represented in writing that this is 36 feet tall.

(E mail from Alyssa Bettinger dated August 16, 2023 stated this triplex is 36 feet and appropriate for areas zoned for multiple family dwellings).



TRPA has never shown the public 65-foot-tall buildings, to solicit “Support for Height” which they **would not** get. 65 feet is approximately the height of five stories.

The gentleman who spoke at RPIC said if a ballot measure was taken in the basin of the proposed housing amendments, it would fail, and he is right. The public has consistently told TRPA and the local Placer County representatives they do not want any additional height over what is currently allowed in the Area Plans. (56 feet) which was more than the community wanted to begin with.

2). Flash vote comments:

Hundreds of Flash vote comments, and comments from community and five environmental groups representing thousands of people have raised consistent messages regarding their concerns with these proposed amendments. (Part of the 675 pages in your board packet). Consistent themes are issues with lack of Cumulative Environmental analysis since 2012, addressing the real Need in Workforce Housing (Affordable vs Achievable), Increased Density impacts, Decreased Parking requirements vs reality of the need for an auto, Height changing character of Communities, and Fire Evacuation. Most public comments

made multiple points and indicated questions that have continued to be unanswered by TRPA. The public preferred smaller multiple family projects and concentration of development into Town Centers.

The community's comments are summed up on page 31 of the November Moonshine Ink Magazine Opinion Piece written by eight of us including planners, designers, architects, realtors, business owners and attorneys.

When attending meetings, it is obvious that (with a few exceptions), only developers, paid consultants, the Resort Associations, the Tahoe Living Working Group, and the Prosperity Center want more height and are in favor of the amendments as presented.

3). Ineffective three-minute speeches

It is frustrating to attend meetings, point out loopholes or inconsistencies, ask the same unanswered questions, and request clarifying language of the code changes in three-minute speeches when staff and the board have unlimited time to banter back and forth. The public does not believe these short speeches are effective nor do they feel that the public's questions are addressed, or concerns mitigated as part of the public process. In fact, the public feels that boards are scurrying to rush code changes as fast as possible and are quite annoyed that the public is involved at all.

This was evident at the APC when the Washoe County representative did not even care to see missing environmental documentation in his eagerness to approve the code changes. One of the APC members even stated that in 12 years of being on APC he had never received so much correspondence from the public and did not feel comfortable with moving forward with a rushed recommendation to the Governing Board as so many questions remaining unanswered. Unfortunately, not everyone felt the same way and only two other members voted no.

On October 31st the BOS voted to approve amendments without further public input. In my years of planning, I have not seen this happen before.

Even if completely legal that (APC and Governing Board members) who have authorship and sit on the committees creating the amendments, are the ones

pushing, and ultimately approving these amendments, the court of public opinion thinks that this is a conflict. (Urban Plan for Tahoe Flawed, shortsighted- November 3, 2023, Reno Gazette Journal).

Only one conservation member representative (the League) is on the Tahoe Working Living Group, which is heavily represented by Resort Association, housing developers, Governing Board and APC members. Not one of the 35 community plan team members who originally crafted the 2016 Area Plans was consulted. Most of the meetings were held during covid. It is unfortunate and saddens me that the conservation community had to resort to a lawsuit to be heard. It is not productive, and it serves to further divide the community from the lawmakers. In my opinion, this could have been avoided.

- **Community Character**

In 45 years of planning this issue has come up time and time again. Communities should be able to craft their own look and feel. Homogenizing the lake is not the answer.

South Shore has more infrastructure, (sidewalks and bike trails), a loop road for access around the main road and density. The City of South Lake Tahoe alone has a resident population of over 21,000 people, almost half of the entire Lakes' population of approximately 44,000 residents. Tall casinos, large hotels and NorthStar type villages are located at Stateline and ski run.

The commercial corridor is a strip along Highway 50 affecting the entire length of town on both sides of the road. Residential uses are mainly located behind the commercial core. Buildings in the casino core are up to 200 feet tall.

North Shore is much more rural, rustic, and less populated. Highway 28 bifurcates the lake on one side and mixed residential and tourist accommodations on the other. Commercial and other services are pretty much concentrated in specific Town Centers (Tahoe City, Kings Beach, and Crystal Bay/Incline Village). The Northshore character is low key, artsy, and slower paced. The North shore has less overall infrastructure than Southshore and the majority of all the buildings with a few exceptions are not over two stories in height.

It is apparent from public comments that the North Shore does not embrace the South Shores village concepts even though there are those in the agencies and boards who would like to see projects like this on the northshore. It is not even the goal of the Regional Plan to force the “one sized regulations” that do not maintain or protect a community’s desired character.

Land Use “**GOAL CD-2 REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW**”



Proposed 39 North Village concept proposed for Kings Beach

Suggestion: TRPA should rely on the Area Plans to craft their own standards for height and density. The basin does not have to be homogenized with the same rules and regulations as the Area Plans are different for every community.

A separate and parallel analysis should have been part of housing code changes to identify community character along with guidelines on preservation and enhancement, safety and community welfare. A character analysis would include an inventory of the built environment as well as identification of vacant parcels within the areas proposed for rezoning. Existing development should identify single family, duplex, condo, commercial, uses, etc. type of architecture, scale, massing, density, historical status, number of stories, open space, setting, (forested, urban, Lakefront), topography, location of specimen trees, scenic views, public parking availability, existing services, distance to recreational opportunities, wildfire routes, etc. TRPA codes could benefit from policies that address the character issue in the basin. If Tahoe City would like a different look and feel than Kings Beach then that is appropriate.

The only response received was “there is no existing character in your communities on the northshore” and in fact your communities are S.... While we all agree that redevelopment of the boarded-up buildings and aging structures should be prioritized we disagree that our north shore communities lack character or are S....

Summary:

Contrary to claims from business-funded non-profits and the Tahoe Regional Planning Agency (TRPA), the Tahoe Basin does not have a shortage of housing units. What it does have is a shortage of housing units available to those who seek to live and work here. (Source- Quote from Alex Tsigdinos in Tahoe Daily Tribune Opinion article December 24, 2023- Basin wide short term rental caps must be part of TRPA’s Housing Plan). “The housing shortage may be more of a management problem and should be solved in tandem with building new developments”.

The Housing amendments proposed by TRPA leave a lot of unanswered questions and come with a lack of policy guidelines that are too broad based, do not address preserving the desired character of a community, do not analyze the true environmental impacts of such proposed changes, are not performance based and have not evaluated proposals on larger than 12,000 sf lots.

There is no distinction between the north vs the south shore. Density proposals are equal to Los Angeles and other urban counties and cities with populations in the millions with multiple forms of transit. The rezoning of transition areas and multiple family zoned parcels for development outside Town Centers violates every policy the Regional Plan and TBAP EIR goals stand for.

The affordable housing shortage is a worldwide dilemma not just a local issue. Tahoe, however, is unique and a national treasure and should be treated as such with realistic codes and policies that are appropriate for our area and that result in helping those in the most need).

There are too many loose ends and unanswered questions to approve these amendments (Placer County TBAP and TRPA code changes). OPT OUT or Vote against TRPA requiring their code policies to supersede the area plans.

HOUSING SOLUTIONS

1). *STR'S- Cities and towns all over the world are severely reducing short term rentals (STRs) and even locally. (Measure T in City of South Lake Tahoe), which results in more residences becoming available for long term families based on Harvard studies.*

Placer Conty STR reductions are only based on hotel rooms being created which will take years and immediate action is needed now. The Tahoe basin has approximately 6,000 STR's. TRPA has discussed if STR's should be TAUs but differed this decision to the local jurisdictions because it is such a hot topic and money-making proposition for second and third homeowners.

2). *TRPA could if they wanted to and thought about in 2004, could require STR policies that regulate the number of vehicles, and location of use. The basin has become a floating hotel for 25,000,000 tourists. Placer County could also reduce STR's immediately as is happening in Hawaii (Source- Oahu suspends STR rules to help Maui April 16, 2023). (Source- The challenge short term rental are creating for local Governments October 8, 2021).*

3). *ADU's- Other communities are encouraging the construction of ADU's by making it easier on homeowners, (New York City is using housing funds to pay 15 owners up to \$395,000 to build them). (Source Business Insider November 23, 2023)*

4). *Redevelopment-There are plenty of boarded up and tired buildings with existing infrastructure that should have the highest priority for redevelopment including using subsidies, grants, TOT taxes, forgivable loans, vacancy tax, imposing a demolition tax, etc.*

Target specific sites and require conformance towards removing and reducing blight- Buildings that come to mind include the Garni Lodge, Norfolk Woods Inn, and Tahoma Lodge, and adjacent boarded up cabins on the west shore to start.

(It was good to hear from Supervisor Gustafson that Placer County now has a new ordinance with timeframes for owners to either fix or remove their boarded-up and or dilapidated structures). It would be good to know the details of this ordinance.

Senator Padilla from California is working on Legislation to encourage redevelopment of existing properties to introduce a 1.5 billion dollar “Affordable Housing Redevelopment Act (S580) to help renovate and rehab old, vacant, and boarded up buildings. (Source- form letter from Senator Padilla- December 2023). All of us should write letters in support of this bill.

5). *Vacancy Tax- Over 50% of the homes in Tahoe are vacant. (Source TRPA). Vacancy taxes that create millions of dollars have been imposed in San Francisco, and Oakland. (Source- San Francisco passes strongest vacant housing speculation tax Fortune- Housing October 21, 2023).*

6). *Conform with TRPA Land Use policies adopted in 2021.*

LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS AND ENVIRONMENTALLY SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGES.

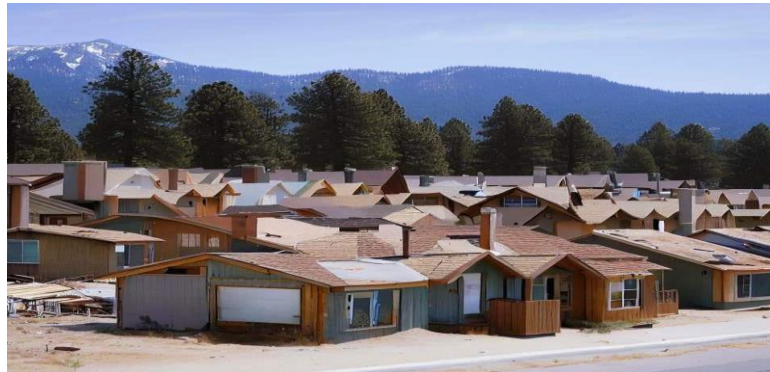
- Staff claims that “The areas adjacent to town centers are approved zones for multi-family buildings and where much of Tahoe's existing multi-family units exist. The proposed code amendments are tailored to encourage builders to construct duplexes, triplexes and small-scale multi-family homes in areas already zoned for multi-family housing.”

7). *Emphasis should be on the duplex, triplex and 10 and fewer multifamily developments that were supported by 66% of respondents in the flash vote survey.*

The codes do not reflect this claim for the small density projects, as staff changed in June or later from 60 unit per acre density proposals to unlimited density with no explanation.

8). *Language should be specific for the types of uses desired as stated above. However, again, there are different sized parcels that would have different types of impacts with the same set of rules.*

Specific regulations must be written into the codes to protect desired community character, preservation of specimen trees, open space, setbacks to allow for snow removal and walking paths, appropriate land use patterns on the larger acreage parcels in the Multiple Family Zoned areas with the same code regulations eliminating loopholes and undesired results.



Unknown Artists tongue and cheek rendition of “unlimited density” housing on a large acreage parcel.



Three-acre Tahoe Vista Parcel that has been clear cut for development under existing planning and land coverage rules. The Original site plan provided to TRPA and the public showed preservation of specimen trees.

9). *The go-slow planning approach suggested by the League based on performance benchmarks, and progress towards environmental goals is a good idea. Adopt Adaptive zoning!*

10). *Adopt a concurrent code that addresses community character. Summit County requires that preservation of mountain character and sense of place are emphasized with planned housing projects. The developer must prove that the proposed projects are in the best interest of the general health, safety, and welfare of the residents. TRPA housing code only makes a reference to ground floor shade requirements and design of buildings. The residents are left out of the equation.*

11). *Candidate sites should be considered in locations that are in concentrated areas with a chance to be walkable such as in Town Centers utilizing the existing 56 feet of height and subsidies reserved for those projects and the redevelopment of boarded up structures.*

12). *Bonus units should be equally distributed between the states instead of on a first come first serve basis. An equitable housing policy between Nevada and California should be required.*

13). *Mandate that all the deed-restricted housing is in Town Centers and is affordable with at least 80% of the housing for low/affordable (below 80% of AMI) and 20% for moderate (81% to 120% of AMI) housing categories if unlimited density is proposed. Suggest a sliding scale that allows more achievable housing for reductions in both height and density. There are approximately 712 remaining bonus units that can be “achievable” so defining this use is imperative.*

Adopt the suggestions of (MAP) including:

14). *Require new developments (hotels, retail, etc.) AND large existing resort employers to provide workforce housing on site.*

15). *Support community land trusts or other non-profits with mechanisms designed to increase affordable housing.*

16). *Ensure that there is monitoring and that fines and enforcement measures to ensure compliance are implemented and funded.*

17). Fund programs such as [Lease to Locals](#).

18). Provide incentives toward repurposing abandoned buildings and converting existing structures from empty commercial spaces to housing instead of focusing only on new building units.

19). All deed-restricted housing must meet stormwater regulations in their jurisdiction. The current amendments set up a process by which off-site stormwater facilities, which could be undersized to handle the excess flow, take the flow whether undersized or not. Do not pass...

20). Increase the frequency, duration, and reliability of Tahoe's transit system BEFORE any new development is approved as it currently does not meet the needs of the workforce that often hold several jobs in different locations nor do the housing policies address the needs of the workers who have cars.

21). To better understand the issue of affordable housing, start tracking how large the problem is, which areas in the Basin are worst affected, and what income levels are truly affected.

22). Address code language to require large McMansions and Nevada luxury condo projects to contribute to a housing fund or build actual workforce housing to support the workforce these projects are creating.

Placer County has asked TRPA to **“review their scenic standards that limit the ability to achieve the permissible height, density, coverage, and visual massing. Support the reevaluation of scenic requirements to achieve reinvestment in Town Centers. This is targeted toward Town Center redevelopment and/or new development that supports a diversity of housing types”** This speaks to me of changing threshold based on specific project proposals and if the case the projects themselves should show how they could attain or improve thresholds not changing of the thresholds to fit the projects. Unless very specific language is introduced this will lead to even more loopholes

A large portion of the existing blight in Kings Beach is the result of the Community Enhancement Projects (CEP) some of which are owned by Placer County. The projects were too big, and too expensive. The developers lacked the experience to complete.

Fixing the existing problems should be the highest priority before TRPA attempts piecemeal planning with Phase Three Amendments. That would be the icing on the wedding cake especially if TRPA intends to recharge development rights and entitlements that will lead to further growth and environmental consequences.

Respectfully submitted,

Leah Kaufman

Leah Kaufman

Planner

January 30, 2023

Placer County

CC: Patrick Dobbs, Crystal Jacobsen, Stephanie Holloway, Cindy Gustafson

Submitted via email: cdraecs@placer.ca.gov

Re: Comments on Proposed Village at Palisades Tahoe Specific Plan

Dear Placer County Commissioners and County Planning Staff,

The League to Save Lake Tahoe (League) appreciates the opportunity to provide comments on the partially Revised Draft Environmental Impact Report (RDEIR) for the proposed Village at Palisades Tahoe Specific Plan (VPTSP, Project).

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 and compliance with policies contained within Tahoe's regional land use and planning documents, including the Bi-State Compact (Compact), the 2012 Regional Plan Update (RPU), the Regional Transportation Plan (RTP), and Tahoe Basin Area Plans.

The VPTSP, while not located within the Tahoe Basin, will impact the Tahoe Basin and undermine efforts within the Tahoe region to implement adopted plans and policies, and to protect the environment.

The League opposed the same project when it was proposed in 2012 as the Village at Squaw Valley Specific Plan, and continued to oppose it as it was approved by Placer County in 2016. We continue to oppose the Project in this, its most recent iteration. Consistent with our 2012 concerns, still unaddressed, the League's opposition is due to the significant, unanalyzed, and unmitigated impacts to Lake Tahoe's environment.

The League's Main Concerns Are:

- The VPTSP will undermine the Tahoe Regional Planning Agency's (TRPA) federal directive to attain and maintain Threshold Standards.
- The environmental/regulatory setting and the significant environmental impacts to Tahoe – including but not limited to vehicle miles traveled (VMT), water quality, and wildfire – remain inadequately analyzed in the RDEIR and wholly unmitigated in the Project plan.
- Substantial changes have occurred to the proposed Project since the Environmental Impact Report (EIR) was first released, leading to new or substantially more significant effects.
- New and pertinent information has become readily available since the EIR was certified which shows that new or substantially more severe significant impacts will occur.

Due to the inadequacy of the RDEIR in terms of addressing the Court of Appeal's ruling requiring decertification of the FEIR, and the lack of commitment from the County or the Project proponent that impacts will be addressed, these concerns can only be addressed with a new recirculated EIR. The new EIR must accurately analyze significant impacts using the best currently available science within the current environmental and regulatory setting and mitigate impacts with specific projects and programs implemented or funded by the Project.

Environmental Setting and Impact Analyses

The RDEIR does not provide sufficient information or citations to support its claim that the Project would not result in any significant impacts on the Lake Tahoe Basin, failing to act in accordance with the Court of Appeal's order.

Environmental and Regulatory Setting

The court found that the adopted EIR failed to provide adequate environmental and regulatory setting information for Lake Tahoe, which made it "impossible" for the EIR to properly evaluate the Project's impacts on Lake Tahoe.¹ The flawed environmental setting description could have provided the court with sufficient cause to require the FEIR to be decertified. The RDEIR does not correct the description of the environmental and regulatory setting, which leads to the inadequate analysis of impacts to Lake Tahoe.

Tahoe Regional Planning Agency Thresholds

Regarding the regulatory setting, the TRPA is federally required to set, attain, and maintain environmental thresholds. The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980, Compact) created the TRPA and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region. The Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards.²

Page 9-10 of the RDEIR claims that "TRPA's regulations do not apply to the proposed project; however, its vision for the transportation network within the Tahoe Basin is applicable." It is exactly this transportation system vision, as conveyed in the 2020 Regional Transportation Plan, that is not prepared to mitigate the significant impacts to Tahoe from the Project.

¹ RDEIR pg. 13-2, and *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th pg. 10.

² TRPA Ordinance 2021-03 adopting the new VMT threshold: <https://www.trpa.gov/wp-content/uploads/documents/2021-03-AQ-ThresholdStandard.pdf>; also see : *League to Save Lake Tahoe et al. v. County of Placer et al.* (2022) 75 Cal.App.5th 63, pg. 84 and RDEIR pg. 10-12.

The TRPA Governing Board's Legal Committee met on November 16, 2022 and had a discussion about "out of Basin projects."³ The Committee noted the TRPA's need to be engaged with the Project due to its impacts on Lake Tahoe. A CEQA provision was also discussed that requires the lead agency (Placer County) to consult with and request comments on the draft EIR from TRPA: "for a project of statewide, regional, or areawide significance, the transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project [emphasis added]."⁴ This statement and the clear and significant impacts on TRPA's thresholds provide further justification that TRPA's thresholds should be analyzed, and they identify another deficiency in the RDEIR. Through email, TRPA may have been contacted regarding this Project, but the lack of citations and misrepresentation of the purpose of TRPA's Thresholds, and details about the link between water quality and VMT in the RDEIR, reveal a need for TRPA to provide official comments on the project. The TRPA's December 22, 2015 comments⁵ on the Project still largely hold true (especially if the new VMT threshold is substituted for the old one).

The TRPA made the following case in their 2015 letter, and as the RDEIR says "nothing has changed." In this case, we agree. We hope that TRPA will become a key stakeholder to this process as encouraged by CEQA statutes and guidelines. Their 2015 statement is below, edited for conciseness and clarity, and with League notes added in italics:

- By proposing to increase the bed base and attractions at the Village to the project, if implemented without adequate mitigation, would significantly affect Lake Tahoe's physical environment through increased vehicle trips into and the amount of VMT within the Tahoe Basin.
 - *We note here that attractions have already been increased with the 2022 addition of the base-to-base gondola, which serves the sole purpose of making the resort more attractive.*
- Both vehicle trips and vehicle miles traveled are considered standards of significance for projects within the Tahoe Basin. As part of the Regional Plan Update in 2012, TRPA established a mitigation measure for exceeding the VMT threshold. This mitigation measure limits in-Basin development, however, it only applies within the Tahoe Basin.
 - *If this project were located a few miles to the east, TRPA's mitigation requirements would be required. Those few miles make no measurable change to the impacts to Tahoe, only to the ability to mitigate those impacts.*
- In the 2012 Regional Plan Update, TRPA recognized the critical need to redevelop aging infrastructure with new, environmentally beneficial development. The environmental redevelopment of places like Tahoe City and Kings Beach (*which would be the most significantly impacted communities in Tahoe*) would result in substantial reductions of fine sediment and nutrient deposition, the pollutants degrading Lake Tahoe's famed clarity and blueness. As a result of VMT capacity created elsewhere, i.e.

³ <https://www.trpa.gov/governing-board-documents-november-16-2022-hybrid-meeting/>, audio recording available.

⁴ PRC sect 21092.4 and Guidelines section 15086(a)).

⁵ TRPA (2015) comments on the Village at Squaw Valley Specific Plan DEIR: <https://unofficialalpine.com/wp-content/uploads/2016/02/TRPA-letter.pdf>

by the Project, efforts to protect Lake Tahoe may suffer without the ability to approve in-Basin projects.

- *This all still holds true, and is exacerbated by the 2020 Regional Transportation Plan and 2021 VMT Threshold Update which include larger consequences for not meeting VMT threshold targets.*

Finally, TRPA standards of significance for VMT align with Placer County's guidance under California's SB 743, and those were not included in the RDEIR analysis.

Vehicle Miles Traveled is Not Properly Analyzed in the RDEIR

The RDEIR analyzes VMT under the old TRPA VMT threshold, which is inadequate and inaccurate because a new VMT threshold was adopted in 2021. Even assuming the unsubstantiated claim in the RDEIR that VMT does not affect water quality, the point is moot – the County must analyze the impacts to the new VMT threshold. The new VMT threshold, adopted on April 28, 2021, replaces the Basin-wide cap on VMT with a per capita reduction in VMT of 6.8% by 2045.⁶ While the Village at Squaw Valley Specific Plan approved in 2016 may not have caused the old VMT threshold to be exceeded at the time, *the VPTSP will undermine TRPA's federal directive to attain and maintain the new VMT Threshold Standard.*

The RDEIR identifies a 0.8 percent increase over the Tahoe Basin's total annual average daily VMT of 1,483,050. Any increase in VMT would be inconsistent with TRPA's new per capita VMT reduction threshold, including project level criteria that aligns with CA SB 743, signed into law in 2013 and taking effect July 1, 2020.

This increase in VMT and the associated impacts on Lake Tahoe are not analyzed properly with the new threshold. Rather, the RDEIR argues that added VMT does not reach a level of significance. The additional VMT that the Project will bring to Tahoe is unmitigated, which is not consistent with TRPA's new Threshold Standard. In order to adopt the new VMT threshold, TRPA had to find that it would be able to attain the threshold. The environmental findings state that the threshold will be attained principally by implementing the Regional Plan (RPU) and the 2020 Regional Transportation Plan (RTP).⁷ There are no specific mitigations, projects, or policies in the RPU or RTP designed to mitigate impacts from the VPTSP. The lack of mitigation in the VPTSP would undermine TRPA's federal obligation to achieve and maintain its adopted Threshold Standards. This will put a larger burden on the Tahoe Region, and Placer County in particular, to reduce VMT from future projects, which will make those projects more difficult to get approved and more costly to implement.

Page 13-20 of the RDEIR claims that the Project includes "policies, amenities, and actions that reduce reliance on the automobile for travel," which "are consistent with TRPA policies for reducing VMT," and "therefore, in many ways, the Village at Palisades Tahoe Specific Plan

⁶ Draft adopted April 28, 2021: <https://www.trpa.gov/wp-content/uploads/2021/04/Attachment-A-VMT-Threshold-Update-Standard-Recommendation-and-Implementation.pdf>

⁷ Threshold Standard Amendment Adopting Findings: https://www.trpa.gov/wp-content/uploads/documents/Attach-K_Draft-Findings_Threshold-Amendment.pdf

aligns with TRPA efforts to have projects include components that reduce VMT.” The RDEIR ignores TRPA’s specific requirements for VMT reduction, dismissing them based on the assertion that “components” are included to help reduce VMT by an undisclosed amount. What is clear is that even with policies, amenities, and actions that are not required through mitigation measures, the Project would still generate an estimated 23,842 peak daily VMT into the Tahoe Basin which do not exist today.

The RDEIR, inaccurately and without proper citations, claims that there is not a link between VMT and fine sediment input to the Lake. There is in fact a link. Just because it is not a “direct,” measurable link, and “not a cost-effective” way to reduce fine sediment pollution,⁸ is not justification to dismiss the analysis or ignore the impacts of transportation on water quality in Lake Tahoe. Further, it is not the role of the VPTSP RDEIR to determine how VMT affects Tahoe’s environment, but the RDEIR must analyze the impacts of the VPTSP on Tahoe’s Threshold Standards and mitigate those impacts, which it fails to do.

The VPTSP will undermine TRPA’s federal directive to attain and maintain the new VMT Threshold Standard. To avoid this, and comply with California’s and Placer County’s SB 743 Guidelines (standards of significance), VMT must be reduced to somewhere between no-net increase in VMT and 15% below average VMT, for the different land uses that are part of the Project.

Water Quality is Not Properly Analyzed in the RDEIR

Water quality impacts from transportation were not properly analyzed in this RDEIR. TRPA clearly states that “Lake Tahoe’s clarity and environment are threatened by vehicle impacts to the region including greenhouse gas emissions affecting climate change and roadway runoff degrading lake clarity.”⁹ This RDEIR dismisses the clear linkage between vehicles and lake clarity, ignoring the best available science and data. Water quality is dismissed without utilizing the best available science, and multiple aspects of the analysis – even including the baseline description of the hydrologic basin – are uncited (see RDEIR 13.2.2 Lake Tahoe Basin Regional Hydrology). Additionally, page 13-18 of the RDEIR makes the spurious claim that VMT is not linked to water quality. The RDEIR states that “the proposed project would result in a potentially significant impact if it would substantially degrade Lake Tahoe water quality or water clarity, including if it would conflict with TRPA Threshold Standards related to Lake water quality.” The RDEIR attempts a creative approach by repeatedly stating that there is no “direct” link between VMT and water quality. “Direct” has nothing to do with the CEQA language in this context; VMT is in fact linked to water quality (directly or indirectly is not of concern), thus the VMT threshold is related to water quality and potential significant impacts must be analyzed.

Impacts from the Palisades EIR include transportation impacts on water quality, which are well documented in Lake Tahoe. However, impacts were improperly analyzed, dismissed, and referenced without mitigation.

⁸ *ibid*

⁹ <https://www.trpa.gov/transportation/funding/sustainable-funding-initiative/>

As part of this dismissal, relevant plans were not referenced or used in the analysis of impacts.

- Neither Tahoe’s 2008 Plan or Basin Plan were considered beyond small mentions of their existence. Standards and science in those plans are relevant to the VPTSP’s impacts to Tahoe’s water quality.
- Tahoe’s 2012 Regional Plan includes specific water quality thresholds and policies, none of which are included in the RDEIR’s analysis on water quality impacts.
- Tahoe’s Total Maximum Daily Load (TMDL) Program contains plenty of science-backed analyses of mobile sources’ (e.g., private automobiles) contribution to clarity loss. Instead of using the facts and available science developed through the TMDL Program, the RDEIR relies on “meetings” with TRPA staff in 2021 to substantiate its claims of no impacts. It is also important to note that the RDEIR provides average Tahoe Basin VMT, but the TMDL specifically uses “peak” VMT assumptions.

The RDEIR also erred in dismissing impacts from transportation on Lake Tahoe Basin water quality when it failed to analyze tread pollution from tire wear, which is now considered 1,850 times worse than exhaust emissions and can easily degrade into Lake Tahoe, which has already detected microplastic pollution through research completed by the Desert Research Institute and the Tahoe Environmental Research Center¹⁰. The 2022 “State of the Lake” assessment conducted by the UC Davis Tahoe Environmental Research Center¹¹ identifies microplastics as a significant Lake pollutant, and in 2020 the U.S. EPA awarded nearly \$100,000 to address microplastic pollution in Lake Tahoe. The two most common types of microplastics found in the Lake are polyethylene and polypropylene. When the new recirculated EIR is developed, it must include an assessment of the Project’s potentially significant contribution of microplastics to Lake Tahoe from Project VMT. Any increase in VMT would lead to an increase in treadwear pollution and microplastic impacts. As Ezra Miller, a scientist at the SFEI with expertise in microplastics and fish contamination states, “Tire particles are especially harmful because of their small size. People think they’re breaking down, but the way they’re breaking down is into smaller particles,” said Miller. “The smaller the particle, the more these contaminants leak into nearby watersheds,” he explained.¹² Not only do tires break down into microplastics, they are extremely toxic, as detailed in 2021 research completed by Washington State University scientists entitled, “[A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon.](#)” The impacts from VMT on water quality as they relate to tires and microplastics need to be analyzed in the RDEIR as they relate to VMT and Lake Tahoe’s water quality. The only solution that we have control over in reducing pollutants from tires is driving less; this Project must take that action here to prevent pollution of Lake Tahoe.

Though the RDEIR states that “increased VMT could result in an increase in the amount of pollutants entering Lake Tahoe” and that “the project could have a direct physical effect on lake clarity and water quality via VMT in the Tahoe Basin generated by the project,” these impacts are not analyzed in the RDEIR. Instead, *the analysis seeks to refute the tie between VMT and*

¹⁰ <https://www.emissionsanalytics.com/news/gaining-traction-losing-tread>

¹¹ UC Davis – TERC (2022) State of the Lake:
https://tahoe.ucdavis.edu/sites/g/files/dgvnsk4286/files/inline-files/2022_SOTL_complete-reduced_1.pdf

¹² <https://www.sierraclub.org/sierra/more-cars-road-clean-or-not-means-more-microplastics>

water quality instead of analyzing the impact of the Project and its associated increase in transportation and VMT on water quality as required in the Court of Appeals ruling.

Wildfire Baseline Conditions Have Changed Significantly since the Release of the DEIR

Wildfire behavior has changed, and catastrophic fires like the Caldor Fire, much further away than the project location, have entered Lake Tahoe and have impacted the Tahoe Basin significantly since the Palisades EIR was first completed. As co-chair of the Tahoe Science Advisory Council Dr. Sudeep Chandra states, “These fires, the Dixie, the Tamarack and the Caldor clearly show that we have to protect Lake Tahoe by thinking about actions outside of the Lake Tahoe Basin.”¹³ The climate is changing, and this RDEIR needs to incorporate the best available science that discloses the known impacts on water quality, soils, and public health and safety in Lake Tahoe from the increased risk of wildfire from the VPTSP. Fires that start outside of the Basin now pose a significant risk to the Tahoe Basin as fire behavior has changed and the increased wildfire risk from this project needs to be considered. The Olympic Valley CWPP not only includes details on the high risk of wildfire within the Valley itself, but includes a significant portion of the SR 89 evacuation corridor. TRPA and the California Tahoe Alliance now recognize the importance of climate resilience and mitigating wildfire risk and have created regional strategy documents ([Tahoe Climate Resilience Action Strategy](#), [Integrated Vulnerability Assessment of Climate Change in the Tahoe Basin](#), [Lake Tahoe Basin Forest Action Plan](#)) to reduce wildfire impacts coming from both in and out of the Tahoe Basin. As stated in the Vulnerability Assessment, “An elevated number of extreme heat events is expected to occur [in parts of El Dorado County] outside of the Basin, including locations as close as ten miles from the Basin, especially in the latter half of this century.” (page 71, Vulnerability Assessment).

Similarly, the Olympic Valley Public Service District published the Olympic Valley Community Wildfire Protection Plan in 2022.¹⁴ This plan directly contradicts the opinions of Chief Bansen which the RDEIR relies on: “Located in the middle of tens of thousands of acres of wildland, with hundreds of wooden homes and commercial structures, the Olympic Valley community has a very high exposure to catastrophic wildfire losses.”

Where once a project like this may not have posed a significant risk to wildfire in the Tahoe Basin, the agencies and science show that wildfire behavior has no boundaries and impacts need to be analyzed and mitigated to protect Lake Tahoe’s resources.

The RDEIR is Inadequate

The RDEIR does not comply with the Court’s order due to insufficient description of the environmental and regulatory setting, inadequate analysis of impacts to Tahoe, and substantial changes and new information resulting in more severe and unmitigated impacts to Tahoe.

¹³Caldor Fire impact on Lake Tahoe’s clarity, ecology studied amidst ongoing wildfire season.

<https://www.unr.edu/nevada-today/news/2021/caldor-fire-lake-tahoe>

¹⁴ [Olympic Valley Community Wildfire Protection Plan](#)

The RDEIR claims that there have been no changes to the project (other than the name) since certification of the EIR in 2016. The RDEIR does not substantially address the issues that were overturned in the court and there is a new/expanded use - the gondola connecting Palisades to Alpine completed in 2022 which needs to be analyzed under the new VMT Threshold. The gondola was built to make the resort more attractive. Additionally, renaming the resort to include “Tahoe” shows the link, and desire to be linked, to Tahoe.

The RDEIR must analyze the Project under the new VMT Threshold, which is part of the current regulatory setting. The RDEIR’s attempt to take advantage of loopholes it creates with either vague or specific language is an obvious ploy to avoid conducting the further analysis called for by the court.

TRPA’s new VMT Threshold also constitutes new information since the time the EIR was certified and analyzing the VPTSP under the Threshold would show that new or substantially more severe significant impacts would occur to Tahoe.

As stated above, TRPA’s VMT threshold is closely aligned with Placer County’s SB 743 guidance in terms of standards of significance. In 2019, the CEQA Guidelines were updated to include a new section (15064.3). Lead agencies were required to comply with the new VMT guidelines by July 1, 2022. Placer County updated its Transportation Study Guidelines in May 2021, at the same time TRPA approved its VMT Threshold update. Regardless of the County’s interpretation of how the Project’s impacts to Tahoe must be analyzed and mitigated, there is no question that the EIR must be updated and recirculated to include a transportation analysis that considers SB 743 (Placer County’s Transportation Study Guidelines) standards of significance. Because the 2016 EIR was decertified and all County approvals were rescinded, the Project is subject to the new regulations.

Impacts to Tahoe must be adequately analyzed and mitigated

The VPTSP RDEIR needs to adequately analyze the impacts on Tahoe’s Threshold Standards, particularly under the new VMT Threshold. Those impacts then need to be mitigated to the relevant standards of significance. The new VPTSP EIR must:

1. Recognize that VMT is a threshold that TRPA has to achieve and maintain, and the VPTSP will undermine TRPA’s ability to do so.
2. Identify appropriate and enforceable mitigation measures. For VMT, this includes paying TRPA’s Mobility Mitigation Fee for the impacts to Tahoe *and* including specific and enforceable mitigation measures to reduce VMT to the standard of significance (no-net VMT for commercial/recreation and 15% below average VMT for tourist and residential uses¹⁵, also in line with California’s SB 743¹⁶) for the life of the Project.
 - Placer County itself makes this claim in its 2016 response to the December 2015 TRPA comment letter on the Project: “While this EIR examines the environmental

¹⁵ TRPA Project Impact Assessment Guidelines: <https://www.trpa.gov/wp-content/uploads/documents/PIA-Guidelines-Draft.pdf>

¹⁶ OPR Technical Advisory (2018): https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

effects on resources outside the jurisdiction of the lead agency (Placer County), the EIR uses the thresholds of the lead agency, as is required and anticipated under CEQA analyses.”

- Potential projects and programs for ongoing mitigation can be found in Placer County's 2020 Resort Triangle Transportation Plan (RTTP)¹⁷ such as: transit priority lanes on Highway 89, ongoing transit operations funding (Placer County must identify the cost required to enhance TART services to meet the required VMT reduction and the Project must pay its fair share), parking management (paid parking, carpool incentives, etc.), employee trip reduction programs, and the Truckee River Access Plan).
- Additionally, Placer County now has a required Trip Reduction Program that Palisades Tahoe must comply with.¹⁸
- Appendix C to the REIR includes some project aspects that might help reduce VMT. It is important to note that there are no “teeth” to these because they are not mitigation measures. Appendix C also does not reflect the current environmental or regulatory setting - the project amenities and proposed activities to reduce VMT are largely pulled or updated from the decertified FEIR.

Thank you for the opportunity to comment on the VPTSP's impacts to Tahoe's environment. We look forward to responses from Placer County in the near-term and a more fully revised and recirculated EIR with sufficient impacts analysis and mitigation measures in the longer-term.

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

¹⁷ 2020 RTTP: <https://www.placer.ca.gov/DocumentCenter/View/58036/Resort-Triangle-Transportation-Plan-PDF?bidId=>

¹⁸ https://library.qcode.us/lib/placer_county_ca/pub/county_code/item/chapter_10-article_10_20

October 30, 2023

Placer County
Board of Supervisors
CC: Emily Setzer, Placer County Principal Planner; Stacy Wydra, Placer County Senior Planner;
Crystal Jacobsen, Acting Community Development Resource Agency Director.
Submitted via email to BoardClerk@placer.ca.gov

Re: Agenda Item 12.A Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments

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 various Tahoe Basin 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 meetings with County Planning staff, meetings with members of the public, as well as public meetings.

We have adjusted our written and oral comments several times over the last year as the proposal has changed, but at this point most of our concerns and requests have still not been addressed.

Because the County did not consider the cumulative impacts under the Tahoe Regional Planning Agency's (TRPA's) new environmental threshold for Vehicle Miles Traveled (VMT), and did not do a review of plan and mitigation measure implementation progress since the original 2016 TBAP and the most recent amendments from 2021 in time to inform the currently proposed Amendments, and considering the volume and intensity of community feedback over the past year, we do not see the justification for, or how the Lake would benefit from, the Amendments.

We do not fully agree with the County's economic development-based approach that the north shore just needs more development of all kinds. It is obvious that we need more housing for the local workforce and could benefit from a few new businesses, but other development types do not seem justified. Our concerns remain that more commercial, more condos that become short term rentals, more high-end hotels – each with added parking, and efforts to provide alternatives to the private vehicle not matching the pace of development – will not result in the community benefits and environmental protection that we believe are shared goals.

Based on the lack of evidence and analysis showing that local and Tahoe-wide environmental protection goals will be enhanced by these Amendments, combined with the considerable community feedback, these Amendments are not ready for final approval.

We continue to believe that the County must conduct more analysis as described below, and undertake a more comprehensive California Environmental Quality Act (CEQA) review of the proposed Amendments, in order to create proper mitigation for likely impacts.

Our comments are summarized here and detailed below.

What we like – summary

1. The remaining development allowed in Placer County under TRPA's 2012 Regional Plan (RPU) being focused into Town and Village Centers.
2. Reduction in height and building massing compared to the initial proposal.
3. Requiring deed-restricted housing and mixed-use development in Town Centers in some cases.
4. Parking – We fully support the County's parking changes as proposed. We need to find places for people to live, not cars.
5. In theory, the Guide "for allocation and conversion of commodities" (Guide).

Our concerns – summary

1. Demonstrated need for the Amendments. Several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments.
2. Cumulative environmental impacts from all of the projects in progress, especially Palisades Specific Plan, including those not considered under the RPU and 2016 TBAP,. We must also note Truckee's General Plan update that will bring more traffic to Tahoe, and Homewood's potential to privatize. The Palisades project is just a few miles from the edge of the TBAP plan area and will undermine the County's ability to measure and mitigate the environmental impacts on the plan area. Truckee and Homewood are adjacent to Placer County and Tahoe.
3. The Guide – It needs a public process when it is developed, and it should be adaptively managed to make sure we are meeting goals and effectively encouraging affordable housing and mixed-use development in Town Centers, rather than simply intending to.

Our continued requests

1. Provide a review and report on progress toward mitigation and achieving goals and policies from the original 2016 TBAP, the 2021 amendments, and the 2020 Resort Triangle Transportation Plan (RTTP), which is tasked with mitigating many of the traffic impacts related to growth in the TBAP area and beyond, including Palisades and Truckee. We very much appreciate the County creating the "2023 Placer County Area Plan Implementation Report" that we have been asking for since last year, there was very little time to review it and providing it at this stage in the Amendment process means that it is not being used to inform the proposed Amendments. Details on this can be found under "Demonstrated Need" and "Cumulative Impacts" below.
2. Create visual aids. Create some 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 would show 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 similar to the "pro formas" created for the TRPA Tahoe Living working group. These should include parcel-level examples.
3. Consider including transition zones. To reduce scenic impacts and drive more orderly development, create transition zones in zoning and allowances for height/length/density, 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.

4. Consider including adaptive zoning/trigger zoning. This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, 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.

A more comprehensive CEQA review must be conducted for the proposed Amendments

1. Given the Village at Palisades Tahoe Specific Plan (VPTSP) Revised Environmental Impact Report (REIR) release, and the new vehicle miles traveled (VMT) threshold adopted by TRPA in 2021, 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 new VMT threshold.
2. These impacts are reasonably foreseeable and significant.

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 the impacts of other projects the County itself is considering approving.

It is important to note that we specifically asked that the County address these issues with a supplemental EIR to the 2016 EIR as the minimum level of analysis. Instead, the County prepared a 17-page Addendum to the 2016 EIR, which does not have much substance and does not consider new information or environmental setting changes. The errata to that Addendum, prepared after concerns expressed at the Planning Commission meeting in December 2022, provides just three more pages of analysis. Specifically looking at VMT, the Addendum reiterates that the TBAP will reduce VMT, and the errata claims that the proposed Martis Valley West project that was rescinded can be replaced by the proposed Palisades project for the purposes of analysis. This claim is not supported by facts – the proposed Martis and Palisades projects would create different impacts in different places and at different times. Additionally, both projects are still being considered in the Addendum and errata as if it was still 2016 resulting in an outdated analysis of VMT and level of service (LOS).

There are three issues we need to see specifically addressed:

1. How TBAP-adjacent projects will affect VMT (i.e., Palisades, Homewood).
2. How the *overall* 0.3% reduction in VMT projected in the 2016 EIR relates to the *per capita* reduction now required under TRPA's VMT threshold.
3. How progress toward the projected 0.3% reduction in VMT is going, for example based on the mitigation measures details in Cumulative Impacts, below.

Based on the above facts, and as demonstrated by the increasing analysis the County has admitted to needing through the Addendum and errata, a more comprehensive CEQA review is necessary.

What we like – details

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. 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 very much support the requirement for single-family development of more than one unit to be comprised of 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 the vision of walkable, livable Town Centers where people can live and work.*

Transportation and Parking

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

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

Our concerns – details

Demonstrated Need for the Amendments

Based on the Implementation Report (Attachment K), several projects of the type that the County wants to incentivize (hotels, affordable housing) have already submitted applications or are in the planning process. It is unclear what types of desired projects are not possible without these proposed Amendments. If the Amendments are targeting one or two specific potential projects, we cannot support them. *Area Plans are supposed to be comprehensive plans, and we do not support project-driven amendments.*

With the late-in-the-process development of the implementation Report, it was not used to inform the proposed Amendments, which makes the report interesting but not useful for this purpose.

We can all agree there is a demonstrated need for affordable and workforce housing, but the proposed Amendments do not focus on incentivizing those projects over commercial, hotel, or short term rentals. *The proposed Amendments should be updated based on the initial progress and results from the 2021 TBAP amendments which were aimed to incentivize affordable housing, but not reported on in the Implementation Report.*

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 portion of the County and we prefer to see it 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. This puts a larger burden on Placer County to reduce environmental impacts from development within the County. There is an argument that new or updated plans or 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, 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 RTTP. While the "2023 Placer County Area Plan Implementation Report" (Attachment K to the agenda packet for the October 16 Board of Supervisors meeting) is a good overview of progress, and we appreciate the County preparing it and applaud the progress in general terms, a new EIR must address the ability for the County 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?*

Additionally, details on mitigation measure implementation from the 2016 EIR are missing and it is necessary to determine whether they need to be updated or if additional mitigation measures are needed:

- *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 was supposed to be done within two years of adoption, by the end of 2018. Has this been done? 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?*

Developing a Guide for allocation and conversion of commodities

This general idea could be really helpful for affordable housing, somewhat, not at all, or even negative. 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 is the current system (first come, first served) resulting in, and is there a waiting list?*
- *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 priority.*
- *Do not allow multi-family conversion to single-family unless it will result in a 100% deed-restricted development.*

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, and conducts additional analysis and environmental review, we will similarly continue to adapt our comments.

Please do not hesitate to reach out to me directly with 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
Policy Director
on behalf of the League to Save Lake Tahoe

From: Ellie <tahoellie@yahoo.com>
Sent: 12/4/2023 12:21:18 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public Comment 12-6-23 TRPA Advisory Planning Commission Item VI.A TBAP Recording: Placer County BOS 10/16 &31/23

Please accept and distribute to appropriate staff and APC members this Public Comment for the 12-6-23 TRPA Advisory Planning Commission Item VI.A TBAP
Thank you ~Ellie Waller

Recordings: Placer County BOS 10/16/23 and 10/31/23 https://www.placer.ca.gov/8483/_2023 Links to both meetings below

Placer County BOS packet Public Comment on TBAP 347 pages enlightening.
<https://www.placer.ca.gov/DocumentCenter/View/74632/2023-101623-Correspondence-Item-03A-TBAP>

I strongly urge all APC members and appropriate staff to listen to the 10/16/23 meeting minutes as related to the Tahoe Basin Area Plan beginning at 3:30.07 and announced at approximately 6:36.08 the item would be continued to 10-31-23 and was scheduled in Auburn, not Tahoe.

This is total disrespect to the public most affected.

Furthermore, the public was not afforded public comment on 10-31-23 as it was deemed no "new" information was provided, thus not requiring public comment (as determined by the chair) needed to be held. Staff/County Counsel reviewed the hundreds of pages of comments and prepared a recap and summary of amendments. The public believes we submitted new information not addressed.

<https://www.youtube.com/watch?v=Ej142m1fkD4>
Public Comment was articulate and to the point.
[Board of Supervisors - 10/16/2023](#)



This meeting is the dismissal of the public for additional public comment on the Tahoe Basin Area Plan the Board of Supervisors approved on 10-31-23 as it was continued from the 10-16-23 meeting. My opinion, the public should have been afforded public testimony as a common courtesy.

[Board of Supervisors - 10/31/2023](#)



Board of Supervisors - 10/31/2023

From: Ellie <tahoellie@yahoo.com>
Sent: 12/4/2023 12:14:05 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: 12-6-23 TRPA APC Public Comment Agenda Item VI.A Placer Tahoe Basin Area : IEC Utilities
Attachments: [12-6-23 TRPA APC TBAP Sewage.pdf](#)

Please accept and distribute this Public Comment to the Advisory Board Members and appropriate staff for the 12-6-23 TRPA APC Public Comment Agenda Item VI.A Placer Tahoe Basin Area : IEC Utilities

Thank you, Ellie Waller

Tahoe Regional Planning Agency (TRPA) 12-6-23 Advisory Planning Commission Hearing Placer Tahoe Basin Area Plan (TBAP) Amendments. Ellie Waller Public Comment for the Record. Sewage Capacity

A key component to the Placer Tahoe Basin Area Plan and Basin-wide TRPA Housing amendments is capacity. I'm addressing sewage capacity in this comment.

What is the hurry???? A complete required environmental analysis that supports staffs' assumptions is necessary. In my opinion, the Initial Environmental Check list (IEC) is inadequate.

Chapter 3 Findings: The following finding must be made prior to amending the Area Plan **Based on the completed Initial Environmental Checklist (IEC), no significant environmental impacts have been identified as a result of the proposed amendments. The IEC was prepared to evaluate the potential environmental impacts of the proposed amendments and tiers from programmatic analyses contained in the following environmental review documents**

Nothing in the IEC in any way alters the obligations of Placer County or TRPA to implement the mitigation measures adopted as part of the Area Plan or RPU, as documented in the Area Plan EIS/EIR or RPU EIS. Consequently, Placer County would adhere to all applicable adopted mitigation measures required by the Area Plan and Regional Plan as a part of the proposed Area Plan amendments.

Identifying future upgrades to sewage/waste water systems is not a guarantee that infrastructure will be built before any new project is approved.

Short-term rental (STR) impacts have not been analyzed or been taken into consideration and should be analyzed before the Placer Tahoe Basin Area Plan is adopted or any other Tahoe Area Plan.

TRPA must request a sewage capacity analysis that includes short term rental impacts. Placer County purports approximately 3300 STRs. Average four+ occupants versus two occupants x 3300 STRs. Add ski-leases which are usually three months required and not analyzed either.

Separate hotels, ski resorts, etc. impacts from residential to prove an accurate accountability has been assessed for STRs

The Tahoe Basin has approximately 5000 legal STRs. Increase the analysis to six occupants average versus two occupants: that's a lot of poop. Placer TBAP 3300 STRs (and the total 5000 basin-wide STRs) HAVE NOT been analyzed. This constitutes "new" information triggering CEQA requirements for environmental analysis.

Stating CURRENT systems are adequate is untrue without an accurate analysis that includes STR impacts.

The waste water infrastructure needs to be in place. TTSA updated their Master Plan in 2022 and had a goal or plan ? to double capacity in a 25-year plan mentioned during the Truckee 2040 General Plan Update. This is an issue that needs to be raised with TRPA, Placer County, Lahontan Regional Water Quality Control Board, as these planning processes move forward.

Section: 3.16 UTILITIES INCORRECTLY states NO environmental issues.

It needs to be updated to correctly state Data Insufficient for c), d) and f and possibly e).

Placer County staff must provide analysis documentation reports, etc. that prove staff assumptions.

Glad to see analysis from Ascent Environmental dated October 2023. Why wasn't this available sooner than the Placer Board of Supervisors meetings in October?

3.16 UTILITIES

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XVI. Utilities.				
Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Communication systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Solid waste and disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



3.16.1 Environmental Setting

Power and Natural Gas

Electricity is provided by Liberty Utilities and natural gas services are provided by Southwest Gas Corporation within the plan area. Liberty Utilities is working on upgrading their infrastructure to be more wildfire resilient and reliably provide electricity to the region, which would also expand capacity. Southwest Gas Corporation provides over 14,000 connections in the plan area with high pressure and distribution lines located in the plan area (Placer County and TRPA 2016: 16-13).

Communication Systems

Charter Spectrum and AT&T provide telecommunications services, including telephone, internet, and television, in the plan area. These providers offer data, voice, and video services.



Water Service

Water service for the plan area is primarily provided by the North Tahoe Public Utility District (NTPUD) and Tahoe City Public Utility District (TCPUD). Most of NTPUD's water supply comes from surface water and TCPUD sources most of its water from groundwater resources. NTPUD has the combined surface and groundwater rights to 5,800-acre feet of water per year. TCPUD estimates that growth will be limited in the area due to restricted growth. The utilities anticipate that there is sufficient supply to meet future increase in water demand (Placer County and TRPA 2016: 16-11).



Sanitary Sewer Service

The plan area is serviced by NTPUD, TCPUD, and Tahoe-Truckee Sanitation Agency (T-TSA). Water is pumped to treatment sites at NTPUD and TCPUD. T-TSA also has treatment facilities in the Martis Valley. No septic tanks or sewage treatment is permitted in the Tahoe Basin and all three services pump their water out of the Tahoe Basin to existing wastewater systems. All three services estimate that they have the capacity to meet future growth demand in both wet and dry years (Placer County and TRPA 2016: 16-12).

Planned improvements cannot be guaranteed. What will trigger a sewage capacity analysis? Provide the projects list of "planned improvements" and locations and estimated completion dates. Can Placer state and provide adequate data supporting staffs' assumptions?

More outdated information on the TRPA web-site below. Where can the most up-to-date information be found on sewage disposal? I've dug into some more recent than 2019 reports. Up-to-date sewage disposal information/analysis as it applies to 2023 has not been disclosed in the Placer Tahoe Basin Area Plan.

<https://www.laketahoeinfo.org/CumulativeAccounting/Index>

Sewage Disposal

The Porter-Cologne Act in California, and an executive order by the Governor of Nevada dated January 27, 1971, prohibit discharges of domestic, municipal, or industrial wastewaters to Lake Tahoe, its tributaries, groundwater, or the portion of the Truckee River within the Tahoe Region. As a result, Tahoe Region wastewater is generally collected, treated, and discharged to locations outside of the Region in one of the following four sewer export systems:

1. [South Tahoe Public Utility District](#) – Wastewater for the City of South Lake Tahoe and unincorporated portions of El Dorado County (south of Emerald Bay) is exported to Alpine County, California, via a sewer export line over Luther Pass (California State Route 89).
2. [Douglas County Sewer Improvement District](#) – Wastewater for Douglas County is exported to the Carson Valley in Nevada, via a sewer export line over Daggett Pass (Nevada State Route 207, Kingsbury Grade).
3. [Incline Village General Improvement District](#) – Wastewater for Washoe County is exported to the Carson City/Stewart area, Nevada, via a sewer export line over Spooner Summit (U.S. Highway 50).
4. [Tahoe City and North Tahoe Public Utility Districts](#) – Wastewater for Placer County and the portion of El Dorado County north of Emerald Bay is exported to the town of Truckee, California, via a sewer export line in the Truckee River Canyon (along California State Route 89).

Exceptions may be granted to discharges under alternative plans (for wastewater disposal authorized by state law and approved by a state agency with appropriate jurisdiction). TRPA may also approve sewage holding tanks or other no-discharge systems in accordance with Subparagraph 60.1.3.C of the TRPA [Code of Ordinances](#) as a temporary measure, or as a permanent measure in remote public or private recreation sites, where a sewer system would create excessive adverse environmental impacts.

The [California Water Quality Control Board, Lahontan Region](#), has the authority to issue wastewater discharge waivers in the California portion of the Tahoe Region. In Nevada, this authority rests with the [Nevada Department of Environmental Protection](#) (NDEP). Exceptions have been given to cabins in remote summer home tracts on the California side of the Region (including Upper and Lower Echo Lakes, Fallen Leaf Lake, Lily Lake, Glen Alpine, and Emerald Bay). Some summer homes are allowed to discharge “gray water” to leach field systems but are also required to contain and transport “black water” sewage to an approved sewer dump station for treatment in a sewer plant.

Five sewer treatment plants serve the Tahoe Region, each of which exports treated sewage into one of the four export lines noted above. Existing sewage capacity for these plants, including “reserved” capacity, is summarized in Table 15, below. As the table indicates, none of the five Tahoe sewer treatment plants are near total capacity. In discussions with sewer plant officials, all five sewer plants were originally designed for a much larger population than is planned for Lake Tahoe. Excess plant capacity is attributable to regional growth controls, localized population decreases, water conservation efforts, and public purchases of environmentally sensitive lands.

Table 15. 2019 Sewage Disposal Capacity in Millions of Gallons per Day (MGD) 

Sewer District	Peak Sewer Flow	Average 2019 Peak Sewer Flow	Capacity	Reserve From Peak Flow
North Tahoe PUD	1.8	1.8	6	5.35
Tahoe City PUD	1.5	1.5	7.8	6.64
South Tahoe PUD	4.93	4.93	7.7	2.77
Incline Village GID	1.61	1.61	3	1.39
Douglas County SID	2.31	2.31	3.75	1.44

Information from other reports

Table 3-08: Population Based on Residential Occupancy

Month	Metered Systems			Unmetered Systems	Residential Population ⁽³⁾
	Average No. of Unoccupied Units ⁽¹⁾ (Demand < 1,000 gallons)	Average No. of Occupied Units ⁽²⁾ (Demand > 1,000 gallons)	Percent of Units Occupied	Estimated Average No. of Occupied Units ⁽²⁾	
January	946	3,016	76%	1,121	8,688
February	1,534	2,429	61%	903	6,997
March	1,675	2,292	58%	851	6,600
April	1,900	2,063	52%	767	5,943
May	1,475	2,488	63%	925	7,167
June	766	3,196	81%	1,188	9,207
July	363	3,599	91%	1,338	10,368
August	404	3,559	90%	1,323	10,252
September	553	3,410	86%	1,267	9,823
October	965	2,998	76%	1,114	8,636
November	1,562	2,402	61%	893	6,919
December	1,975	1,990	50%	739	5,732
Average Total Population (2018-2020)					8,028

NOTES: No. = Number
 (1) Based on District provided data for January 2018 through December 2020 for Tahoe City Main, Rubicon, McKinney/Quail, Alpine Peaks, and Tahoe-Truckee Forest Tract systems.
 (2) Based on average total of residential connections for Madden Creek, Tahoe Cedars, and Timberland water systems for 2018 through 2020 (source: 2018-2020 Annual Reports to the Division of Drinking Water) multiplied by percent of units occupied for metered systems.
 (3) Average residential occupancy is 2.1 persons per (occupied) unit based on Placer County 2020 Census Tracts 201.04, 221, 222, 223, and El Dorado County 2020 Census Tracts 320.01, 320.02.

The average total population (2018-2020) based on residential occupancy is assumed to be the 2020 population as shown in Table 3.3. The TCPUD reports approximately 10 new residential service connections per year. Assuming 2.1 persons per (occupied) unit, this translates to an increase in population of 105 persons every five years. The projected population for the TCPUD based on residential occupancy is also shown in Table 3-1.

Submittal Table 2-1 Retail Only: Public Water Systems

Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020 *
<i>Add additional rows as needed</i>			
3110010	Tahoe City Main	2,902	310
0910012	Rubicon	625	40
3110011	McKinney/Quail	559	48
3110044	Alpine Peaks	97	6
3110043	Madden Creek	183	37
3110013	Tahoe Cedars	1,181	122
3100029	Timberland	137	15
-	Tahoe-Truckee Forest Tract	20	2
TOTAL		5,704	581

* Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES: Units of measure in this UWMP are million gallons (MG). Sources: Annual Reports to the Division of Drinking Water For Year Ending December 31, 2020, TCPUD Water Audit Estimates, and 2020 AWWA Water Audits.

Additional information on each public water system that is managed by the TCPUD is provided in Section 3.1.

The footnotes. 2.1 persons occupancy per connection in Tahoe City alone 2018-2020 data. Short-term rental impacts have never been taken into consideration. The analysis is only as good as what data-points are put into the model.

June 26, 2023. This set of documents can be found at the current TTS-A website in that particular agenda. The cost of repairs, replacement, and rehabilitation is outlined in cost and where it sits as a priority for construction and outlay. What is evident is that there is not a doubling of sewage treatment capacity projected. Mainly many updates and repairs or replacement costs. Lastly, work is to begin in Calendar year 2024 and continue through 2028. The Master Plan was compiled and presented some years back for this project list long before the current Basin Area Plan Amendments were inked and the projected needs of those amendments given for input to this Master Plan and these capital expenditures.

**Exhibit A
Wastewater Capital Reserve Fund
Projects & Schedule**

Item No.	Project Description	FY24	FY25	FY26	FY27	FY28	Total
1	Disinfection Process Modernization	500,000	0	0	467,000	3,508,000	4,475,000
2	FY23 Scada/IT Develop Standards	237,000	0	0	0	0	237,000
3	Improve Physical Security	167,000	0	0	171,000	0	338,000
4	Digestion Improvements Project	81,000	252,000	918,000	1,879,000	0	3,130,000
5	Lime Systems Improvements	56,500	0	0	0	0	56,500
6	River Crossing, Gravity Main (MH 33 and MH 35)	31,500	57,000	237,000	0	0	325,500
7	Plant Wide Electrical Improvements (Phase 1)	12,500	35,000	36,500	0	0	84,000
8	TWAS Pump Replacement Project	7,000	0	0	0	0	7,000
9	Equipment/Vehicle Warehouse	0	625,000	1,875,000	0	0	2,500,000
10	WASSTRIP Implementation	0	0	0	0	952,000	952,000
11	Nitrified Effluent Recycle Pilot	0	50,000	423,000	0	0	473,000
12	BNR Structural Retrofit and Nitrified Effluent Recycle Project	0	0	0	0	277,000	277,000
13	Upgrade Reports	0	0	107,500	0	0	107,500
14	Plant Coating Improvements	0	85,500	0	0	0	85,500
15	Maintenance/E&I Shop Improvements	0	0	0	110,000	0	110,000
16	River Crossing, Gravity Main (MH 65 and MH 66)	0	0	7,000	12,500	10,500	30,000
17	River Crossing, Gravity Main (MH 88 and MH 89)	0	0	22,500	42,000	35,000	99,500
18	TRI Renewal Program	0	0	0	0	118,000	118,000
19	Primary and Secondary Treatment Repairs	0	7,500	31,000	32,000	0	70,500
20	Phosphorus Removal and Recarb Rehabilitation	0	51,000	215,000	223,000	0	489,000
21	Plant Wide Electrical Improvements (Phase 2)	0	0	0	0	135,000	135,000
22	Grit System Improvements	0	0	0	0	50,500	50,500
23	Primary and Secondary Treatment Rehab Project	0	144,500	613,000	636,500	0	1,394,000
24	Recarbonation Improvements	0	0	0	0	15,500	15,500
25	Solids Dewatering Improvements	0	0	0	0	15,000	15,000
26	Filtration Rehabilitation Project	0	0	0	0	35,500	35,500
27	AWT Improvements	0	0	0	0	48,500	48,500
28	Plant Air System Upgrades	0	121,500	115,000	0	0	236,500
Subtotal		1,092,500	1,429,000	4,600,500	3,573,000	5,200,500	15,895,500
Debt Payment on 2020 Wastewater Revenue Refunding Bond (73.2%)		2,206,000	2,397,000	2,597,000	2,811,000	0	10,011,000
Annual Total		3,298,500	3,826,000	7,197,500	6,384,000	5,200,500	25,906,500

Where in this plan is expansion for possibly present and future capacity issues ?

Projects list below

Tahoe Regional Planning Agency (TRPA) 12-6-23 Advisory Planning Commission Hearing Placer Tahoe Basin Area Plan (TBAP) Amendments. Ellie Waller Public Comment for the Record. Sewage Capacity

Capital Improvement Plan (CIP) Expenditures

Fund 02: Wastewater Capital Reserve Fund Expenditures

Table 12 identifies the projects and expenditures for the 5-year Capital Improvements Plan (CIP) within the Wastewater Capital Reserve Fund. The projects include those identified in the 2022 Master Sewer Plan, the 2022 SCADA/IT Master Plan, and all other Agency staff identified projects.

The fund continues to provide a percentage of the 2020 Wastewater Revenue Refunding Bond debt payment. Overall, FY24 capital improvements is approximately \$1.1M and the 5-year total for the capital improvements is approximately \$15.9M. When debt service payment is included, the 5-year total fund expenditure is approximately \$25.9M.

Table 12: 2023-2024 Wastewater Capital Reserve Fund CIP Expenditures (5-Year)

Item No.	Project Description	FY24	FY25	FY26	FY27	FY28	Total
1	Disinfection Process Modernization	500,000	0	0	467,000	3,508,000	4,475,000
2	FY23 SCADA/IT Strategic Standards	247,000	0	0	0	0	247,000
3	Improve Physical Security	80,000	0	0	111,000	0	191,000
4	Operation Improvements Project	80,000	252,000	918,000	1,879,000	0	3,130,000
5	Lift Station Improvements	56,500	0	0	0	0	56,500
6	River Crossing, Gravity Main (M1 31 and M1 33)	31,500	57,000	237,000	0	0	325,500
7	Plant Wide Electrical Improvements (Phase II)	22,500	35,000	36,500	0	0	94,000
8	TWAS Pump Replacement Project	7,000	0	0	0	0	7,000
9	Equipment/Vehicle Warehouse	0	923,000	1,879,000	0	0	2,802,000
10	WASTWP Implementation	0	0	0	0	952,000	952,000
11	Nitrified Effluent Recycle Pilot	0	50,000	633,000	0	0	683,000
12	BNR Structural Deficit and Nitrified Effluent	0	0	0	0	277,000	277,000
13	Upgrade Borehole	0	0	187,500	0	0	187,500
14	Plant Closures Improvements	0	85,500	0	0	0	85,500
15	Maintenance/Shop Improvements	0	0	0	120,000	0	120,000
16	River Crossing, Gravity Main (M1 65 and M1 66)	0	0	7,000	31,500	10,500	49,000
17	River Crossing, Gravity Main (M1 88 and M1 89)	0	0	22,500	42,000	35,000	99,500
18	TRI Structural Problems	0	0	0	0	128,000	128,000
19	Primary and Secondary Treatment Repairs	0	7,500	31,000	32,000	0	70,500
20	Phosphorus Removal and Borehole Rehabilitation	0	51,000	225,000	223,000	0	499,000
21	Plant Wide Electrical Improvements (Phase II)	0	0	0	0	135,000	135,000
22	Plant System Improvements	0	0	0	0	50,500	50,500
23	Primary and Secondary Treatment Refurb Project	0	144,500	613,000	636,500	0	1,394,000
24	Reactivation Improvements	0	0	0	0	15,500	15,500
25	Solids Dewatering Improvements	0	0	0	0	15,000	15,000
26	Filtration Rehabilitation Project	0	0	0	0	35,500	35,500
27	IAWT Improvements	0	0	0	0	48,500	48,500
28	Plant Air System Upgrades	0	123,500	123,000	0	0	246,500
Subtotal		1,090,500	1,429,000	4,460,500	3,473,000	5,296,500	15,899,500
Debt Payment on 2020 Wastewater Revenue Refunding		2,206,000	2,397,000	2,397,000	2,811,000	0	10,011,000
Annual Total		3,296,500	3,826,000	7,197,500	6,884,000	5,296,500	25,910,500

The following is a description of each of the above listed projects:

- 1 Construct new ultraviolet (UV) facility or other disinfection alternative for plant effluent disinfection.
- 2 Establish design guide for all SCADA programming and interfaces to IT applications.
- 3 Install employee ID card readers for secure access at WRP perimeters and critical building entrances.
- 4 New boilers, pumps, and other major mechanical equipment to support sludge digestion,

15

- 5 heating, and gas handling systems.
- 6 Replace conveyance system for hydrated lime.
- 7 Rehabilitate existing gravity sewer main between TRI Manhole Nos. 33 and 35.
- 8 Replace and upgrade various electrical and instrumentation equipment throughout the plant on a phased schedule.
- 9 Replace TWAS pumps.
- 10 Construction of a new warehouse for storage of Agency vehicles, heavy equipment, and miscellaneous equipment.
- 11 Address phosphorous production at treatment plant and find viable solution to process remaining phosphorous.
- 12 Perform pilot study on nitrified effluent recycle.
- 13 Repair cracks in BNR structure, replace BNR beads, construct Nitrified Effluent Recycle pipeline, and new base flood elevation sump pump, and water cannons.
- 14 Integrate SCADA data with LIMS and WIMS data to automate operations reports for water quality.
- 15 Recoating of various equipment and facilities to improve longevity.
- 16 Improvements to relocate mechanical and E&I maintenance shops.
- 17 Rehabilitate existing gravity sewer main between TRI Manhole Nos. 65 and 66.
- 18 Rehabilitate existing gravity sewer main between TRI Manhole Nos. 88 and 89.
- 19 Address aging and deteriorating gravity sewer main through periodical R&R projects.
- 20 Repair concrete masonry unit (CMU) walls and areas with water damage in concrete. Install gutters.
- 21 Replace flocculation basin and recarbonation basin gates and repair concrete in clarifiers/basins.
- 22 Replace and upgrade various electrical and instrumentation equipment throughout the plant on a phased schedule.
- 23 Repair the structural concrete surface and recoat rake arms.
- 24 Repair concrete throughout area and roof decks. Replace return activated sludge pumps with higher capacity pumps, replace drives for clarifier mechanisms, and replace oxygenation basin mixer drives.
- 25 Repair concrete in basin.
- 26 Upgrade dewatering polymer feed system and rebuild centrifuge.
- 27 Recoat filtration tanks. Replace filter media.
- 28 Resurface floor and structural beams, replace metal roof and demolish abandoned equipment.
- 29 Replace plant air system tank and compressors. Address NFPA 820 compliance analysis findings.

Fund 06: Replacement, Rehabilitation and Upgrade Fund Expenditures

Table 13 identifies the projects and expenditures for the 5-year CIP within the Replacement, Rehabilitation and Upgrade Fund. The projects include projects identified in the 2022 Master Sewer Plan, the 2022 SCADA/IT Master Plan, and all other Agency staff identified projects.

The fund continues to provide a percentage of the 2020 Wastewater Revenue Refunding Bond debt payment. Overall, FY24 capital improvements is approximately \$6.6M and the 5-year total for the capital improvements is approximately \$60.0M. When debt service payment is included, the 5-year total fund expenditure is approximately \$63.7M.

I'm not expert but the data should prove there are no present and future capacity issues.

200 Average flow per day per connection based on 2.1 occupants per EDU (Equivalent Dwelling Unit), not STRs which generate far more than 200 gallons per day per household with 8 adults and however many kids in a rental for 3bd/2ba home with the Placer County's allowed occupancy.

Only 30,650 EDUs identified in the TTS-A Master Plan they released. But Last year, less than (2?) years later, they actually have 35,058 EDUs. At 200 min gallons a day of sewage that is a flow rate of 7.01 MGD (million gallons a day). TTS-A anticipated a full build out of the area to handle the flow anticipated to reach their Max Permitted Flow capacity of 9.60. The total NUMBER of new units that might be added to the flow charts is not what is important. It's the reality that the CURRENT number of EDUs is capable of exceeding the current TTS-A permitted Total Permitted Daily Flow Rate RIGHT NOW as shown in Chart 2 last Christmas, when the flow was at above the 9.6 MGD Max permitted flow, in my opinion (Dark Blue line). This year's chart is already well beyond last year's Daily Flow in every month. What will the final amounts be when TTS-A allows the charts to be published for the public and the CA EPA to see?

Sewer Connection Fees

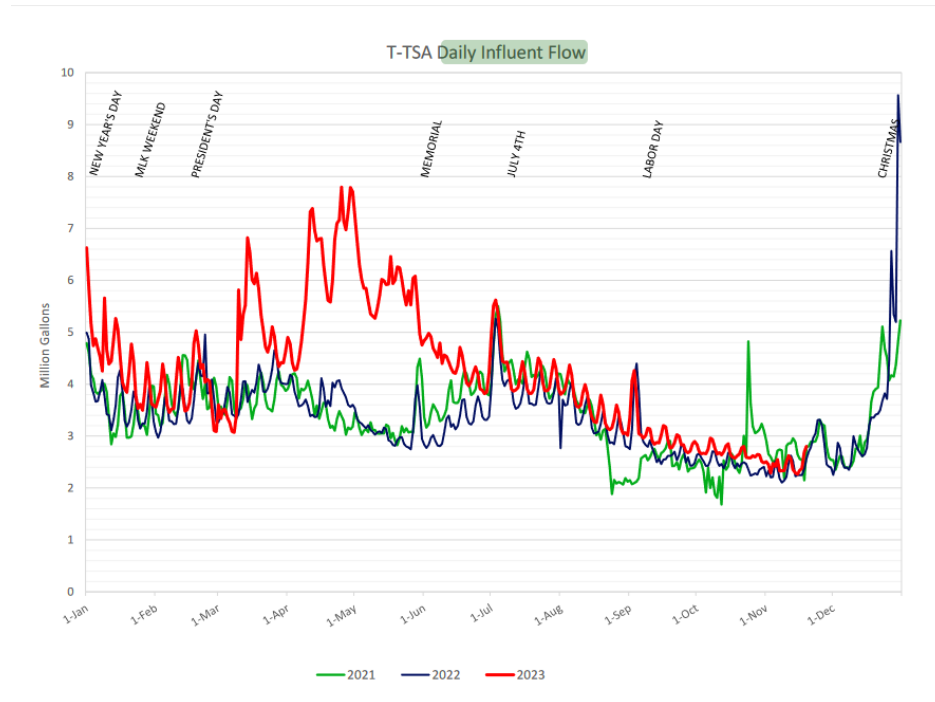
System Planning Data

Sewer Connection Fee – EDUs			
Description	Capacity in MGD	Average Daily Flow per EDU	Total EDUs
Existing Flow	6.13	200	30,650
Future Flow	<u>3.47</u>	200	<u>17,350</u>
Permit Total Flow	9.60		48,000

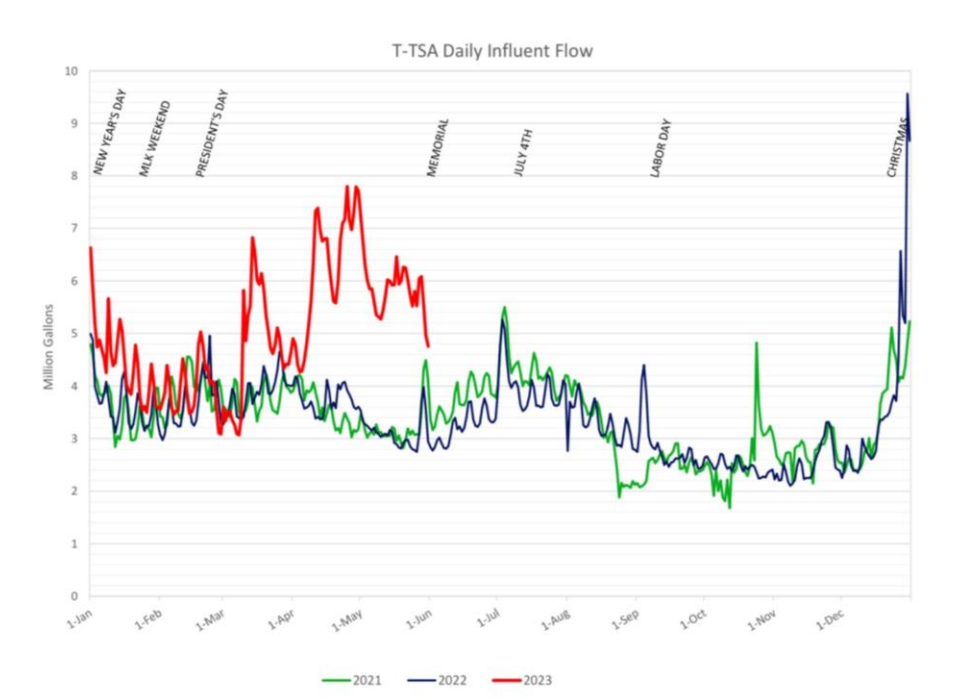
- **Based on 200 gpd/EDU and 9.6 MGD permit capacity**

Charts below showing trending

Tahoe Regional Planning Agency (TRPA) 12-6-23 Advisory Planning Commission Hearing Placer Tahoe Basin Area Plan (TBAP) Amendments. Ellie Waller Public Comment for the Record. Sewage Capacity



https://www.tsa.ca.gov/sites/g/files/vyhlf7911/f/agendas/12-05-2023_board_packet_0.pdf
https://www.tsa.ca.gov/sites/g/files/vyhlf7911/f/agendas/june_26_2023_board_packet.pdf



Tahoe Regional Planning Agency (TRPA) 12-6-23 Advisory Planning Commission Hearing Placer Tahoe Basin Area Plan (TBAP) Amendments. Ellie Waller Public Comment for the Record. Sewage Capacity

2022 Master Plan for reference. Does the Master Plan analyze current and future adequate capacity?

https://www.tsa.ca.gov/sites/g/files/vyhliif7911/f/uploads/tsa_master_sewer_plan_volume_1.pdf

https://www.tsa.ca.gov/sites/g/files/vyhliif7911/f/uploads/tsa_master_sewer_plan_volume_2.pdf

https://www.tsa.ca.gov/sites/g/files/vyhliif7911/f/uploads/tsa_master_sewer_plan_volume_3.pdf

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 12/3/2023 10:41:14 PM
To: Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwmlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; ElleryStahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; John Marshall <jmarshall@trpa.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Wesley Rice <wrice@douglasnv.us>; Julie Regan <jregan@trpa.gov>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>
Subject: General Public Comment for Consideration - Scenic Resource Thresholds and Implementation of Baugespann Marker Frames

Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board

Dear TRPA staff, Board members and APC Commission members,

I brought this up in a public comment in June but it got buried and I wanted to raise attention to it again. It is a tool that many other local jurisdictions around the world give the public and decision makers the opportunity to envision proposed projects in the community.

It should be a tool for determining the Scenic Resources Threshold - the amount of new development I now see (especially monstrous luxury homes on steep lakeside lots) certainly isn't impacting scenic quality positively.

Architectural drawings and elevation plans can be very deceiving. The **Swiss require a visualization when any new building is being proposed in a community**. They are called "Baugespann" marker frames and they are a common sight in Switzerland and other communities in the EU as well as the UK. **These building poles are used to help the community visualize a proposed building, its height, length, setbacks, proximity to other buildings and impact in the overall area.** Here is a link to an article in English about them with photos - [link](#)

Implementing this visual tool when determining Scenic Resource thresholds would allow transparency for the public and should be utilized by TRPA with every building project.

Thank you for your consideration.

*Niobe Burden Austere
Advocate for Sustainable Development in Lake Tahoe
Property Owner in Tahoe since 1998*

(530)320-2100
www.niobeburdenphotoart.com

From: Marja Ambler <mambler@trpa.gov>
Sent: 12/4/2023 8:14:58 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: FW: Public comment in opposition to December 13, 2023 Governing Board Agenda Item on proposed TRPA Housing Code Amendments (and the proposed Tahoe Basin Area Plan if this is still on the Agenda), and request that the agenda item be tabled
Attachments: [Section 21094 - Examination of significant effects of later project by using tiered environmenta.pdf](#) , [Section 15164 - Addendum to an EIR or Negative Declaration, Cal. Code Regs. tit. 14 § 15164_Ca.pdf](#) , [Section 15162 - Subsequent EIRs and Negative Declarations, Cal. Code Regs. tit. 14 § 15162_Cas.pdf](#) , [AEP white paper - Subsequent Environmental Review and Streamlining \(00575964\).DOCX.pdf](#) , [Becker 11.6.2023 public comment to TRPA.pdf](#) , [image001.jpg](#)

APC/GB.

Marja Ambler
Executive Assistant
775-589-5287



From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: Sunday, December 3, 2023 11:22 PM
To: Marja Ambler <mambler@trpa.gov>
Cc: Diane Heirshberg <dbheirshberg@gmail.com>
Subject: Re: Public comment in opposition to December 13, 2023 Governing Board Agenda Item on proposed TRPA Housing Code Amendments (and the proposed Tahoe Basin Area Plan if this is still on the Agenda), and request that the agenda item be tabled

December 3, 2023

Re: Public comment in opposition to proposed TRPA Housing Code Amendments (and the proposed Tahoe Basin Area Plan if this is still on the Agenda), and request that the agenda item be tabled so TRPA can obtain a formal legal opinion that the proposed TRPA Housing Code Amendments (and Tahoe Basin Area Plan if still on the Agenda) do not violate the California CEQA law and CEQA Guidelines due to the failure to prepare a supplemental or subsequent EIR.

Dear Marja,

Please accept and distribute this public comment to the Tahoe Regional Planning Agency Advisory Planning Commissioners (APC) and appropriate staff for the 12-6-23 TRPA APC meeting and to all Governing Board members for the 12-13-23 TRPA Governing Board meeting. Thank you, Diane Becker

Dear Board of Governors,

This public comment is written in opposition to the proposed Housing Code Amendments (and to the Tahoe Basin Area Plan if still on the APC or Governing Board Agenda) as violating CEQA and the CEQA Guidelines, and to urge the Board of Governors to table the December 13, 2023 TRPA Governing Board agenda item to obtain a formal legal opinion by independent counsel that the proposed amendments do not violate CEQA and the CEQA Guidelines. The community has expressed numerous concerns about the substance of the proposed amendments, including that the amendments violate California CEQA and the CEQA Guidelines, among the several other valid objections.

The 2012 EIR was prepared over 12 years ago (realize that the studies and work in developing and reviewing the EIR was itself done over a period of time), and the current circumstances are so different and the changes are having significant environmental effects. There are so many developments being processed/proposed now and in the future, and so many changes in traffic, in tourism, from short term rentals and web platforms, from ADUs, from a lack of a local workforce, etc. that will have a new significant environmental effect and/or substantially increase the severity of the previously identified significant effects. Therefore, a subsequent or supplemental environmental impact report is necessary.

I brought this to your attention in my November 6, 2023 public comment which is attached. In that comment I went through the specific CEQA and CEQA Guidelines which required that you recognize that the new Housing Code Amendments which, among other things, increase height, density, lower coverage requirements, omit even minimum parking requirements, etc. will have significant environmental effects. I have attached my prior public comment and copies of the relevant CEQA and CEQA Guideline sections I included with it, for your review and information.

Those of you who have been watching the traffic backups all around the Lake, who have seen the news articles on this and other serious issues like trash piling up, and who have heard our concerns about public safety and evacuation which you say will take 10 years to study, should not be voting to allow high-rise buildings to be built with no minimum parking requirements, and to higher heights and with such huge land coverage, without a subsequent or supplemental EIR. Surely you must realize what the long-term adverse impacts could be on the future of the Lake itself and its environment from your actions today.

The undersigned just became aware of the filing of the attached Verified Petition for Writ of Mandate against Placer County on this same issue. I am not a party to that lawsuit, but I have read the Writ, which clearly sets forth the basis for its request at paragraph 8 which states: "Petitioners seek a determination from this Court that Respondents approval of the amendments to the TBAP is invalid and void and the Addendum prepared for the TBAP amendments fails to satisfy the requirements of CEQA, and the CEQA Guidelines, Title 14, California Code of Regulations, Section 15000 et. seq." Almost every statement in that complaint is equally applicable to the TRPA Housing Amendments.

I practiced law in California and was a licensed attorney from 1973 - 2016, during which time I served as Chief Legal Officer and general counsel to several large

international corporations, including one that had over 1/2 billion dollars a year in sales in the United States alone. I was knowledgeable on California CEQA law as I supervised both as counsel and as the Senior Vice President of Real Estate, the development of several large corporate headquarters and corporate warehouses in California for my former employers and clients. As a business in the private sector, we would never have been so cavalier about ignoring California state law. Even though the recently filed Writ is only against the County of Placer, the Writ clearly demonstrates that TRPA would also be violating CEQA and the CEQA Guides, if it passes the amendments to the TRPA Housing Code without a subsequent or supplemental EIR

I also heard and appreciated the detailed questions posed by one Governing Board Member at the last TRPA Board of Governors meeting, which clearly demonstrated that the proposed TRPA Housing Amendments are being rushed through, and that the provisions and the specific language has not been thoroughly thought through even by TRPA Staff and TRPA Committees, and has not had adequate public input in light of changes in language literally being made on the fly during (and even after) the public meeting, among other additional problems.

I respectfully urge each of you, as TRPA Board members, in the exercise of your fiduciary responsibilities: (i) to vote to table the Board's upcoming December 13, 2023 vote on the TRPA Housing Amendments and (2) to direct your counsel, Mr. Marshall to retain expert California environmental legal counsel to thoroughly research the legality of the proposed TRPA Housing Amendments based in part on the allegations of the Writ, and require and provide you with a formal written legal opinion stating that the proposed TRPA Housing Amendments do not violate CEQA and the CEQA Guidelines, before the amendments are brought back to the Governing Board for approval. Especially considering the filing of this Writ which so fully supports that these amendments do violate CEQA and its Guidelines, if you proceed to rush into this, you will not be exercising your fiduciary duties and that proceeding so quickly now is not in compliance with California laws.

I thank you in advance for your serious consideration of the above. I am available to discuss this further at any time.

Respectfully submitted,

Diane Becker
Full time resident of Incline Village, Nevada
805-290-2779



Cal. Pub. Resources Code § 21094

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Current through the 2023 Legislative Session.

Section 21094 - Examination of significant effects of later project by using tiered environmental impact report

(a) Where a prior environmental impact report has been prepared and certified for a program, plan, policy, or ordinance, the lead agency for a later project that meets the requirements of this section shall examine significant effects of the later project upon the environment by using a tiered environmental impact report, except that the report on the later project is not required to examine those effects that the lead agency determines were either of the following:

(1) Mitigated or avoided pursuant to paragraph (1) of subdivision (a) of Section 21081 as a result of the prior environmental impact report.

of the later project.

(b) This section applies only to a later project that the lead agency determines is all of the following:

(1) Consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified.

(2) Consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.

(3) Not subject to Section 21166.

(c) For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior environmental impact report.

(d) All public agencies that propose to carry out or approve the later project may utilize the prior environmental impact report and the environmental impact report on the later project to fulfill the requirements of Section 21081.

(e) When tiering is used pursuant to this section, an environmental impact report prepared for a later project shall refer to the prior environmental impact report and state where a copy of the prior environmental impact report may be examined.

(f) This section shall become operative on January 1, 2016.

environmental impact reports

limit project if environmental
impact report certified for
planning level decision by city or
county

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Cal. Code Regs. tit. 14 § 15164

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Current through Register 2023 Notice Reg. No. 43, October 27, 2023

Section 15164 - Addendum to an EIR or Negative Declaration

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Cal. Code Regs. Tit. 14, § 15164

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065; and Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467.

1. Amendment of section heading, text and Note filed 8-19-94; operative 9-19-94 (Register 94, No. 33).
2. Amendment of subsection (b) and Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).
3. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

Previous Section

[Section 15163 - Supplement to an EIR](#)

Next Section

[Section 15165 - Multiple and Phased Projects](#)

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Cal. Code Regs. tit. 14 § 15162

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Current through Register 2023 Notice Reg. No. 43, October 27, 2023

Section 15162 - Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the

(3) New 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 or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary

shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Cal. Code Regs. Tit. 14, § 15162

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065; Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467; and Fort Mojave Indian Tribe v. California Department of Health Services et al. (1995) 38 Cal.App.4th 1574.

1. Amendment of section heading, text and Note filed 8-19-94; operative 9-19-94 (Register 94, No. 33).
2. Amendment of subsection (c) and Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).
3. Change without regulatory effect amending subsections (b)-(c) and Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

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CEQA Portal Topic Paper

Subsequent and Supplemental EIRs and Streamlining

What Are Subsequent and Supplemental EIRs and Streamlining?

Subsequent environmental review and streamlining are complex topics that could each be the subject of its own paper. For purposes of this topic paper, we focus on the relationship between the subsequent review provisions in Public Resources Code Section 21166 and CEQA Guidelines¹ Section 15162, and the tiering provisions for program EIRs in Public Resources Code (PRC) Sections 21093 and 21094 and CEQA Guidelines Sections 15152 and 15168.

Streamlining Generally

Streamlining under CEQA is a process by which an agency can rely on previously adopted environmental review to approve a future discretionary action. Prior to conducting a new environmental analysis for a project, an agency should consider whether the project is covered by a previous environmental review (CEQA Guidelines Section 15153). CEQA provides several opportunities for agencies to streamline environmental review, which practitioners should review intermittently for general knowledge. For example, CEQA and the CEQA Guidelines allow for “staged” EIRs, which an agency may prepare for “complex or phased projects” where the agency does not know specific project details at the time of the first discretionary approval. The agency can then rely on the overarching analysis in the staged EIR and evaluate only project-level details in a later review (CEQA Guidelines Section 15167[a]). Similarly, CEQA allows for “master” EIRs, which can be prepared for classes of projects in order to allow for future streamlining (subject to review five years after certification) (PRC Sections 21157, 21157.1, 21157.5, 21157.6; CEQA Guidelines Sections 15175, 15176, 15177, 15178, 15179).

The California State Legislature has also created specific provisions to promote streamlining environmental review for certain types of projects, including infill development (PRC Section 21094.5; CEQA Guidelines Section 15183.3) and some housing projects (PRC Sections 21159.21, 21159.22, 21159.23, 21159.24, 21159.25, 21159.28). CEQA and the Guidelines also provide streamlined review for projects consistent with zoning, a community plan or a general plan for which an EIR was certified (PRC Section 21083.3, CEQA Guidelines Section 15183).

The statute and the CEQA Guidelines provide a framework for agencies to tier from a “program” EIR prepared for a program, plan, policy, or ordinance (PRC Sections 21093, 21094; CEQA

¹ The CEQA Guidelines are located at Title 14, Division 6, Chapter 3 of the California Code of Regulations.

Guidelines Sections 15168, 15152). The program EIR will cover “general matters and environmental effects” for the overarching program, plan, policy, or ordinance, and the agency will prepare “narrower or site-specific [EIRs] which incorporate by reference the discussion” in the program EIR (PRC Section 21068.5).

To determine whether a project can tier from a certified program EIR, a lead agency should consider whether the later project (PRC Section 21094[b]):

- (1) is consistent with the program, plan, policy, or ordinance for which the original EIR was prepared and certified.
- (2) is consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located; and
- (3) would not trigger the need for a subsequent or supplemental EIR (discussed in more detail below).

If a project meets these requirements, the lead agency should prepare a tiered EIR that analyzes the later project’s significant effects, except for the environmental effects that were mitigated or avoided as part of the program EIR (PRC Section 21094[a]). The tiered EIR is not required to consider impacts that were analyzed “at a sufficient level of detail ... to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project” (PRC Section 21094[a]).

In addition, when an agency has prepared a program EIR and a later action is “within the scope” of the program EIR and does not trigger the requirements for subsequent review pursuant to PRC Section 21166 and CEQA Guidelines Section 15162, CEQA does not require preparation of any further environmental review (PRC Section 21094[a] and [b]; *Center for Sierra Nevada Conservation v. County of El Dorado* [2012] 202 Cal.App.4th 1156, 1172). It is important to include a discussion of potential future projects in the program EIR and provide the substantial evidence needed to demonstrate that the proposed project was covered by the program EIR. (*CREED v. San Diego Redevelopment Agency* [2005] 134 Cal.App.4th 598, 610.)

Benefits of Streamlining Environmental Review

Reliance on a program EIR can simplify preparation of later EIRs, which saves time and resources and prevents redundancy. The program EIR can “[p]rovide the basis in an initial study

for determining whether the later activity may have any significant effects” (CEQA Guidelines Section 15168[d][1]). The agency can also incorporate the program EIR by reference into the later EIR, in order “to deal with regional influences, secondary effects, broad alternatives, and other factors that apply to the program as a whole” (CEQA Guidelines Section 15168[d][2]). Subsequent review can focus on a specific later activity “to permit discussion solely of new effects which had not been considered before” (CEQA Guidelines Section 15168[d][3]).

Preparing a program EIR can also streamline an agency’s compliance with regulatory procedures, avoid repetitive and duplicative analysis of environmental effects that an agency has already examined, and allow the agency to focus later analysis on effects that may be mitigated or avoided in connection with a later project (PRC Section 21093[a]). Program EIRs can assist an agency with thoroughly evaluating cumulative impacts that might otherwise be difficult to analyze in a project-level document (CEQA Guidelines Section 15168[b]). Agencies can also avoid duplicative reconsideration of basic policy considerations, which can be addressed comprehensively in a program EIR (CEQA Guidelines Section 15168[b]).

When Is a Program EIR Appropriate?

An agency may prepare a program EIR for “a series of actions that can be characterized as one large program” that are related either: (1) geographically; (2) as part of a single chain of action; (3) in connection with governance of a continuing program; or (4) as individual entities that are allowable under the same statute or regulation with “generally similar” environmental effects and mitigation (CEQA Guidelines Section 15168[a]). Agencies most commonly prepare program EIRs when they adopt a general plan.

CEQA does not specify the level of detail that must be included in a program EIR. Rather, the level of analysis required depends on the nature of the project and is subject to the “rule of reason” (*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* [2018] 26 Cal.App.5th 596, 608). The analysis must disclose what the agency reasonably knows at the time the program EIR is prepared, and it cannot defer analysis of mitigation measures to a later date (*Cleveland National Forest Foundation v. San Diego Association of Governments* [2017] 17 Cal.App.5th 413, 441, 443; CEQA Guidelines Section 15126.4[a][1][B]).

Caution is advised when processing a development project under a general plan–level program EIR. Often the mitigation measures used in a general plan EIR are at a very high level and state policies in the plan that are advisory rather than required. The measures can refer to procedures used to evaluate an environmental impact rather than project-specific measures appropriate to a project-level EIR. As always it is important to complete the analysis consistent with the level of detail of the project. Similarly, project-level mitigation should address the specific impacts that might not be addressed in a general plan–level EIR.

It is important to keep in mind that, when considering the adequacy of an EIR, courts look to the substance rather than the title. “Courts strive to avoid attaching too much significance to titles in ascertaining whether a legally adequate EIR has been prepared for a particular project” (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* [2014] 227 Cal.App.4th 1036, 1048). In some cases, an EIR may include both program-level and project-level analyses. One example is an EIR for a specific plan, which is generally a program-level analysis, that also includes a project-level analysis for the first phase of development.

Subsequent and Supplemental EIRs

Subsequent environmental review is environmental analysis prepared for a later discretionary approval after an agency has certified a prior EIR or adopted a ND² (PRC Section 21166; CEQA Guidelines Section 15162). Prior to approving a later project based on a program EIR, an agency must first determine whether the project is “within the scope” of the program EIR and whether it triggers the requirements for subsequent environmental review. Both determinations must be supported by substantial evidence. If the agency is required to conduct subsequent environmental review after a program EIR, the later analysis may rely on the program EIR for some portion of the subsequent review (CEQA Guidelines Sections 15168[c][1], 15152).

When Is a Supplemental or Subsequent EIR Required?

When an agency has prepared a program EIR and a further discretionary approval is necessary, a subsequent or supplemental EIR is required only where the later activity, which is within the scope of the program EIR, would have effects that were not examined in the program EIR (CEQA Guidelines Section 15168[c][1]). The requirements for subsequent and supplemental review are limited in order to balance “CEQA’s central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency” (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal.5th 937, 949).

The agency must first determine, based on substantial evidence, whether the previous EIR retains some informational value (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal.5th 937, 949). If so, the agency may prepare an initial study to determine whether the project triggers the requirements for subsequent review (PRC Section 21094[c]).

When a program EIR or project-level EIR has been certified, a subsequent EIR is not required *unless* (PRC Section 21166; CEQA Guidelines Section 15162):

- (1) “Substantial changes are proposed in the project which will require major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”;
- (2) “Substantial changes occur with respect to the circumstances,” and those changes will require “major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”; or
- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time” of preparation of the

² This paper focuses on subsequent and supplemental review after certification of an EIR, but agencies can also rely on the subsequent and supplemental review provisions after adoption of an ND. When an agency considers whether to conduct subsequent environmental review after an ND, courts apply the fair argument standard of review (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 959). An agency therefore is required to conduct subsequent review if a proposed modification *may* produce a significant environmental effect that was not studied in the previous ND.

EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the conditions in either section (1), (2), or (3), above, are triggered, an agency must prepare a subsequent environmental document. It is important to note that although triggering any one of the sections alone would require further review, there are also multiple components within each section. For example, where substantial changes to a project are proposed, the agency is only required to prepare a subsequent EIR if those changes require *major* revisions to the EIR and those changes are due to new significant effects or a substantial increase in the severity of effects identified in the prior EIR. If each of the components in a section is not met, a subsequent or supplemental EIR is not required. Under those circumstances, it may be appropriate to prepare an addendum to the prior EIR instead to consider the project changes and to document the evidence supporting the agency's conclusion that the changes do not result in new or substantially more severe significant effects (CEQA Guidelines Section 15164).³

A subsequent EIR could come about if an agency were attempting to use a certified EIR for a phase of a project that was not sufficiently defined when the EIR was prepared. Many agencies will designate an area in their general plan as "specific plan," assigning an amount of housing, office, commercial, or industrial uses as a lump sum for the area and leaving the physical design until later. A development project within the specific plan designation would then be required to prepare a specific plan that would include the project-level detail that could not be known at the time of EIR certification. If that project-level detail resulted in new significant impacts, then a subsequent EIR could be effective. The subsequent EIR would allow the agency to narrowly focus the subsequent analysis on the environmental impacts based on the newly available project detail.

If the requirements for a subsequent EIR are triggered, but "[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation," an agency may decide to prepare a supplemental EIR rather than a subsequent EIR (CEQA Guidelines Section 15163[a]).⁴ Either type of EIR may conclude that there will be new significant unavoidable impacts, in which case the lead agency must adopt a statement of overriding considerations.

³ Where some changes are necessary but the triggers in PRC Section 21166 and CEQA Guidelines Section 15162 are not met, "the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation" (CEQA Guidelines Section 15162[b]).

⁴ A supplemental EIR need only contain "the information necessary to make the previous EIR adequate for the project as revised" (CEQA Guidelines Section 15163[b]). Agencies may limit consideration in a supplemental EIR to effects "not considered in connection with the earlier project" (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523).

An example would be if a project for which a certified EIR was prepared allowed for 50,000 square feet of office space and 15,000 square feet of commercial space and instead wanted to convert the 50,000 square feet of office space to 100 apartments. Using CEQA Guidelines Section 15162, an analysis would be needed that compared the physical changes associated with dwelling units versus office space impacts as reported in the EIR. Instrumental to the discussion would be the findings of fact from the EIR that highlighted the significant impacts and any impacts that were considered significant and unavoidable. Impacts such as those related to parkland, recreation, and public services that may have been dismissed with an entirely nonresidential project may result in a new significant impact because of the new design. If new impacts are significant, then a supplemental or subsequent EIR should be prepared to address the new impact. If the impacts were previously identified, then the analysis would need to determine if the addition of the apartments would result in a “substantial increase” in the severity of the impact. The term “substantial increase” is not defined in CEQA; therefore, each agency must interpret the term and support its interpretation with substantial evidence.

Determining in a particular situation whether it is appropriate to prepare a subsequent or supplemental EIR is a project-specific consideration, based on many factors. If an agency is required under PRC Section 21166 and CEQA Guidelines Section 15162 to conduct subsequent environmental review under a program EIR, the agency should proceed pursuant to PRC Section 21094 and CEQA Guidelines Section 15168 or 15152. The agency must prepare an initial study to consider whether the later project may cause significant effects that were not examined in the program EIR (PRC Section 21093[c]). The later report does not need to consider effects that were mitigated or avoided in the program EIR, or effects that were analyzed at a sufficient level of detail in the program EIR to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21093[b]; CEQA Guidelines Section 15152[d]).

As noted above, the court does not place importance on the title of the EIR, but rather focuses on whether the level of analysis is commensurate with the detail of the project. The subsequent EIR and the supplemental EIR are identical in processing in that both require public circulation of the draft document, response to comments, etc. Where they differ is in the magnitude of change between the project evaluated in the certified EIR and the one being proposed. If major changes to the original project description are required that would create more of an impact on the environment, then a subsequent EIR is appropriate. If new information is all that is needed to allow the newly proposed project to use the existing certified EIR, then a supplement to the original document would suffice. These determinations are necessarily specific to the project and the lead agency.

What If a Subsequent or Supplemental EIR Is Not Required?

When a later project is within the scope of the program EIR and does not meet the requirements in PRC Section 21166 and CEQA Guidelines Section 15162, further environmental review is not required (CEQA Guidelines Section 15168[c][2]; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* [2017] 17 Cal.App.5th 413, 425–426). This situation might arise when, for example, an agency implements changes to its zoning code that were previously

contemplated in its general plan and analyzed in the associated program EIR. When considering whether a later activity is within the scope of the program EIR, the agency may consider, among other factors, “consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure as described in the program EIR” (CEQA Guidelines Section 15168[c][2]; *Latinos Unidos de Napa v. City of Napa* [2013] 221 Cal.App.4th 192, 204). An agency’s determination that a later project is within the scope of its program EIR is a factual question, which means courts should defer to the agency’s decision, provided it is supported by substantial evidence (CEQA Guidelines Section 15168[c][2]). It is therefore important that agencies document in the record the reasons and evidence for the agency’s determination.

An agency may prepare an addendum under CEQA Guidelines Section 15164 when a certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts. An addendum is not subject to the same notice and public review requirements as a subsequent or supplemental EIR, but the lead agency may elect to provide notices and a public review period.

In Closing

Both subsequent and supplemental EIRs must comply with the same requirements for notice and public review as for a draft EIR (CEQA Guidelines Sections 15162[d], 15163[c]). Response to public comments and a new final EIR, findings of fact, and if necessary a statement of overriding considerations would be required. Therefore, the amount of time saved by preparing a subsequent or supplemental EIR as compared to a project EIR may not be significant.

Important Cases

The following represent some of the published cases that relate to subsequent review and streamlining:

- *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156: General plan program EIR did not provide sufficient detail to cover proposed management plan and mitigation fee program; agency was therefore required to prepare a tiered EIR.
- *Citizens Against Airport Pollution v. City of San Jose* (2017) 17 Cal.App.5th 413, 425–426: Substantial evidence in the record supported agency’s determination that an eighth addendum to an airport master plan would not result in any new significant environmental impacts that substantially differed from those identified in an earlier EIR.
- *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036: The title of a CEQA document is not dispositive. EIR for redevelopment of a former naval station provided decision-makers with sufficient analysis to intelligently consider the environmental consequences of the project.

- *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413: Agency failed to disclose known impacts and improperly deferred mitigation in program EIR.
- *Committee for Re-Evaluation of the T-Line Loop v. San Francisco Municipal Transportation Agency* (2019) 6 Cal.App.5th 1237: Substantial evidence supported agency's determinations that initial EIR retained some relevance to the decision-making process and that supplemental review was not required.
- *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937: When there is a change in plans, circumstances, or available information after an agency initially approves a project, the agency must determine, based on substantial evidence, whether the original environmental document retains some informational value. Where it does, CEQA's subsequent review provisions apply. Where an agency relies on a prior EIR, the substantial evidence standard of review applies to the agency's determination not to conduct further review. Where an agency relies on a prior ND, the fair argument standard of review applies.
- *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143: Program EIR for a long-term plan to address ecosystem and water supply problems in Bay-Delta region was not required to identify specific sources of water to carry out the program, which would take place over a 30-year time span.
- *Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192: Proposed amendments to housing and land use elements in general plan, and minor amendments to zoning ordinances, were within the scope of the prior program EIR. No additional review was required.
- *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152: Agency failed to provide substantial evidence to show that its climate action plan and significance guidelines were within the scope of its general plan program EIR.
- *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412: EIR failed to identify long-term water source for community plan; "[a]n EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project."
- *Health First v. March Joint Powers Authority* (2009) 174 Cal.App.4th 1135: In a case involving a reuse plan for a former military base, approval by the developing authority of a design plan for a grocer's warehouse distribution facility was exempt from environmental review because the decision was ministerial. Substantial evidence supported an administrative decision that traffic mitigation measures in a specific plan for a business center were made applicable to the design plan application, as contemplated by PRC Section 21083.3. *Citizens for Responsible Equitable Environmental Development [CREED] v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App. 4th 598: The fair argument standard does not apply to judicial review of an agency's determination that a project is within the scope of a previously completed EIR. Once an agency has prepared an EIR, its decision not to prepare a supplemental or

subsequent EIR for a later project is reviewed under the deferential substantial evidence standard.

Authors

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Reviewers

Legal Disclaimer

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Date Updated: July 23, 2021

PUBLIC COMMENT TO 11/8/2023 TRPA AND APC MEETINGS ON TRPA Housing Amendments

1 message

Diane Heirshberg <dbheirshberg@gmail.com>

Mon, Nov 6, 2023 at 1:44 PM

To: publiccomment@trpa.gov, Marja Ambler <mambler@trpa.org>

PUBLIC COMMENT TO 11/8/2023 TRPA AND APC MEETINGS ON TRPA Housing Amendments

Please distribute to APC and TRPA Members

Dear Governing Board and APC Members,

I am opposed to the TRPA Housing Amendments currently and respectfully submit that a Subsequent or Supplemental EIR is required under the California CEQA Guidelines and the California Public Resources Code Sections, considering the significant changes that are being made.

I. Cal. Pub. Resources Code Section 21166 clearly states that if certain events occur a subsequent or supplement EIR is required:

“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

The proposed changes are huge because by increasing height and density, and ignoring the current population increases, the current traffic conditions, the current pollution of Lake Tahoe from micro plastics, cyno toxic algae and invasive species including the New Zealand mud snail proliferation, and such important issues as evacuation, traffic, etc. and require preparation of a Subsequent or Supplemental EIR.

2. While CEQA Guideline 15162 recognizes that under certain circumstances TRPA could determine not to do a subsequent of supplemental EIR, however the permitted circumstances that allow an Agency to fail to prepare a Supplement or Subsequent EIR under sub-sections (1), (2) and (3) below do not exist:

“15162 (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New 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 or the negative declaration was adopted, shows any of the following:

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

As discussed in Section I above, these circumstances simply do not exist and therefore preparation of a Subsequent or Supplemental EIR is not excused.

III. CEQA Guideline 15164(e), clearly required that if TRPA does not prepare a Subsequent or Supplemental EIR they needed to explain why and TRPA has failed to do so:

“(e) Brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15161 should be included in an addendum to an EIR, the lead Agency’s required findings on

the project or elsewhere in the record. The explanation must be supported by substantial evidence. “

There is no sufficient explanation or substantial evidence explaining why the decision not to prepare a Subsequent or Supplemental EIR is correct and supported by substantial evidence.

IV. Also see attached Cal. Pub. Resources Code Section 21094 (a) and (b) which reviews what the agency must examine to avoid a tiered environmental impact report, which has not been fully examined and which could not be factually supported.

V. Also see Cal. Code Regs Title 14, Section 15168(d)(1) (CEQA Guidelines 15168(d)(1) which states:

“(1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the program EIR as provided in Section 15152. “

If TRPA plans to use these changes to support allowances on the numerous projects currently under review and which it knows are in the pipeline, you will need to do new Supplemental and Subsequent EIRs, and so it makes sense to do this investigation now.


Please protect Lake Tahoe from over-development and over-tourism by first investigating the carrying capacity of our limited roads, especially in case of fire or other emergency evacuation.


Respectfully submitted,


Diane Becker

Full time Incline Village resident

4 attachments

 **Section 21094 - Examination of significant effects of later project by using tiered environmental impact report, Cal. Pub. Resources Code § 21094 _ Casetext Search + Citator.pdf**
167K

 **Section 15164 - Addendum to an EIR or Negative Declaration, Cal. Code Regs. tit. 14 § 15164 _ Casetext Search + Citator.pdf**
169K

 **Section 15162 - Subsequent EIRs and Negative Declarations, Cal. Code Regs. tit. 14 § 15162 _ Casetext Search + Citator.pdf**
196K





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From: Ellie <tahoellie@yahoo.com>
Sent: 12/3/2023 12:39:42 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public comment Tahoe Regional Planning Agency 12-6-23 Advisory Planning Commission : TBAP agenda item VI.A
Attachments: [6-6-2023 Placer Cty Parking Mgmt mtg.pdf](#)

Please accept and distribute this public comment to the TRPA Advisory Planning Commission for their 12-6-23 meeting . Thank you ~Ellie Waller

The public at large has been accused of being the silent minority and not coming to the table with enough information. This comment below shows otherwise.

Many of us have participated in Placer County planning efforts throughout the TBAP process.

Fw: June 6, 2023 Parking Management meeting comments ~Ellie Waller

----- Forwarded Message -----

From: Ellie <tahoellie@yahoo.com>
To: Stephanie Holloway <shollow@placer.ca.gov>; Crystal Jacobsen Placer County <cjacobse@placer.ca.gov>; Emily Setzer <esetzer@placer.ca.gov>; Stacy Wydra Placer County <swydra@placer.ca.gov>; Cindy Gustafson Placer BOS <cindygustafson@placer.ca.gov>; Sophie Fox Placer Dist 5 Aide <sfox@placer.ca.gov>
Cc: Ann Nichols Tahoe Community NTPAC <preserve@ntpac.org>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Kristina Hill Tahoe Community <tahoehills@att.net>; Karin Beaty <rinnn@aol.com>; Ron and Sally Grassi <ronsallygrassi@mac.com>; Tobi Tyler <tylertahoe1@gmail.com>; Judi Tornese Tahoe Community <jmtornese@aol.com>; Gavin Feiger <gavin@keptahoeblue.org>; Jesse Patterson <jesse@keptahoeblue.org>
Sent: Monday, June 5, 2023 at 04:03:46 PM PDT
Subject: June 6, 2023 Parking Management meeting comments ~Ellie Waller

Please accept these comments for the June 6, 2023 Parking Management meeting
~Ellie Waller

Placer County is developing a North Lake Tahoe Parking Management Program as recommended in the [Resort Triangle Transportation Plan](#) adopted by the Placer County Board of Supervisors in October 2020.

Simply expanding transit and bicycle/pedestrian options without changing the low cost and convenience of the private automobile near attractive recreation areas does not cause a significant overall shift in mobility patterns. Pricing and managing auto use at the end of the trip, such as at beach and recreational parking locations, is an effective approach already in use around Lake Tahoe. The implementation of active parking management will improve utilization of existing infrastructure and enhance use of transit and other travel options.

The purpose of this program is to better manage the existing parking supply in the North Lake Tahoe region. County officials are considering solutions, such as a paid parking system in town centers and recreational beach parking areas, as well as the establishment of specific residential permit parking zones. Goals include encouraging alternative modes of travel, ensuring sufficient turnover in convenient parking spaces for businesses, protecting neighborhoods from spillover parking, and efficiently using land to meet Tahoe area parking demands. Private parking area participation in a County paid parking program will be voluntary, but the inclusion of underutilized private parking in the overall program is encouraged and also provides revenue return opportunities for the private property owner. This program has the potential to generate funding for local investment into alternative transportation enhancements, such as new bicycle/pedestrian facilities and expansion of transit services. Community engagement is planned for spring 2023 as part of the initial development of the program, as well as establishment of stakeholder working groups for collaborative discussions regarding program goals, elements, financing, technology, enforcement, and phasing

There are unintended consequences to some of the suggested solutions. The use of paid parking is only one element. The issue at hand is over-capacity and local nexus capacity issues of identified areas.

The LSC Resort Triangle Report cited doesn't cover everything that should be considered. I'm just taking a small snap shot of a specific area to prove my point.

Gordon Shaw LSC Consultants February 11, 2020

<https://www.placer.ca.gov/DocumentCenter/View/69547/RTTP-Parking-Study-Memo-Final-wAppendix?bidId=>

NORTH TAHOE BEACH

The North Tahoe Beach is owned by the California Tahoe Conservancy. The 34 parking spaces are typically fully utilized throughout busy summer days.

NORTH TAHOE BEACH FACILITY DESCRIPTION

Constructed in 2003, North Tahoe Beach is a 2.7 acre site that includes 540 feet of shoreline. It is located west of Kings Beach on the North Shore of Lake Tahoe at the intersection of Highway 267 and Highway 28. A restoration and recreational facility, the site includes improved parking, picnic areas with barbecues, a group pavilion with barbecues, concrete paver walkway/promenade, benches, sand volleyball courts, horseshoe pits, a public restroom and rinse-off showers. Sidewalks alongside North Lake Blvd were constructed as part of the

improvement plans and are both partially on Conservancy property and in sections completely on Conservancy property

The traffic congestion of the combined use of No Tahoe Beach parking lot and The Safeway proposed paid parking area is not analyzed and located across the street from each other. The spill-over into the Lanza Restaurant parking lot also used as shared parking, I believe with Placer County offices, is located adjacent and must be taken into consideration.

MOON DUNE BEACH

Moon Dune Beach consists of a wide, sandy beach in Tahoe Vista, just east of and opposite Agatam Avenue along SR 28. As there is no off-street parking, beachgoers park along both sides of the state highway (resulting in some resource impacts). The parking supply is limited only by person's willingness to walk and to park off-pavement, but the area generally used for beach parking can accommodate 40 to 50 vehicles.

Move on down the road to Moon Dune Beach, which is always parked to the maximum on State Route 28, and cumulative impacts of too many people in just that small area are evident. Environmental issues of allowing parking on the dirt adjacent to the pond across the street is completely ignored. There is a small paid parking area (not sure if private) nearby. Also be reminded there are full-time residents at Chateau Chamonix, etc. that have to deal with the impacts of over-crowded parking.

The North Tahoe Marina is not mentioned in the LSC report in Tahoe Vista. The patrons of the marina do have access to parking on both sides of SR28 but could also be using SR28. I'm not sure if the Wild Goose private boat charter business is still active.

Move further down the road and, Ritz Carlton Beach House private amenity, Martis Camp Beach Shack private amenity, Beeseley Cottages to be converted to private amenity for the EKN Waldorf Astoria project, Tahoe Vista Boat Launch Ramp, Tahoe Vista Post Office, Tonopalo time-share and newly approved Alpine View Estates project: the First Achievable Housing Project in Tahoe Coming to North Tahoe in 2024! Four brand-new, modern, achievable apartments this project also includes ten, two to three-story duplex fractional timeshare units. This project is also responsible for 13? parking spaces for the Tonopalo across the street as that property used to be owned by that development.

I need to point out that Martis Camp Beach Shack and Ritz Carlton Beach House are private amenities are for out-of-the-Tahoe Basin properties in Truckee. They have some on-site parking and purport to shuttle some of the guest to these locations. What prohibits those guests from parking on State Route 28? NOTHING. My opinion, Unquantifiable Vehicle Miles Traveled as well.

Add future similar issues that could arise with the EKN Waldorf Astoria Nevada Tahoe based property private amenity.

TAHOE VISTA RECREATION AREA

This beach and boat launch ramp are located in Tahoe Vista on SR 28, opposite National Avenue. It consists of 2.7 acres of beach area, with 800 feet of beach frontage. A total of 42 auto parking spaces and 24 boat trailer spaces are provided. These spaces are only available during the summer (June 1 through September 30). In addition, there is unstriped parallel parking available on the south side of SR 28 adjacent to the Recreation Area with a capacity for approximately 20 vehicles. The NTPUD enforces the paid parking lot. Residents of the area are given a sticker and park for free, whereas non-residents must put \$10 into an envelope, tear off the end tab, and display it on their dashboard. During the off season, people are held to the honor system. However, during busy summer and holiday weekends, the lots are enforced by a staff person. The program has been in place for about 8 years and there have been no changes

Tahoe Vista Boat Launch creates a traffic nuisance at the intersection of State Route 28 and National Ave where the Tahoe Vista Post Office is located directly across the street along with paid boat parking. I am a former TVPO employee and even with signs posted for postal customers only the TVPO employees have to chase out people that are using the beach associated with boat launch property. Also, many currently use SR28 on-street parking for boat trailers.

The LSC report does not include California Tahoe Conservancy Sandy Beach property 6870 North Lake Boulevard, Tahoe Vista, CA 96148

Walk through the trees to the beach! This gem of public shoreline in Tahoe Vista offers picnic tables and barbecues in the trees. Portable restrooms are provided in the summer. Parking is available only along the highway.

Sandy Beach is owned by the California Tahoe Conservancy and California State Parks provides site maintenance and law enforcement services.

As mentioned above on-street parking is utilized. Currently the Sandy Beach campground private property that was to be converted (no project going forward currently) to a timeshare project is over-crowded with parking for Sandy Beach along with parking on SR28. There is a small commercial center with the Perennial Nursery, North Tahoe Massage business, Peps Café, other businesses in that center that are probably using the vacant Sandy Beach campground area for parking as well.

All Beach and recreation sites should be listed for current parking availability or on-street to better support a real parking needs assessment.

Placer County Parking Management meeting June 6, 2023
 Ellie Waller Public Comment for the Record

Table 11: Tahoe Beach Parking Rates

Beach Name	Location	Fee	Details	Enforcement
Sand Harbor (Nevada State Park)	Washoe County	\$10/Day	Flat Fee	year-round
Chimney Beach	Carson County	Free		-
Cave Rock	Douglas County	\$10/Day	Flat Fee	year-round
Zephyr Cove	Douglas County	\$10/Day, \$200 season pass	Flat Fee	year-round
Round Hill Pines	Douglas County	\$12/Day, \$110 season pass	Flat Fee	May-Sept only
Nevada Beach	Douglas County	\$8/Day	Flat Fee (1)	May-Oct. only
Ski Run Marina	El Dorado County	\$3/Half Hour	1st Hour Free, \$24 Max	Year Round
Pope Beach	El Dorado County	\$8/Day	Flat Fee (1)	May-Oct. only
Camp Richardson Resort and Marina	El Dorado County	\$7/Day	Flat Fee (2)	May-Oct. only
Baldwin Beach	El Dorado County	\$8/Day	Flat Fee	May-Oct. only
Emerald Bay State Park (Vikingsholm)	El Dorado County	\$3 for 1 Hour, \$10/Day		Year Round - Price drop in Winter (\$2/Hr and \$5/Day)
DL Bliss State Park	El Dorado County	\$10/Day	Flat Fee	Summer Only
Meeks Bay	El Dorado County	\$12/Day	Flat Fee	May-Oct. only
Sugar Pine State Park	El Dorado County	\$10/Day Peak Season, \$5/Day Off-Season	Flat Fee	Year round/Price drop in off-season (\$5/Day)
64 Acres	Placer County	Free		-
Commons Beach	Placer County	Free		-
Lake Forest Beach	Placer County	Free		-
Skylandia State Park and Beach	Placer County	Free		-
Carnelian Bay (Street and Lot Parking)	Placer County	Free		-
Tahoe Vista Recreation Area	Placer County	\$10/Day (Free along nearby SR 28 shoulder)	Flat Fee (3)	Likely "Year-round" but unenforced
Moon Dunes Beach	Placer County	Free		-
North Tahoe Beach (Kings Beach)	Placer County	Free		-
Kings Beach State Recreation Area	Placer County	\$10/Day 8AM-5PM, \$5 After 5PM	Flat Fee (4)	Year Round - Price drop in winter (\$5/Day)
Speedboat Beach	Placer County	Free		-
Note 1: Half fee for Seniors and Disabled, \$20 on 4th of July				
Note 2: Free validation with boat rental			Note 4: Free to NTPUD residents after 5PM, offseasons	
Note 3: Free to NTPUD residents				

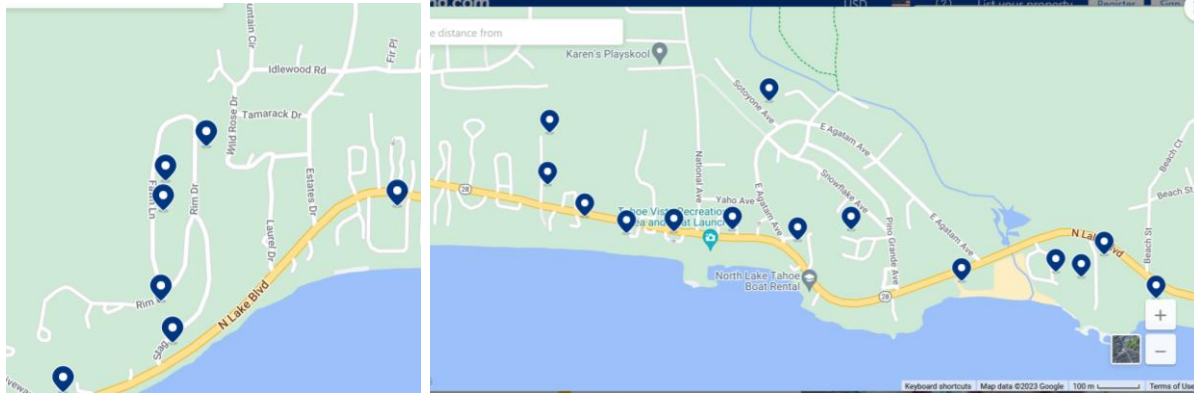
Also, in that general vicinity is The Franciscan Timeshare cabins abutting the commercial center and across the street on the lakeside at the same intersection of SR 28 and National Ave. I do not know how many units this property has but could have patrons parking on SR28

Furthermore, the Tahoe Sands, Red Wolf Lodge, Cedar Glen Lodge, Firelite Lodge, Mourelatos Lakeside Lodge and and mountainside cabins, Rustic Cottages, Holiday House, Edgelake Beach Club, all in Tahoe Vista, where patrons could be using on-street parking. I don't know how many units these encompass

Add Short-term rentals in the neighbors that are close to SR 28 could be contributing to parking issues. Below is a depiction from just one, Booking.com, for homes and existing lodging Tahoe Vista: 51 properties found

https://www.booking.com/searchresults.en-us.html?aid=356118&label=duc511jc-1FCAso7AFcFmNhc2EtZmVsaXotdGFob2UtdmlzdGFIM1gDaKYCiAEBmAEXuAEXyAEP2AEB6AEB-AEEiAIBqAlDuALctfmjBsACAdlCJGE3ZjFIMzNhLThiYmUtNDAwMS1iN2NlWY5MTNmYml4ZWlzydgcBeAC AQ&sid=b60522211fb718e2ab690c64b4ab5cbf&dest_id=20016325&dest_type=city&srpvid=b3c99aae74a801f7&track_hp_back_button=1#hotel_4199450-back

There are several more Vacation Home Rental/Short Term Rental websites that list many more than the Booking.com example: hometogo.com, vrbo.com, rentalbyowner.com, Airbnb.com, etc.



There are other properties in the general Tahoe Vista area (not Area Plan but Tahoe Vista singularly) that I have not listed. I've made my point. This less than 2-mile stretch from The Safeway market to just past Stagg Drive has an astounding number of parking issues.

A few more egregious issues to be pointed out that are not just solved with paid parking.

- 1) Employees necessity to having to pay for parking. Placer and most Tahoe Basin jurisdictions are struggling to provide affordable housing. Add a parking fee to the already almost impossible task to live in Tahoe, just sayin', needs to be revisited. Employers need to provide adequate parking, often not available, or assist in the fee or provide the necessary shuttle service to locations in the basin and surrounding communities where the ski resorts are located.
- 2) The impacts of Short-term rentals need to be thoroughly studied. The tourists arrive and do not park their cars in a neighborhood to take a bus to get groceries, visit another part of the lake (South Shore), rent a boat at a marina, rent skis and travel to a ski resort, etc.
- 3) Comparing Tahoe to other resort destinations just doesn't work. Tahoe is more like an island and doesn't have the surrounding infrastructure to rely upon.
- 4) The late 1990s Placer County Community Plans (that became one big Area Plan) all had parking management plans that never came to fruition.

From: Ellie <tahoellie@yahoo.com>
Sent: 12/3/2023 12:25:50 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public comment 12-6-23 TRPA APC: Review of Placer County Tahoe Basin Area Plan

Please accept this public comment and distribute to The TRPA Advisory Planning Commissioners and appropriate staff for the 12-6 23 TRPA meeting

The public has been submitting comments for months.

Public Comment Placer Planning Commission 8-10-23 Planning Commissioners I urge you to DENY the TBAP amendment package

On Wed, Aug 9, 2023 at 5:27 PM Ellie <tahoellie@yahoo.com> wrote:

Please accept and distribute to appropriate staff today this public comment for the 8-10-23 Placer Planning Commission meeting.

Planning Commissioners I urge you to DENY the Tahoe Basin Area Plan amendment package as currently presented and ask staff to re-engage the teams and the public as the Area Plan needs an overhaul not just "replace and repeal" the suggestions from staff. Respectfully, Ellie Waller

Staff answer to question: What is replace and repeal?

"The purpose of the "repeal vs. replace" is the cleanest approach by **replacing the entire Tahoe Basin Area Plan with the amended one**. The changes proposed are in track changes and can be found at the following link: [Tahoe Basin Area Plan | Placer County, CA](#) where you will also find the previous versions of the TBAP."

If it's Placer's INTENT TO "REPLACE AND REPEAL" the entire plan then why is a PIECEMEAL approach actually being undertaken? The County and selected stakeholders met for 2 years while the public has been spoon fed red-lines since late 2022?

There are other issues the original Area Plan Teams and public have brought forward raising concerns, providing suggestions and with some questions still unanswered.

THE PROCESS IS BROKEN!

Staff and elected and appointed officials: YOU CAN'T HAVE IT BOTH WAYS. REPLACING THE ENTIRE AREA PLAN IS NOT WHAT IS PROPOSED. I REPEAT THIS IS PIECEMEAL PLANNING.

The proposed amendments are a band-aid and a poor substitute for fixing the FLAWED AREA PLAN.

A few examples:

- 1) Existing conditions have not been evaluated sufficiently to state thresholds have not been violated. Blatantly asking TRPA to consider changing scenic requirements because it's prohibitive to developers is preposterous and unworthy of serious consideration.
- 2) Until Vehicle Miles traveled (VMT) is adequately and accurately analyzed for Short-Term Rentals basin-wide and at local jurisdiction level, existing conditions and capacity have not been sufficiently analyzed.
- 3). Tahoe is a unique environment. Why aren't our local officials in California challenging affordable housing requirements? Yes, I agree we need additional housing but should not be achieved by approving multi-million dollar condo projects in hopes of getting some affordable or achievable on the ground. Ski resorts busing employees from Tahoe Vista to Palisades another VMT data point not evaluated.
- 4). Proposed and in place transportation systems do not accommodate all travel needs and will always be under-funded as proposals are Utopian and impracticable schemes.
- 5). How many more changes are necessary to get a project on the ground? The Tahoe City Lodge may be in escrow with plenty of gifts of public funds:
 - 1) \$879K in tourist accommodation units being paid back by Transient Occupancy Tax dollars and not required monthly,
 - 2) shared parking with the Tahoe City Golf Course not requiring accurate parking mitigation fees, 3) the purchase of the Bechdolt Building for \$4 million as the proposed 118 unit project could not fit within the confided boundary of the property,
 - 4) mitigation inaccurate and analysis incorrect for equivalent employees
 - 5) phasing not identifying the 40 unit hotel should be built first as "we haven't had a new hotel in over 50 years".

Planning Commissioners I urge you to DENY the Tahoe Basin Area Plan amendment package as currently presented and ask staff to re-engage the teams and the public as the Area Plan needs an overhaul not just "replace and repeal" the suggestions from staff

From: Ellie <tahoellie@yahoo.com>
Sent: 12/1/2023 9:04:41 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public comment for 12-6-23 TRPA APC and 12-13-23 TRPA Governing Board: January 2013 article Moonshine Ink

Please accept and distribute this public comment to the Tahoe Regional Planning Agency Advisory Planning Commissioners (APC) and appropriate staff for the 12-6-23 TRPA (APC) meeting and all Governing Board members for the 12-13-23 TRPA Governing Board meeting. Thank you ~Ellie Waller

The 2012 Regional Plan Update was supposed to accomplish many beneficial environmental and alleged economic gains.

But instead, by handing control and authority to local jurisdictions, through the Area Plan process/amendments has been disastrous and not many noteworthy accomplishments can be cited that has produced new tourist accommodation properties, affordable housing, etc. Even incentive (including gifts of public funds) packages have not put development on the ground as envisioned.

In fact, it's almost like going back to the 70's to try and stop proposed uncontrolled growth which created the TRPA in the first place.

Article below by David Bunker

"Tahoe's new regional plan can be viewed many ways — an act of self-preservation, a pendulum swing in planning, a plea for private investment. But what it seeks to do is indisputable — to re-engineer Tahoe development into denser town centers with taller buildings and more coverage." [Sound familiar](#)

"This is where the meat of the disagreements over the new regional plan emerges. Some Tahoe environmentalists see the regional plan as a step backward to pre-1980 days. They fear that more height, more coverage, and more density will repeat the mistakes of the past." [Sound familiar](#)

Please take the time to read the entire article

[Tahoe Emerges From the Time Capsule - Moonshine Ink](#)



**Tahoe Emerges From the Time Capsule
- Moonshine Ink**

New Regional Plan seeks to crack the Tahoe
time capsule

From: Ellie <tahoellie@yahoo.com>
Sent: 12/1/2023 1:35:22 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Ann Nichols Tahoe Community <ann@annnichols.com>; Kristina Hill <tahoehills@att.net>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Alexis Ollar Mtn Area Preservation <alexis@mapf.org>; Pamela Tsigdinos <ptsigdinos@yahoo.com>; Doug Flaherty <tahoeblue365@gmail.com>; Ron and Sally Grassi <ronsallygrassi@mac.com>; Judi Tornese Tahoe Community <jmtornese@aol.com>; Sue and Dan Daniels <susan.daniels@cbnorcal.com>; Jenn Quashnick Tahoe Community <jqtahoe@sbcglobal.net>; Tobi Tyler <tylertahoe1@gmail.com>; Gavin Feiger <gavin@keptahoeblue.org>; Megan Chillimi <megan@chillemi.com>; Cris Hennessey <crishennessey1@gmail.com>; Niobe Burden <niobe.burden@gmail.com>; rondatycer@aol.com <rondatycer@aol.com>; Karin Beaty <rinnn@aol.com>; Diane Heirshberg <dbheirshberg@gmail.com>;
Subject: [BULK] Public Comment TRPA APC 12-6-23 and 12-13-23 TRPA Regional Planning Committee on TBAP and TRPA Housing Amendments
Attachments: [12-6-23 Housing Amendments and TBAP.pdf](#)

Please accept and distribute this public comment to the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) members and appropriate staff for 12-6-23 APC meeting and review of the Placer Tahoe Basin Area Plan (TBAP) and to the members of the TRPA Regional Planning Committee for their upcoming 12-13-23 review of the TRPA Housing Amendment. Thank you ~Ellie Waller

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

My comments apply to both the Placer County Tahoe Basin Area Plan and the proposed TRPA Housing Amendments. Please post as public comment for both meetings. The subject matter is appropriate to both and intertwined, in my opinion. I request APC does not recommend approval of the Placer TBAP and TRPA Regional Plan Committee do not recommend approval of the housing amendments. I'll admit I'm all over the place but it's necessary to show how both are intertwined.

How much information does the public have to provide to point out the incomplete environmental analysis that has not been performed by Placer County on the Tahoe Basin Area Plan and TRPA on the proposed housing amendments? And no one has answered the question: What's the hurry?

Perception issues on these two specific topics, in my opinion, surface with Placer Supervisor Gustafson and TRPA Chair Gustafson potentially having inside knowledge of upcoming TRPA proposals. I'm not sure when recusal is appropriate? Ms. Gustafson voted 10-31-23 in favor of the TBAP that will be presented to the TRPA Regional Plan Committee and Governing Board sometime in the future.

Running these two controversial topics parallel has made it difficult to discern how either can be discussed independently without confusion !

Ms. Gustafson has stated support as a Regional Plan committee member for zero parking for the housing amendment and did vote affirmative support for .75 in the TBAP. This is a mixed message to her constituents in Placer County. I believe, the TBAP being submitted to TRPA will serve as the Opt-In document where .75 parking standard will stand. TRPA housing amendments are proposing superseding Area Plans. A future update to the Placer TBAP supporting zero parking could occur. An affordable project in Placer (Tahoe City Town Center) has already been approved for zero parking.

This further supports that the proposed housing amendments issue of "one-size does not fit all". California and Nevada have different rules for deed-restricted, affordable, achievable, legislated housing requirements etc.

Each local jurisdiction in California and Nevada has different mandates. This begs the question: What should TRPA be weighing-in on specifically, with amendments, as the diversity between the states and jurisdictions are evident? Proposing superseding in the housing amendments becomes confusing as well. Explanation of time-frame to submit an Area Plan amendment is necessary for clarity of "superseding the area plan".

Furthermore, I ask the APC to send Placer County back to the drawing board and work with each of the communities' Area Plan citizen-representative teams where this process began. Over two years was spent with developer stakeholder groups and consultants without equal local resident representation. Equal input should have driven this process and proposed amendments to the Area Plan. Example: height dispute, which Placer ultimately removed, could have been avoided.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

DO NOT RECOMMEND APPROVAL! THERE ARE GLARING ENVIRONMENTAL ANALYSIS ISSUES: THUS THE LAWSUIT

<https://static1.squarespace.com/static/64148b655dc36a6ea811d09e/t/65682c842bdf0239666df66/1701325957477/Petition+for+Writ+Mandate+11-29-23.pdf>

FAQ TRPA website <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

Any changes to local Area Plans require a CEQA analysis. If the language in the Area Plan is not changing, CEQA is not required, however CEQA will still be required at the project-level.

The language in the Placer TBAP is changing!

Many redlines and additional language changes are recommended in the Placer TBAP.

BUT DO RECOMMEND 1). Placer re-engages the citizen-teams for additional input 2). Placer County staff post on the TBAP web-page staff environmental analysis documentation/criteria supporting their conclusions in the 31-page Initial Environmental Checklist (IEC) 3). Placer staff also post documentation on TBAP web-page that cites where within (by page number) the TBAP Draft/Final Environmental Impact Report/ Environmental Impact Statement proves tiering from this documentation substantiates staffs' conclusions requiring no additional impact analysis is required. 4) And any environmental analysis generated in consultants and Prosperity Center Plans that Placer and TRPA frequently references because. Just because they say it's so, doesn't make it so. <https://www.placer.ca.gov/3342/Tahoe-Basin-Area-Plan>

The Placer TBAP and the TRPA housing amendments both rely on accurate data.

<https://www.laketahoeinfo.org/CumulativeAccounting/Index>

Who/what department at TRPA is responsible for keeping the Cumulative Accounting Index updated as required by TRPA Code of Ordinances 6.3. GENERAL PROVISIONS 6.3.1. Responsibility for Tracking and Accounting System ?

TRPA needs to cite where the most up-to-date data can be found and provide to the public, other agencies, etc. before APC recommendation of either the PLACER TBAP 12-6-23 APC hearing and TBAP being heard by the Regional Planning committee in the future. Or any project at all, until the outdated Cumulative Accounting Index data is posted on the TRPA website is corrected, in my opinion.

Where can each local jurisdictions conversions of units of use data be found?

How does Placer or TRPA, who both approved a recent Placer project, know conversions have not exceeded parameters established for each unit of use change proposed or have/or have not created additional units of uses not allowed?

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

This recent project in Placer County : the Single-Room-Occupancy (SRO) project located at 395 North Lake Boulevard **converted approximately 3,625 square feet of existing commercial floor area to achievable multi-person dwellings**. The existing interior of the structure will be converted to consist of fourteen (14) bedrooms (28 beds total, 2 beds per room), six (6) bathrooms, laundry/utility facilities and a common area/kitchen. The project was reviewed and approved in accordance with our SRO Ordinance [17.56.233 Single-room occupancy residential housing. \(qcode.us\)](#) and was reviewed and approved by TRPA not requiring a public hearing.



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

NOTICE OF APPLICATION

July 13, 2023

Description of Proposed Project: The applicant is proposing the conversion of commercial floor area associated with an existing building into a new multi-person dwelling. The proposed dormitory style structure is comprised of 14 bedrooms, with 28 beds total (2 beds per room), requiring the conversion of 2,400 square feet of the 3,500 square feet of commercial floor area (VBOU2015-0243) into 12 Multi-Family Residential Units of Use. In addition to the 14 bedrooms, the multi-person project will also have six (6) bathrooms, a laundry facility and a common area and kitchen. Reconfiguration of the existing glazing and doorways is also proposed and will have little impact on the building's structure or exterior appearance. Additionally, the project proposes to reconfigure the parking spaces fronting the building, complete new utility connections and implement water quality best management practices.

Location of Subject Property: 395 North Lake Boulevard, Tahoe City, California

TRPA File Number/Assessor's Parcel Number: ERSP2023-0602 / Assessor's Parcel Numbers (APN) 094-070-006

Applicant: 395 North Lake, LLC

Dear Affected Property Owner:

An application for the above-referenced project is on file at the Tahoe Regional Planning Agency (TRPA). Please contact Paul Nielsen, TRPA Special Project Manager at 530.318.6025 or pnielsen@trpa.gov if you have any questions about the project or would like to review information from the project file.

No formal hearing will be held on the application. Interested persons who wish to submit comments on the application must do so no later than fourteen (14) calendar days from the date of this notice.

Comments should be addressed to TRPA, Attn: Paul Nielsen, P.O. Box 5310, Stateline, Nevada 89449 or emailed to pnielsen@trpa.org.

The TRPA Executive Director may take final action on the project after the end of the fourteen (14) calendar day period (July 28, 2023). No additional individual notice of the Executive Director's action will be given.

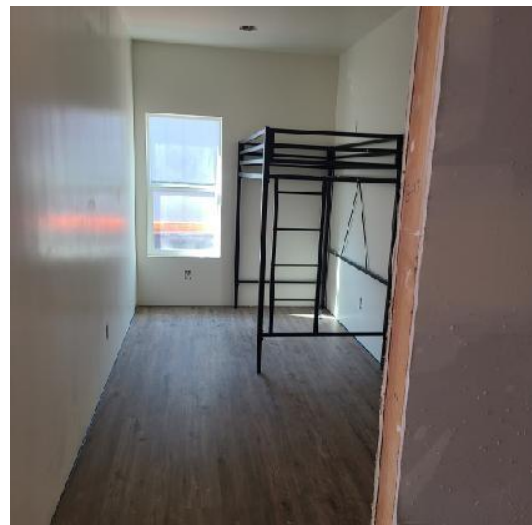
Final action by the Executive Director may be appealed to the Governing Board by filing a notice of appeal with TRPA in accordance with Article XI of the TRPA Rules of Procedure, including the required appeal fee.

Digitally signed by Paul Nielsen
DN: cn=Paul Nielsen, o=Tahoe Regional
Planning Agency, ou=TRPA
Email=pnielsen@trpa.gov, c=US
Date: 2023.07.13 11:22:02 -0700

By: **Paul Nielsen**
Paul Nielsen, Special Projects Manager

Date: July 13, 2023

RECEIVED
JUL 21 2023
CDRA - Planning



And, by the way, is this project really where people want to live?

A closet for humans, in my opinion.

What is the price point?

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

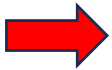
I provided a lengthy written public comment on 6-28-23 to TRPA. Whatever numbers are being utilized today are not accurate. The local jurisdictions, other agencies and members of the public rely on the data published on the TRPA website for accuracy, accountability and transparency

The most current information on-line for Banked Development Rights is 2019.

<https://www.laketahoeinfo.org/CumulativeAccounting/Index>

The Regional Plan Code of Ordinances provide requirements that TRPA must follow.

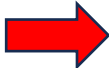
<https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf> 6.2. APPLICABILITY



TRPA shall maintain for all parcels, allocations, and land banks, as public information, the data required by this chapter. All TRPA actions shall be consistent with this data.

6.3. GENERAL PROVISIONS

6.3.1. Responsibility for Tracking and Accounting System



TRPA shall be responsible for establishing and maintaining a tracking and accounting system. TRPA shall coordinate record-keeping efforts with local governments and land banks established pursuant to this chapter.

**WHY HASN'T THE CUMULATIVE ACCOUNTING TABLES INFORMATION BEEN UPDATED?
THIS IS CRITICAL INFORMATION!**

<https://www.laketahoeinfo.org/CumulativeAccounting/Index>

Over several years, TRPA developed better tools to track development rights that have been banked by private and publicly-owned parcels (including those associated with the existing land banks: California Tahoe Conservancy and Nevada Division of State Lands). These tools improve the accuracy of the accounting of banked development rights, which are summarized in Table 2 below.

Banking is a leading indicator of future development potential, as it is the required first step in transferring development rights. Because the 2012 [Regional Plan](#) provides incentives to relocate development from sensitive and remote areas into town centers, analysis of banked development rights can provide valuable insight into potential future development. For example, more than 22,800 square feet of banked CFA, 98 potential residential units and 25 previously existing residential units, 15 TAUs and nearly 485,000 square feet of associated coverage have been banked and removed from stream environment zones. More than 42,000 square feet of banked CFA, 45 TAUs, 68 previously existing residential units and 217 potential residential units, and 1.25 million square feet of associated coverage has been banked and removed from remote areas.

Conversions as well as banking, in my opinion, need to be broken down by jurisdiction. Some data in the Index is broken down, why not all? Accountability and transparency are essential.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

The [Regional Plan](#) provides for the verification and banking of several types of legally existing development for use or conversion onsite or for transfer to another parcel. “Banking” describes the recording of a particular amount of previously existing development with TRPA that is now available for use. Only development legally established prior to and existing on October 15, 1986, or permitted by TRPA after October 15, 1986, is eligible to be banked. To be banked, legally existing development must first be field verified, subsequently removed, and the site restored in accordance with a restoration plan approved by TRPA.

The following types of legally existing development are eligible for banking:

- Existing Land Coverage (hard or soft)
- Potential Land Coverage
- Commercial Floor Area (CFA)
- Tourist Accommodation Unit (TAU)
- Single-Family Residential Unit of Use (SFRUU)
- Multi-Family Residential Unit of Use (MFRUU)
- Potential Residential Unit of Use (PRUU) (formerly called residential development right)
- Cubic Volume
- Residential or Tourist Accommodation Floor Area

Table 2. Estimated banked development rights by location as of December 31, 2019 

Development Right	Total Banked	Stream Environment Zone	Remote Area
Commercial Floor Area	191,263	22,810	42,068
Tourist Accommodation Units	963	15	45
Single-Family Residential Unit of Use	204	25	68
Potential Residential Unit of Use	276	98	217
Coverage	1,765,615	484,823	1,255,223

Notes: Includes private- and publicly-owned parcels. Stream Environment Zones and Remote Areas are not mutually exclusive; some parcels may qualify in both categories. Remote Areas include all areas greater than ¼-mile from a town center. Banked coverage includes banked hard and soft coverage (potential coverage is not included). Source: LakeTahoelInfo.org/Parcel Tracker; TRPA and Local Jurisdiction Tracking as of February 24, 2020.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Development Right Conversions

Development right conversions using environmentally neutral exchange rates provide property owners with flexibility and encourage redevelopment while maintaining the overall cap on development potential in the Tahoe Region. The conversion ratio is 600 CFA to 2 TAUs to 2 residential units to 3 multi-family residential units.

Conversion among different types of development rights is relatively new. A clear trend has emerged from the conversions: a shift from commercial (TAUs and CFA) to residential development. To date, 62 residential units have been created throughout the region, while TAUs have been reduced by 29 and CFA reduced by more than 15,000 square feet (Table 3).

Table 3. Summary of development rights conversions from 2013-2019



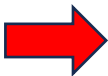
	Commercial Floor Area (sq. ft.)	Tourist Accommodation Units	Residential Units
Net Change from Conversions	-15,153	-29	+62

Conversions are relatively new. The data provided is four years old and should have been updated to accurately assess any project approvals

Residential

The Tahoe Region is approaching full build-out of residential development, and the [Regional Plan's](#) growth controls will meter out most of this remaining development over the next two decades. As of December 31, 2019, 93 percent of the maximum allowable residential development exists within the Region. Approximately one percent of the remaining residential development potential is available for construction, including previously existing residential units that have been removed, restored, and banked for future use and unused residential allocations that have been released to the jurisdictions. The remainder of the residential units are to be metered out over the next 17 years or are to be used as bonus incentives for the construction of income-restricted housing, sensitive lot retirement, or for the transfer of residential development to town centers.

Residential Units



As of December 31, 2019, there were 47,799 existing residential units within the Region. In addition, 204 previously existing residential units have been banked for future use, conversion onsite, or for transfer to another site.

TRPA regulates the rate and timing of new residential growth by issuing a limited number of residential allocations each year to local jurisdictions. The 2012 [Regional Plan](#) amendments authorized 2,600 new residential allocations to be released through 2032, with a yearly allocation of 130 units to be released based on achievement of environmental and permit compliance performance measures. Since 2012, TRPA has released 846 residential allocations to local jurisdictions, of which 57 percent have been subsequently assigned to new residential development projects. TRPA has also placed 74 residential allocations into the TRPA Incentive Pool, for the assignment of bonus units to projects that result in sensitive lot retirement, achievable-, affordable-, and moderate-income housing, or for the transfer of residential development from remote areas into town centers.

From conversions to date, 62 residential units have been added throughout the region, while the number of TAUs has been reduced by 52 and CFA reduced by more than 4,100 square feet.

The maximum development potential for residential units in the Region is 51,597 units.

Conversions by jurisdiction must be made available to accurately assess if a project can be approved, in my opinion.

Provide information where the 204 banked units mentioned above came from.

Provide the conversions information to date not 2019. 62 residential units have been added, which jurisdictions? 52 Tourist Accommodation Units reduced by 52, which jurisdictions? Commercial Floor Area reduced by 4,100 sf which jurisdictions? This information is necessary as it applies to the TBAP and proposed TRPA housing amendments for accountability.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Table 4. Residential units accounting as of December 31, 2019



Jurisdiction	Estimated Existing	Banked Existing	Released Allocations	Remaining Allocations	Residential Bonus Units	Total Development Potential
City of S. Lake Tahoe	15,706	102	62	0	109	15,979
Douglas County	4,456	36	38	0	67	4,597
El Dorado County	8,757	15	32	0	0	8,804
Placer County	11,361	34	165	0	41	11,601
Washoe County	7,518	17	109	0	120	7,764
Carson County	1	0	0	0	0	1
TRPA Incentive Pool	0	0	61	1,682	1,115	2,851
Total	47,799	204	467	1,682	1,452	51,597

Residential Allocations

Table 5 shows the number of residential allocations provided to local jurisdictions between 2009 and 2019. As of December 31, 2019, there were 406 unused residential allocations that have been released to the jurisdictions and were available for use and 61 residential allocations in the TRPA incentive pool (see "Released Allocations" in Table 4).

Table 5. Residential allocations provided to jurisdictions 2009-2019



Jurisdiction	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
City of S. Lake Tahoe	32	0	14	0	18	20	33	33	33	33	33
Douglas County	15	0	7	0	8	9	10	10	10	10	10
El Dorado County	69	0	27	0	45	47	30	30	30	30	30
Placer County	50	0	20	0	26	31	37	37	37	37	37
Washoe County	40	0	18	0	22	22	10	10	10	10	8
TRPA Incentive Pool	0	0	0	0	11	1	20	10	10	10	12
Total	206	0	86	0	130	130	140	130	130	130	130

Source: LakeTahoeInfo.org/Parcel Tracker, TRPA Accela Permit Records

Here is an example of data broken down by jurisdiction. All categories should feed the master accounting tables for accuracy, accountability and transparency in reconciling data.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Commercial Floor Area

CFA is based on the square footage within the outer wall of a commercial building, not including stairwells and airshafts. Accessory features such as parking areas, driveways, outside stairways, and walkways are not included in the calculation of CFA. CFA is allocated by TRPA through the [Regional Plan](#) and local jurisdictions primarily through an adopted area plan or community plan.

As of December 31, 2019, approximately 6.37 million square feet of CFA, or 90 percent of the maximum development potential, is built within the Region. In addition, more than 191,000 square feet of previously existing CFA has been removed, restored, and banked for future use, conversion, or transfer.

Table 6: Commercial floor area accounting as of December 31, 2019



Jurisdiction	Estimated Existing	Banked Existing	Remaining Allocations	Total Development Potential
City of S. Lake Tahoe	2,870,815	68,173	12,297	2,951,285
Douglas County	699,183	21,453	33,520	754,156
El Dorado County	328,623	10,443	33,395	372,461
Placer County	1,297,486	44,494	60,651	1,402,631
Washoe County	1,171,673	46,700	10,000	1,228,373
TRPA Incentive Pool	0	0	360,428	360,428
Total	6,367,780	191,263	510,291	7,069,334

Source: LakeTahoeInfo.org/Parcel Tracker, TRPA Accela Permit Records

Existing Commercial Floor Area by Land Capability and Land Use

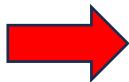
Approximately 65 percent of the existing CFA is in town centers within the Region (Table 7) and 69 percent of existing CFA is on non-sensitive lands. Eighteen percent of CFA is in stream environment zones, mostly commercial properties along the shores of Lake Tahoe.

Table 7: Existing commercial floor area by land capability and land use district as of December 31, 2019



Jurisdiction	Total Existing CFA	Stream Environment Zone	Sensitive Lands	Non-Sensitive Lands	Town Centers	Within 1/4 Mile of Centers	Remote Areas
City of S. Lake	2,870,815	723,406	12,080	2,135,329	1,930,568	530,935	409,312
Douglas County	699,183	12,588	555,617	130,978	389,324	26,900	282,959
El Dorado County	328,623	77,346	108,744	142,533	120,379	4,606	203,638
Placer County	1,297,486	291,914	34,330	971,242	691,306	27,947	578,233
Washoe County	1,171,673	9,855	174,866	986,952	984,395	10,889	176,389
Total	6,367,780	1,115,109	885,637	4,367,034	4,115,972	601,277	1,650,531

Source: LakeTahoeInfo.org/Parcel Tracker, TRPA Geographic Information Systems, TRPA Accela Permit Records, TRPA project application files, and local jurisdiction records. Land capability data is based on the 2007 NRCS Soil Survey (USDA-NRCS 2007). Stream environment zone is land capability class 1b. Sensitive lands include land capability classes 1a, 1c, 2, and 3. Non-sensitive includes land capability classes 4-7. Remote Areas include all areas greater than ¼-mile from a town center.



If Parcel Tracker is the most current information than it should match local jurisdiction records. Local jurisdiction records information: what is the most current year TRPA is using? Land Capability information is based on the 2007 NCRS soil survey. Is there a more current soils survey available? since the 2012 Regional Plan Update was approved?

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Has TRPA requested or researched if there is more current data available?

<https://data.nal.usda.gov/dataset/natural-resources-conservation-service-web-soil-survey>

<https://www.nrcs.usda.gov/sites/default/files/2023-08/WSS-factsheet.pdf>

<https://www.nrcs.usda.gov/resources/data-and-reports/web-soil-survey>

<https://data.nal.usda.gov/dataset/natural-resources-conservation-service-web-soil-survey>

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.1. PURPOSE


The purpose of this chapter is to monitor development and to relate activities and projects on parcels to the development allocation and transfer provisions of the Code. This chapter sets forth the standards and procedures for a tracking and accounting system of basic data regarding each parcel of land, allocations, and land banks.

6.2. APPLICABILITY

TRPA shall maintain for all parcels, allocations, and land banks, as public information, the data required by this chapter. All TRPA actions shall be consistent with this data.

6.3. GENERAL PROVISIONS


6.3.1. Responsibility for Tracking and Accounting System



TRPA shall be responsible for establishing and maintaining a tracking and accounting system. TRPA shall coordinate record-keeping efforts with local governments and land banks established pursuant to this chapter. TRPA shall integrate the tracking and accounting system with environmental threshold maintenance efforts to minimize duplication of data gathering and processing. (See Chapter 16: *Regional Plan and Environmental Threshold Review*.)

6.3.2. Coordination and Cooperation with Land Banking Programs

TRPA shall develop and implement a program for coordinating files and data tracking systems with land banks. Land bank files shall be audited not less than once a year by TRPA to assure data base accuracy and consistency with TRPA files.



6.3.3. Accounting and Crediting Limitations

Land coverage and units of use subject to allocation or transfer limitations may be removed from a parcel and credited for future use pursuant to the Code. Land coverage and units of use may be credited to the parcel account if such coverage or units are verified by TRPA as legally existing on or after October 15, 1986.

6.4. TRACKING AND ACCOUNTING PROCEDURES

Tracking and accounting procedures are as follows:

6.4.1. Accounts and Tracking Described

An account file shall be maintained by TRPA on each parcel and shall contain the information set forth below. Tracking refers to the ongoing collection and recordation of data for each parcel. The account file shall allow a determination of the current status of a parcel and its future development potential.

TRPA Code of Ordinances

Adopted by Governing Board December 12, 2012 | Amended June 26, 2023 | Page 6-1

TRPA code 6.3.2 “shall be audited not less than once a year by TRPA to assure data base accuracy “.... I suggest code needs to be amended to state the cumulative accounting index (all categories) must be updated annually after audit has been completed.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

More confusion and clarification required in the Thresholds Standards and Regional Plan 158-page document. Adopted by the TRPA Governing Board June 25, 1987, Updated December 12, 2012, Amended April 28, 2021

<https://www.trpa.gov/wp-content/uploads/Adopted-Regional-Plan.pdf>

GOAL DP-1

DIRECT ALL RESIDENTIAL DEVELOPMENT FIRST TO THOSE AREAS MOST SUITABLE FOR DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND OTHER CONSIDERATIONS, SUCH AS INFRASTRUCTURE CAPACITY AND PROGRESS TOWARD ACCOMPLISHING WATER QUALITY IMPROVEMENT PROGRAMS.

POLICIES:

DP-1.1 COMMENCING ON JANUARY 1, 1989, NEW SINGLE-FAMILY DWELLING CONSTRUCTION SHALL BE EVALUATED IN ACCORDANCE WITH IPES. THIS SYSTEM SHALL RANK ALL VACANT RESIDENTIAL PARCELS WITH RESPECT TO THEIR RELATIVE ENVIRONMENTAL SUITABILITY FOR DEVELOPMENT.

NEW RESIDENTIAL CONSTRUCTION SHALL BE SUBJECT TO THE ALLOCATION LIMITS SET FORTH IN POLICY DP-2.2 OF THIS SUBELEMENT.

Details of IPES, including a rating system, shall be included in implementing ordinances.

DP-1.2 TO APPROVE A PROJECT ON A PARCEL RATED AND RANKED BY IPES THE PARCEL MUST BE SERVED BY A PAVED ROAD, WATER SERVICE, SEWER SERVICE AND AN ELECTRICAL SERVICE. ORDINANCES SHALL SET FORTH PROVISIONS FOR THE WAIVER OF THE PAVED ROAD CRITERIA.

GOAL DP-2

MANAGE DEVELOPMENT AND REDEVELOPMENT CONSISTENT WITH PROGRESS TOWARD MEETING ENVIRONMENTAL THRESHOLDS.

POLICIES:

DP-2.1 EVERY FOUR YEARS, TRPA SHALL CONDUCT AN IN DEPTH EVALUATION OF THE REGIONAL PLAN IN COMPARISON WITH PROGRESS TOWARD MEETING THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES.

It is the intent of this Plan to comply with the directives of the Compact and to be responsive to new evidence and changing conditions. Therefore, periodic evaluation is required. If progress toward the environmental threshold standards is not being made, TRPA shall consider making adjustments in one or more of the following areas: (1) rate of growth; (2) types of development permitted; (3) development requirements; (4) environmental improvement programs; (5) enforcement programs; (6) financial programs; and (7) any other appropriate element of the plan. These evaluations shall be conducted pursuant to established procedures and criteria set forth in this plan and the implementing ordinances. This review shall ensure that the Regional Plan, and all of its associated parts, are proceeding in conformance with the directives of the Bi-State Compact.

DP-2.2 THE MAXIMUM AMOUNT OF RESIDENTIAL ALLOCATIONS, COMMERCIAL FLOOR AREA, TOURIST BONUS UNITS AND RESIDENTIAL BONUS UNITS THAT MAY BE RELEASED BEFORE DECEMBER 31, 2032 IS OUTLINED IN THE TABLE BELOW.

ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING*				
ALLOCATIONS/ RIGHTS	DEVELOPMENT	USED 1987-2012	REMAINING FROM 1987 PLAN ¹	2013 ADDITIONS
Residential Allocations		5,973	114	2600
Residential Bonus Units		526	874	600 ²
Tourist Bonus Units		58	342	0
Commercial Floor Area (Total square feet)		416,421	383,579	200,000 ³
	Placer County	128,623	72,609	
	Washoe County	87,906	2,000	
	Douglas County	45,300	36,250	
	El Dorado County	15,250	36,150	
	City of South Lake Tahoe	77,042	52,986	
	TRPA Special Project and CEP Pool	62,300	183,584	

Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the "Remaining from 1987 Plan" column. The 114 remaining residential allocations were distributed to local governments in 2011 and 2012, but have not been built.

Note 2: 600 Residential Bonus Units shall be used only in Centers.

Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.
Note 4: The columns "Used 1987-2012" and "Remaining from 1987" are estimates and not regulatory

REMAINING 1987 ALLOCATIONS ARE AVAILABLE FOR USE IN ACCORDANCE WITH REGIONAL PLAN AND CODE OF ORDINANCE PROVISIONS.

SUBJECT TO COMPLIANCE WITH REGIONAL PLAN POLICIES AND CODE OF ORDINANCES INCLUDING NOTE 3 ABOVE, TRPA WILL MAKE AVAILABLE UP TO 20 PERCENT OF THE 2013 RESIDENTIAL AND COMMERCIAL LAND USE ALLOCATIONS EVERY FOUR YEARS, IN CONJUNCTION WITH THE 2012 REGIONAL PLAN UPDATE AND FUTURE UPDATES OF THE REGIONAL PLAN AND RTP.

DP-2.3 THE ANNUAL RELEASE RATE FOR RESIDENTIAL ALLOCATIONS AND COMMERCIAL FLOOR AREA SHALL BE IDENTIFIED IN THE CODE OF ORDINANCES AND SHALL UTILIZE A SYSTEM THAT MODIFIES THE RATE OF RELEASE BASED ON PERFORMANCE TOWARDS ENVIRONMENTAL IMPROVEMENTS.

How does this Allocation and Development Rights Accounting table line-up with what Placer County TBAP is proposing? Is Placer TBAP (and TRPA housing amendments) using the out-of-date TRPA cumulative accounting index? The TBAP does not provide allocation or conversion information for accuracy, accountability and transparency.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Issues on the TRPA website in finding information/data must be corrected. Example:

Threshold Standards +

Goals and Policies -

The Regional Plan Goals and Policies present the overall approach to meeting the TRPA's environmental thresholds. A key component of the goals and policies identifies fundamental philosophies directing land use and development in the Lake Tahoe Basin. It addresses topics like suitable development locations; maintenance of the environmental, social, physical, and economic well-being of the Region; and coordination with local, state, and federal requirements. Goals and Policies

The Regional Plan Goals and Policies, Attachments and Maps present the overall approach to meeting the TRPA's environmental thresholds. A key component of the goals and policies identifies fundamental philosophies directing land use and development in the Lake Tahoe Basin.

[Regional Plan Goals and Policies](#)
[Attachments](#)
[Regional Maps](#)

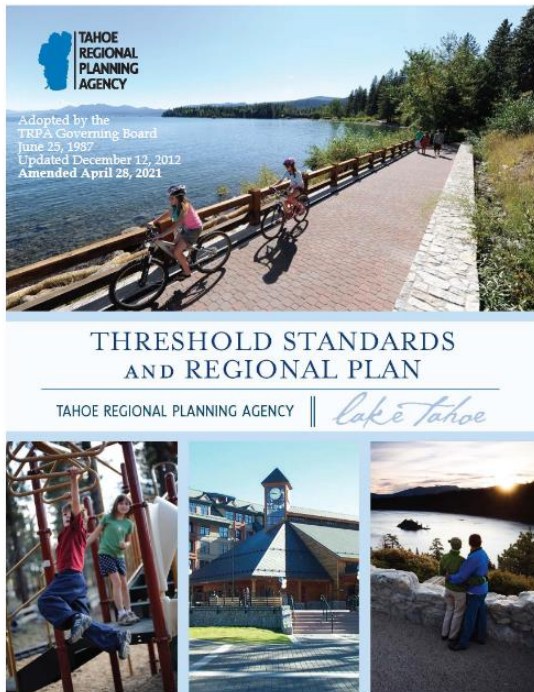
When you utilize the pull-down menu for the Threshold Standards

Threshold Standards ●

The [Bi-State Compact](#) as revised in 1980, gave TRPA authority to adopt environmental quality standards, called thresholds, and to enforce ordinances designed to achieve the thresholds. In 1982, TRPA adopted nine environmental threshold carrying capacities (thresholds), which set environmental standards for the Lake Tahoe basin and indirectly define the capacity of the Region to accommodate additional land development. In 2021, TRPA adopted an additional threshold, Transportation and Sustainable Communities.

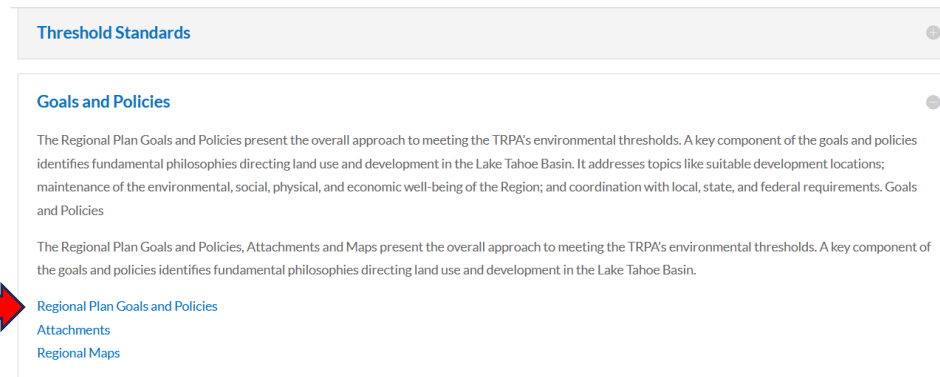
Download the [Environmental Threshold Carrying Capacities](#)

Click on Environmental Threshold Carrying Capacities you get 158-page report



Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Click on Goals and Policies you get 158-page report same as above.



Threshold Standards

Goals and Policies

The Regional Plan Goals and Policies present the overall approach to meeting the TRPA's environmental thresholds. A key component of the goals and policies identifies fundamental philosophies directing land use and development in the Lake Tahoe Basin. It addresses topics like suitable development locations; maintenance of the environmental, social, physical, and economic well-being of the Region; and coordination with local, state, and federal requirements. Goals and Policies

The Regional Plan Goals and Policies, Attachments and Maps present the overall approach to meeting the TRPA's environmental thresholds. A key component of the goals and policies identifies fundamental philosophies directing land use and development in the Lake Tahoe Basin.

- Regional Plan Goals and Policies
- Attachments
- Regional Maps

TRPA Goals and Policies another document 141-pages. Finding the link was interesting. Click here (arrow above) to review the 2012 Regional Plan Update Documents you get the 141-page version of Goals and Procedures.

The updated 2012 Lake Tahoe Regional Plan followed years of negotiations and a recommitment of the states of California and Nevada to the future of Lake Tahoe. The plan is spurring redevelopment that creates walkable, bikeable communities and restores marshes, wetlands, and streams. Progress is apparent and the Tahoe Basin is undergoing a renaissance that promises a brighter future for the environment, the economy, and the community. You can view the [Regional Plan Progress Storymap](#) project to see projects and data on the first ten years of the updated plan.

Updated in 2012, the [Regional Plan](#) identifies goals for the Region and policies that establish the strategies necessary to achieve those goals. This document integrates the requirements of the Bi-State Compact, the thresholds, related plans and legal requirements, and the public's input. As a result, the Regional Plan provides coordinated and integrated direction for the Agency's regulatory Code of Ordinances and implementation programs.

Goals and Policies, Attachments and Maps present the overall approach to meeting the TRPA's environmental thresholds. A key component of the goals and policies identifies fundamental philosophies directing land use and development in the Lake Tahoe Basin. [Click here to view the 2012 Regional Plan Update Documents.](#)

The components of the Regional Plan are listed below or download the full [Threshold Standards and Regional Plan](#). For a summary of amendments to the Regional Plan please see the [Regional Plan List of Amendments](#).

https://www.trpa.gov/wp-content/uploads/documents/archive/Adopted-Regional-Plan_20180306_Clean.pdf

This version has a cover page while the FINAL DRAFT ? Clean does not. Where is the Final Goals and Policies document?

https://www.trpa.gov/wp-content/uploads/documents/archive/1_Final_Regional_Plan_TRK_CHGS_2012-12-12.pdf

The inability to find documents and navigate the TRPA website with ease is problematic and must be corrected. I provided public comments on other issues with the TRPA website at the 6-28-23 Governing Board meeting.

Add the 2018 change in policy for staff time when requesting public information and price per page, making it nearly impossible for the public to afford the financial burden of a request for information must be re-reviewed.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

References to the following information need further clarification as well.

Deed Restrictions for Affordable Housing Fulfilling Workforce Housing Needs in the Lake Tahoe Region

Having sufficient workforce housing in walkable communities is a key strategy in the Lake Tahoe Region to help reduce car travel and improve public safety by providing housing for critical workers such as emergency services, police, and fire, among others. **By supporting and encouraging workforce housing solutions, the Tahoe Regional Planning Agency (TRPA) is implementing the Sustainable Communities Strategy and workforce housing goals of the Lake Tahoe Regional Plan.**

This 20-page (Lake Tahoe Sustainable Communities Program Documents Series #12 Lake Tahoe Sustainable Communities Program Summary March 2016) document does not address housing. What exactly is the Sustainable Communities Strategy contributing to this housing amendment process? <https://www.trpa.gov/wp-content/uploads/documents/archive/12.0-Lake-Tahoe-Sustainable-Communities-Program-Summary-3.4.16.pdf>

This 83-page document provides statements that accomplish nothing toward affordable housing. 2014 was 10 years ago and it's taken this long to recommend a set of amendments that are frankly unattainable. And the elephant in the room is capping vacation rentals which obviously was ignored Lake Tahoe Sustainability Collaborative Strategic Plan April 2014 <https://www.trpa.gov/wp-content/uploads/documents/archive/10.0-LTSC-Strategic-Plan.pdf>

Sample statements:

1. Housing/ Job Balance: More diverse and attractive housing options are available for elders and families; there is a thriving economy that supports higher wage and engaging jobs.

<p>Housing</p> <p>N2: Create Diverse Housing Choices (meet target)</p> <p>N2: Complete and continue projects</p> <p>N2: Identify and secure funding/capital</p> <p>N2: Initiate projects (existing)</p> <p>N2: Propose policy changes to facilitate</p> <p>N2: Identify target for housing choice</p> <ul style="list-style-type: none"> • High • Medium • Low <p>N2: Identify partners</p> <p>N2: Increase opportunities to make housing more affordable</p>	<p>N2: Increase housing options</p> <p>N2: enhance commercial development</p> <p>N2: put a cap on vacation rentals (to avoid losing more inventory)</p> <p>N2: Address absentee landlords</p> <p>N2: Improve affordable housing design to improve living environment and quality of life</p> <p>N2: generate funding for Radon abatement</p>
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2.

Interesting that “a cap” on vacation rentals was noted and TRPA has ignored that REGIONAL issue. Not just losing inventory but the impacts associated with approximately 5,000 vacation rentals basin-wide goes unchecked (additional vehicle miles traveled, greenhouse gas emissions, parking, water usage, sewage capacity, etc.)

This document is pre-Area Plan approval (exception Douglas County, where TRPA is the lead on that Area Plan (a subject for another time)

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

The vision is from 2007: “The Pathway planning principles, in combination with the federal livability principles and concepts embedded in local plans, were used to create both regional vision statements and local variations based on the unique characteristics and concerns of communities within the Region.

While the vision statements for the Lake Tahoe Region reflect the unique characteristics of the region and its priorities, they also align with state and federal guidance for environmental, community and economic development, housing, and transportation planning programs that seek to improve quality of life, environmental performance, and economic vitality. The vision statements also address increasing long-term resilience of natural and built environments in the Basin in the face of climate change. The following regional and local vision statements are based on the expressed community priorities and policy guidance contained in the Regional Plan, and serve as the vision for sustainability efforts in the region.”

This 75 page document Lake Tahoe Sustainable Communities Program Documents Series #1 Sustainability Framework and Vision October 2013 https://www.trpa.gov/wp-content/uploads/documents/archive/1.0-Sustainability-Vision-and-Framework_FINAL.pdf

Introduction to the Lake Tahoe Sustainable Communities Program

The need to embrace sustainability in all planning and implementation activities in the Lake Tahoe Region and beyond has been recognized in a number of ways. At the national level, the Department of Housing and Urban Development has created the Sustainable Communities Regional Planning Grant Program and the Department of Interior Bureau of Reclamation has initiated the Truckee River Basin Study that includes adaptive strategies to respond to climate change and other uncertainties. At the state level, California has adopted the Sustainable Communities and Climate Protection Act of 2008 requiring greenhouse gas emission reduction targets for passenger vehicles for 2020 and 2035 for each region covered by a metropolitan planning organization (MPO) and created the Strategic Growth Council, which has awarded grants for sustainable community planning and natural resource conservation. At the Lake Tahoe Region level, the Tahoe Regional Planning Agency (TRPA) has updated the Lake Tahoe Regional Plan to include sustainability policies and mitigation measures, and the Tahoe Metropolitan Planning Organization (TMPO) has adopted a Sustainable Communities Strategy as required by the Sustainable Communities and Climate Protection Act of 2008. At the local level, local governments in the Lake Tahoe Region are in the process of integrating sustainability principles into their local plans

Regional Sustainability Vision: Diverse housing / lodging choices that meet the needs of residents, workers, and visitors of all physical and economic abilities and that recognize the seasonal, visitor-oriented nature of many businesses in the Basin.

The Placer TBAP narrative by staff continues to state no new hotel in 50+ years yet Placer doesn't condition Phase 1 necessity to build a hotel before condo-tels or require affordable units be built in the 2017 TBAP or proposed amendments as associated with project approvals.

If both are so important the TBAP should add permit condition language requirements.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

<https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf>

How does the TBAP align with TRPA code? Disclose where this information is available in the Placer TBAP proposed amendments. Provide examples of a project that aligns with TRPA code.

31.3. MAXIMUM DENSITY

31.3.1. Maximum Density by Use Type

Increases in density up to the maximum allowed shall be subject to the following provisions:

A. Residential Uses

On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights, transfer of development rights, transfer of allocations or a potential residential unit of use, or multi-residential incentives in accordance with Chapter 50: *Allocation of Development*, Chapter 51: *Banking, Conversion, and Transfer of Development Rights*, and Chapter 52: *Bonus Unit Incentive Program*.

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31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, *Increases to Maximum Density*.

TABLE 31.3.2-1: MAXIMUM DENSITIES	
Use	Maximum Density
Residential Uses	
<i>California</i>	
Single-family dwelling	1 unit per parcel, excluding ADUs
<i>Nevada</i>	
Single-family dwelling (parcels less than one acre)	1 unit per parcel
Single-family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized Accessory Dwelling Unit
Summer home	1 unit per parcel or lease site
Multiple-family dwelling	15 units per acre
Mobile-home dwelling	8 units per acre
Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
Tourist Accommodation Uses	
Bed and breakfast	10 units per acre
All other	
- If less than 10 percent of the units have kitchens	40 units per acre
- If greater than or equal to 10 percent of the units have kitchens	15 units per acre
Recreational Uses	
Developed campgrounds	8 sites per acre
Recreation vehicle parks	10 sites per acre
Group facilities	25 persons per acre

31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

The proforma from Cascadia March 2022 provides examples. Cite TRPA code that the examples apply to and do how they meet the intent and criteria of TRPA code.

https://www.trpa.gov/wp-content/uploads/Cascadia-Presentation_TRPA-Results_March2022_Working-Group-Presentation_0330.pdf

TRPA Example in code

CHAPTER 31: DENSITY
 31.5 Calculation of Maximum Density
 31.5.2 Mixed Uses

CATEGORY E: EXAMPLE DENSITY CALCULATIONS

Example 1: Vertical Mixed-Use— Density Calculation for Multi-Family Dwelling

For a proposed building that contains a commercial establishment on the ground floor and multi-family dwellings on the second floor, and where each floor has a floor area of 10,000 square feet, the maximum residential density is 7.5 units per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (20,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 7.5 \text{ persons/acre}$$

On a hypothetical two-acre parcel, a maximum of 15 dwelling units would be allowed.

Example 2: Vertical Mixed-Use in Two-Story Structure — Density Calculation for Multi-Person Dwelling

For a proposed project that contains a public service use of 3000 square feet on ground floor and a multi-person dwelling of 750 square feet on the second floor, the maximum residential density is 5 persons per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Person Dwelling (750)}}{\text{Total Project Floor Area (3750)}} \times \text{Density of Multi-Person Dwelling (25)} = 5 \text{ persons/acre}$$

On a hypothetical two-acre project area, a maximum of 10 persons would be allowed.

Example 3: Horizontal Mixed-Use in Detached Single-Story Structures — Density Calculation for Multi-Family Dwelling

For a proposed project that contains multi-family dwellings and a commercial use in separate structures, the maximum residential density is determined by applying the maximum density in the table in Section 31.3 to the portion of the project area to be devoted to the multi-family use. Thus, if a landowner proposes to use 10,000 square feet of a 50,000-square foot lot for multi-family dwellings, and the remaining 40,000 square feet is proposed for commercial uses, the maximum multi-family dwelling density is 3 units per acre, calculated as follows:

$$\frac{\text{Land Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (50,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 3 \text{ units/acre}$$

On the hypothetical 50,000-square foot lot, a maximum of 3 multi-family dwellings would be allowed.

On a hypothetical 45,000-square foot lot, a maximum of 1 multi-family dwelling would be allowed.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

For more confusion. "Potential" residential units of use ...



50.3.2. Transfer of Potential Residential Units of Use

Transfer of potential residential units of use shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

50.3.3. Construction of Residential Unit

A potential residential unit of use or residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: *Allocation of Development*.

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

TRPA Code of Ordinances

Adopted by Governing Board December 12, 2012 | Amended September 27, 2023 | Page 50-2

CHAPTER 50: ALLOCATION OF DEVELOPMENT
 50.4 Allocation and Accounting of Development Rights
 50.4.1 Total Allocations and Accounting of Development Rights

50.4. ALLOCATION AND ACCOUNTING OF DEVELOPMENT RIGHTS

50.4.1. Total Allocations and Accounting of Development Rights

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING

ALLOCATIONS/ DEVELOPMENT RIGHTS	USED 1987-2012	REMAINING FROM 1987 PLAN ¹	2013 ADDITIONS
Residential Allocations	5,973	114	2600
Residential Bonus Units	526	874	600 ²
Tourist Bonus Units	58	342	0
Commercial Floor Area (Total) (square feet)	416,421	383,579	200,000 ³
Placer County	128,623	72,609	
Washoe County	87,906	2,000	
Douglas County	43,300	36,250	
El Dorado County	15,250	36,150	
City of South Lake Tahoe	77,042	32,986	
TRPA Special Project and CEP Pool	62,300	183,584	

Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the "Remaining from 1987 Plan" column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.
 Note 2: 600 Residential Bonus Units shall be used only in Centers.
 Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.
 Note 4: Table 50.4.1.1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns "Used 1987-2012" and "Remaining from 1987 Plan" are estimates and not regulatory.

50.4.2. 2013 Additional Allocations

TRPA shall release allocations in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

How many of the 2013 additional residential allocations, residential bonus units and commercial floor area allocations been released? Is there an annual reporting since 2012 available for accountability and transparency . Accurate information necessary for approving the Placer TBAP and TRA housing amendments.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to



TRPA Code of Ordinances
 Adopted by Governing Board December 12, 2012 | Amended September 27, 2023 | Page 50-3

CHAPTER 50: ALLOCATION OF DEVELOPMENT
 50.5 Allocation of Additional Residential Units
 50.5.1 Requirement of Residential Allocation



conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

The Placer TBAP and TRPA deed-restricted housing amendments must include language that units “cannot be converted to market-rate”.

- C. **Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions**
- 1. **Annual Release**
 Up to 120 residential allocations shall be released to local governments in the following proportions:

Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
El Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	100%	120

- 2. **Additional Bonus Residential Units**
 In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,124 (as of December 24, 2018) additional potential residential units of use from the TRPA pool shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Potential residential units of use shall be subject to the foregoing allocation limitations.
- 3. **Reassignment of Allocations**
 Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.
- 4. **Water and Sewage Capacity Limitations**
 - a. Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.
 - b. In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.



Clarification and further explanation of Additional Bonus Residential Units with transfer of development rights (a total of 1,124 as of December 24, 2018 shall be available) for both the Placer TBAP and TRPA housing amendments proposal is necessary for accountability and transparency of the number of bonus units available.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

51.2. APPLICABILITY

This chapter applies to the banking, conversion, and transfer of development rights. The term "development rights" for the purposes of Chapter 51 include commercial floor area (CFA), tourist accommodation units (TAUs), and residential units of use (RUUs).

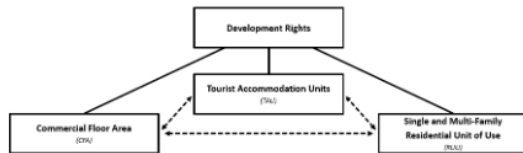


Figure 51.2-A: Development Rights

All such banking, conversions, and transfers require TRPA approval. Banking, conversions, or transfer of development rights shall not constitute approval of an associated project.

51.3. BANKING OF DEVELOPMENT RIGHTS

Certain elements of existing or potential development may be banked, or held, on a parcel provided the activity complies with this section.

51.3.1. Eligibility

- A. The following elements of existing or potential development shall be eligible for banking:
1. Commercial floor area, tourist accommodation units, and residential units of use (including potential residential units of use and residential allocations).
 2. Existing land coverage may be banked pursuant to Chapter 30: *Land Coverage*.

Can any conversion of any type of unit of use be applied to a Residential Bonus Unit? Also how are conversions of units of use tracked against the residential bonus units if allowed?

Is there documentation available, by local jurisdiction, of conversions by unit of use that applies to the overall allocations' accountability Table 50.4.1-1 that can be provided to the public, other agencies, etc. now?

Please provide a list of the 526 residential bonus units used from 1987-2012 by jurisdiction for accountability and transparency.

To add to the confusion, 874 were remaining as stated on DP 2.2 chart and 245 allocated to the DEFUNCT Community Enhancement Program (CEP).

<https://www.trpa.gov/major-projects/#boulderbay>

Now Waldorf Astoria

In 2011, the TRPA Governing Board approved the Boulder Bay Community Enhancement Program Project and certified the Final Environmental Impact Statement following an extensive community engagement and review process. The permit and the majority of the environmental documents have remained current as phases and elements of the original project have continued to advance.

Is this project using all 245 Bonus Units?

<https://www.trpa.gov/wp-content/uploads/Attachment-B-Permit.pdf>

Draft Permit info. 16. All unused multi-residential bonus units, tourist accommodation units and commercial floor area awarded to the project per TRPA Resolution No. 2008-11 as part of the CEPP shall be returned to the TRPA pools.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

An example of an existing project, that has yet to break ground in Placer County, is Dollar Creek Crossing. The new incentives proposed in the Placer TBAP and TRPA housing amendments will not make any difference to a newly proposed project, in my opinion. The same issues of affordability that the developers claim, will not change. <https://www.placer.ca.gov/5955/Dollar-Creek-Crossing>

Placer County is committed to addressing local workforce housing, one of the biggest challenges in North Lake Tahoe. According to the 2021 "[North Tahoe-Truckee Regional Housing Implementation Plan](#)" prepared by the Mountain Housing Council, the total unmet demand for housing in the Tahoe-Truckee region is estimated to be more than 9,500 units. This housing gap spans all income levels, from lower incomes all the way up to the "missing middle" of 245% Average Median Income (AMI), which as of 2022 is defined as income of \$175,298 for an individual or a \$250,390 for a family of four.

The proposed Dollar Creek Crossing housing project would support the construction of much-needed housing for the local workforce. The project is proposed on the 11.4-acre Nahas property, which was purchased by the County in October 2019 with financial support from the Truckee Tahoe Airport District. This County-owned property is located near schools, transit routes, trails, and other services making it an ideal location for members of the local workforce and their families.

3. How much will Dollar Creek Crossing units' cost?

For-sale and rental pricing has not been determined at this time. The price and eligibility criteria of the for-sale units will be based on various factors including the project financing, construction cost, and what range(s) of income level a certain unit may be targeting. The goal of this project is to house the local workforce and therefore specific criteria would be structured around that. Information regarding the affordability and income requirements for units will be shared with the public when it is available.

Price points are never discussed for the proposed multi-family deed-restricted housing projects.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Examples of rental units now.

This screenshot shows a Zillow search interface with the following details:

- Navigation: Manage Rentals, Advertise, Help
- Filters: Home Type (1), Save search, 53 Saved Homes
- Results (within 1 mile):
 - Unit 1: 57 days ago, \$2,399+ 1 bd, 8345 Trout Ave, Kings Beach, CA
 - Unit 2: 62 days ago, \$2,599/mo, 1 bd | 1 ba | 400 sqft - Apartment for rent, 8345 Trout Ave, Kings Beach, CA 96143
 - Unit 3: 34 days ago, \$3,000/mo, 1 bd | 1 ba | 650 sqft - Apartment for rent (undisclosed Address), Crystal Bay, NV 89402
 - Unit 4: 38 days ago, \$3,000/mo, 1 bd | 1 ba | 750 sqft - Apartment for rent (undisclosed Address), Kings Beach, CA 96143

This is a detailed view of a rental unit listing:

- Image: Interior view of a modern apartment with a window and a door.
- Text: 9 days ago, \$2,300/mo, 2 bds | 1 ba | 1,400 sqft - Apartment for rent (undisclosed Address), Tahoe City, CA 96145

This screenshot shows a Zillow search interface with the following details:

- Navigation: Manage Rentals, Advertise, Help
- Filters: Home Type (1), Save search, 53 Saved Homes
- Results:
 - Unit 1: 7 days ago, \$1,800/mo, Studio | 1 ba | 400 sqft - Apartment for rent (undisclosed Address), Tahoe City, CA 96145
 - Unit 2: 32 days ago, \$2,250/mo, 1 bd | 1 ba | 600 sqft - Apartment for rent, 264 Talvista Dr #G, Tahoe City, CA 96145

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

In closing: TRPA: Are the representations below, provided by a consultant (Opticos) REALLY what you think can be built within the fixed existing Tahoe Basin environment? And as proposed in the Placer TBAP?

<https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

<https://www.youtube.com/watch?v=nOGj1ZC9u8A>

Examples of consultant recommendations seemingly represent we have a blank slate, in my opinion.

Are these depictions representative of what Placer TBAP is proposing? How many units max if open land is available? This is the type of question that would come from a local resident, not a developer possibly seeking a larger complex than what should be appropriate.

Strategy 1:
Distributed Throughout a Block with Single-Family Homes



Of course, it will be up to the individual developers how many units. Perhaps a developer purchases a single-family home in an established single-family neighborhood which allows multi-family development. The existing residents are neighbors that have no recourse.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

Strategy 2:
On the End-Grain of a Single-Family Block



This approach more difficult to accomplish as we do not have a blank slate.

Tahoe has a fixed infrastructure as well as contending with TBAP proposing minimum parking requirements and setbacks allowing for more units.

The parking issues are kicked down the road and are exacerbated, for example, by tourists already parking in the Kings Beach grid. Why haven't parking management plans come forth first? In fact, parking management plans were in the original 1990s Community Plans that never came to fruition when it would have been easier to accomplish, in my opinion.

Opticos presenter recommended 1 to 1 ¼ parking spaces likened to other areas with snow in their presentation to TPRA in 2021.

Now the Regional Plan Committee is proposing zero.



Strategy 3:
Transition from Single-Family to Higher-Intensity Housing



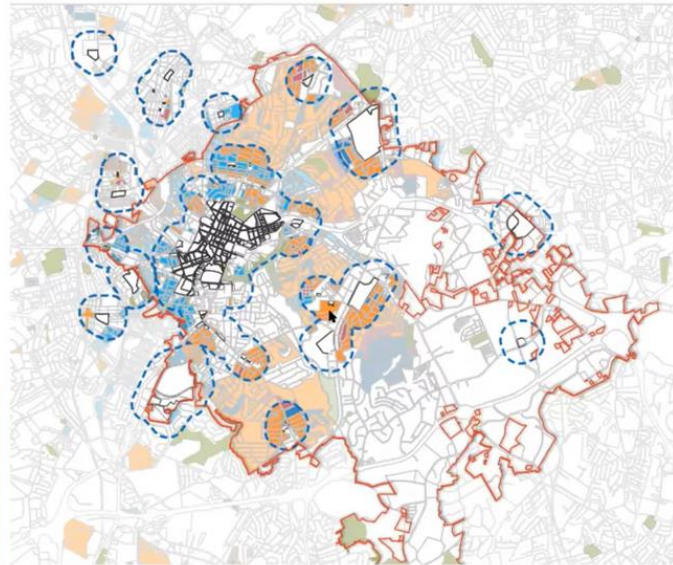
Strategy 4:
Transition from Single-Family to a Mixed-Use Corridor

Same as #2: This approach more difficult to accomplish as we do not have a blank slate. Tahoe has a fixed infrastructure to contend with although the TBAP is proposing minimum parking requirements and setbacks allowing for more units. The parking issues are kicked down the road and exacerbate, for example, tourists already parking in the Kings Beach grid.

Ellie Waller Public comment for the record Placer County Tahoe Basin Area (TBAP) for the Tahoe Regional Planning Agency (TRPA) Advisory Planning Commission (APC) December 6, 2023 and TRPA Governing Board December 13, 2023 on TRPA Proposed Housing Amendments for Regional Plan Committee Review.

What Can I Walk To?



Missing Middle Ready Contexts: the parcels within short walking distance of services, food, shopping, or transit



As stated in the presentation: It is reasonable to assume a 5–8-minute walk in a town center is acceptable. Was seasonality ever considered? Feet of snow, not all communities have sidewalks for safety, etc.... How many people in town centers versus adjacent village centers, residential areas does this 5-8 minutes' walk apply to?

Tahoe Regional Planning (TRPA) Presentation

Nearly the same F.A.R. but totally different

Image	Description	F.A.R.
	2 units in 2-story Duplex	0.67
	24 units in 3-story Apartment Building	0.63

Floor Area Ratio is what TRPA is looking at here. South Lake Tahoe Heavenly Area already has this character where Kings Beach does not. One-size does not fit all. Yes, the local jurisdictions have a choice through their Area Plans but Placer is adopting a developer's point of view and discarding/disregarding what the local residents will be faced with and will have no recourse with adopted amendments.

From: Ellie <tahoellie@yahoo.com>
Sent: 12/1/2023 11:12:33 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: Ann Nichols Tahoe Community <ann@annnichols.com>; Kristina Hill <tahoehills@att.net>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Tobi Tyler <tylertahoe1@gmail.com>; Judi Tornese Tahoe Community <jmtornese@aol.com>; Ron and Sally Grassi <ronsallygrassi@mac.com>; Gavin Feiger <gavin@keoptahoebblue.org>; Alexis Ollar Mtn Area Preservation <alexis@mapf.org>; Karin Beaty <rinnn@aol.com>;
Subject: Public Comment VI.A Placer County's Tahoe Basin Area Plan (Staff Report) TRPA APC 12-6-23
Attachments: [12-6-23 TBAP staff report comments.pdf](#)

Please accept and distribute to APC members and appropriate staff this Public Comment for the Tahoe Regional Planning Agency Advisory Planning Commission (APC) Hearing VI.A Placer County's Tahoe Basin Area Plan: Staff Report
Thank you Ellie Waller

AGENDA ITEM NO. VI.A. Staff Report dated November 29, 2023:

Summary and Staff Recommendation:

Placer County will provide an overview of the proposed amendments to the Tahoe Basin Area Plan (TBAP). Staff find that the proposed amendments conform with the Regional Plan and will have no significant environmental impact beyond the impact already analyzed and mitigated in the 2016 TBAP EIR/EIS. Staff seeks Advisory Planning Commission (APC) discussion and asks the APC to consider recommendation of approval to the TRPA Governing Board for adoption of the proposed area plan amendment.

Placer Staff has not provided evidence on exactly what analysis and mitigations the proposed amendment and addendum align within the 2017 TBAP environmental analysis previously done proving no additional environmental analysis is necessary. The documentation should be disclosed to the public for proof.

Project Description/Background:

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop area plans to replace the former local planning documents: plan area statements and community plans. Area plans are collaborative documents which become a component of both the Regional Plan and the city or county's comprehensive plan. **They represent a paradigm shift for TRPA since they enable TRPA to transition its focus to regional issues while allowing local jurisdictions greater autonomy to define and manage their own local land use.**

Just to make a point. TRPA is not addressing the short term rental impacts at the regional level which exacerbates the ineffectiveness of the local jurisdictions to accomplish stated affordable housing issues. Just sayin'

The TRPA Governing Board approved the TBAP on January 25, 2017. The plan encompasses Placer County's entire jurisdiction in the Tahoe Basin. The plan includes two town center districts to accommodate mixed-use and higher density development in the area: the Tahoe City and Kings Beach. Town Center Districts. The proposed TBAP amendments focus on specific changes to facilitate appropriate development and redevelopment in these town center districts along with standards and policies applying across the plan area.

Placer County is proposing substantial changes in areas outside the two Town Centers, as well as within the town centers triggering significant changes, in my opinion, which triggers additional analysis as stated in CEQA requirements and stated in the recently submitted lawsuit.

<https://static1.squarespace.com/static/64148b655dc36a6ea811d09e/t/65682c842bdf0239666dfd66/1701325957477/Petition+for+Writ+Mandate+11-29-23.pdf>

Placer County's proposed amendment package is intended to provide a systematic approach to encouraging desired investment (i.e., environmentally and economically beneficial redevelopment and affordable workforce housing) to the Tahoe portion of Placer County by analyzing and adaptively managing the Area Plan's goals and policies and implementing regulations. The following key studies completed between 2019 and 2022 and a robust stakeholder engagement process serve as the basis for this proposed amendment package:

Robust stakeholder process: with local residents and advocacy groups under-represented for additional points of view, in my opinion. Many examples have already stated in other comments to Placer Board of Supervisors and to TRPA. Controlled webinars are not public engagement.

- Tahoe Basin Town Center Economic Sustainability Needs Analysis (2019)
- Placer County Tahoe Basin Town Center Economic Sustainability Analysis (2020)
- Baseline Report for the Tahoe Basin (2021)
- Community Report for the Tahoe Region (2022)
- Envision Tahoe Prosperity Playbook (2022)

TRPA has acknowledged some of the above stated reports. Placer County needs to disclose and provide (to the public, agencies, etc.) the environmental analysis generated by the three Prosperity Center reports and two other reports listed. Proof of burden is on Placer County to show adequate environmental analysis has been completed to support Placer Staff's assumptions' that no further environmental analysis is required. The recommendations and criteria in the five reports does not replace actual environmental analysis, in my opinion. Placer County is proposing a comprehensive package of amendments to TBAP policies and implementing regulations based on the studies listed above and stakeholder engagement. Proposed Policy Amendments:

- **Sustainable town center redevelopment and protection of scenic resources**
- Expanded hardening, green waste, and defensible space incentives
- High-speed broadband and childcare facilities to meet the needs of local workers
- Allocation and conversion of TRPA development rights to maximize community benefit
- Frontage improvements including, sidewalks, curb, gutters, and parking management
- Development of mixed-use, business park, and light industrial space in town centers
- Public art by local artists
- Adaptive reuse of underutilized properties
- Development of affordable, moderate, and achievable housing

Proposing to change scenic requirements/standards must come off the table.

I ask that the paragraphs (referenced below) be removed from the approval. There is already enough scenic degradation in the entire Tahoe Basin due to additional allowed and perceived illegal signage, alone, not being enforced. To take it to the next level in proposing to reevaluate scenic requirements because additional height, density, etc. cannot be achieved in Placer County will further degrade scenic corridors, shoreline views, etc., in my opinion. Remove SR-P-10 in its entirety until a full scenic impact analysis is performed (SR-P-10 referenced on page 5 of this comment)

Page 238 of 752 in your packet: Support the reevaluation of TRPA's scenic standards for Town Centers

Remove the following: from Part 8: Implementation Plan Placer County Tahoe Basin Area Plan

The Placer County Tahoe Basin Area Plan Update and Regional Plan identifies Town Centers as priority redevelopment areas in the Tahoe Basin for mixed use development. The goal of this program is to address limited redevelopment that has occurred in the Town Centers, due in part to, scenic standards that limit the ability to achieve the permissible height, density, coverage, and visual massing.

Support the reevaluation of scenic requirements to achieve reinvestment in Town Centers. This is targeted toward Town Center redevelopment and/or new development that supports a diversity of housing types, provides a balance of mixed-uses, improves environmental conditions, creates a more efficient, sustainable and less auto-dependent land use pattern, and provides for economic opportunities.


Example of perceived degradation and no oversight. I have no issues with "to raise funds for trails in the Placer County region of North Lake Tahoe" but it seems to me Placer County should have their Design Review evaluate the plaques (signs) design criteria and location as related to TRPAs scenic criteria in the TRPA Code of Ordinances scenic. <https://www.tahoefund.org/news/engraved-bear-plaques-available-now-in-tahoe-city/>

Is this setting precedent for other non-profits, agencies etc. to develop fund-raising projects with no oversight ? This is new public art that has not been evaluated for scenic criteria.



The Tahoe Fund has announced a partnership with Placer County to install personalized bear plaques—available in two sizes—along the railings in Tahoe City's Heritage Plaza to raise funds for trails in North Lake Tahoe. [Learn more](#)

Table 1. Summary of Proposed Policy Document Changes

Area Plan Element	Proposed Change	Summary of Change
Scenic Resources	Changed policy language in policies SR-P-3, SR-P-4, and added policy SR-P-10. 	The policy amendments are intended to support the evaluation or reevaluation of scenic requirements to facilitate private reinvestment in Town Centers targeted for redevelopment and/or new development under the Area Plan. The intent is to generate development that improves environmental conditions, creates a more efficient, sustainable, and less auto-dependent land use pattern, and provides for economic opportunities.

Page 107

SR-P-4 Support Protection and enhancement of existing scenic views and vistas. Supporting and enhancing and asking to reevaluate at the same time is confusing.

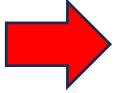
SCENIC RESOURCE POLICIES

- SR-P-1 Continue to participate in the Lake Tahoe Environmental Improvement Program (EIP) and coordinate with other agencies to identify and secure funding for projects that improve scenic quality.
- SR-P-2 Accelerate scenic resource improvement by implementing incentives for redevelopment within Town Centers and the transfer of development from outlying areas to Town Centers in accordance with the Regional Plan.
- SR-P-3 ~~Support~~ **Strongly encourage and support** undergrounding of overhead utility lines on a project-by-project basis, as well as through established Underground Districts.
- SR-P-4 **Support p**Protection and enhancement of existing scenic views and vistas.
- SR-P-5 Implement site and building design standards to protect and enhance scenic views from Town Centers and nearby areas.
- SR-P-6 Manage development located between designated scenic corridors and Lake Tahoe to maintain and improve views of Lake Tahoe from the corridors.
- SR-P-7 Prioritize scenic improvement efforts at the gateways to Lake Tahoe in Tahoe City and Kings Beach.
- SR-P-8 **Coordinate with TRPA on A**all TRPA policies, ordinances and programs related to Scenic Quality ~~will remain in effect~~.
- SR-P-9 To ensure viewshed protection and compatibility with adjacent uses, new construction of buildings must not project above the forest canopy, ridgelines, or otherwise detract from the viewshed.

Scenic Quality improvement projects and policies are identified in the Implementation Plan.

No SR-P-10 listed as stated to be added?

Page 681 of your packet. I strongly urge you to CAREFULLY read this section. It requires much scrutiny, in my opinion, and SR-P-10 should be removed from the TBAP amendment package, in my opinion.



Several proposed new or amended TBAP policies could affect scenic resources. Proposed policy amendments would clarify existing scenic requirements, and a new Policy SR-P-10 would support the reevaluation of scenic requirements to promote environmentally beneficial redevelopment of Town Centers. New policies CD-P-14, 15, 16, and 17 would support small public spaces and public art installations. These policy changes would not result in direct adverse changes to scenic resources. The new Policy SR-P-10 would promote a reevaluation of scenic requirements, but not alter any existing scenic requirements. If future changes to scenic requirements are proposed, they would be evaluated at the time the change is proposed and could only be approved if the change was demonstrated to support attainment and maintenance of TRPA Scenic Thresholds. New policies CD-14, 15, 16, and 17 could result in additional public art that highlights North Tahoe's character, landscape, and history. In general, additional public art that reflects the character of the region would be expected to add visual interest and enhance community character because the public art would be specifically designed to enhance the community character.

The proposed Area Plan amendments also include several revisions to implementing regulations that could affect scenic quality. These changes include:

- ▶ requiring design review for tourist accommodation projects and exempting multi-family projects with fewer than 15 units outside of TRPA scenic corridors from design review;
- ▶ Increasing maximum building length to 75 feet in the Kings Beach and Tahoe City Town Centers;
- ▶ promoting public art;
- ▶ removing or reducing minimum lot size requirements, clarifying that front setbacks along roadways proposed for streetscape improvements, and adding street-side setbacks in residential districts;
- ▶ waiving the requirement for a minor use permit for residential projects in specific zoning districts if all of the units are deed restricted as affordable, moderate or achievable housing;
- ▶ removing interior yard setback requirements for some mixed-use projects in Town Centers;
- ▶ allowing the placement of tiny homes as primary or accessory dwellings while maintaining overall caps on residential units;
- ▶ deferring to TRPA sign standards; and
- ▶ improving consistency and clarity regarding frontage improvements.

Taken together, these changes could have nominal effects on the appearance of the built environment. The changes could result in slightly more compact development within Town Centers, due to incentives for affordable housing, changes to setbacks, and allowances for tiny homes, as well as additional public art and streetscape improvements. All new buildings would need to comply with TRPA's scenic requirements and design standards. Redevelopment consistent with these standards has consistently been shown to improve Scenic Threshold scores (TRPA n.d.). 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 elsewhere. Most of the existing design standards would continue to apply, which have been demonstrated to result in improved scenic quality and community character as older, non-conforming development is replaced with new buildings consistent with current standards (TRPA n.d.). Therefore, it is reasonable to expect that redevelopment under the TBAP, as amended, would continue to result in incremental improvements in scenic quality and a built environment that is consistent with the community character.

Furthermore, future projects within the plan area would be evaluated for effects on scenic quality, including effects on roadway scenic thresholds and consistency with design standards, at the time a project is proposed. Only projects that would not degrade scenic thresholds and are consistent with design standards would be approved. For these reasons, the proposed Area Plan amendments would result in a less-than-significant impact.

“nominal effects” is subjective. Taller, longer, less setbacks, etc. effectuates a significant change in the existing built environment in the Kings Beach Town Center. It is a significant impact not just a slightly more compact appearance. Not consistent with community character, but actually changing the existing character the community has accepted as adopted in the 2017 TBAP. The community requested less height but Placer adopted TRPA maximum height standards not recommended by the citizen-based teams. APC request Placer re-engage the teams for scenic and other issues.

From: Tobi Tyler <tylertahoe1@gmail.com>
Sent: 12/1/2023 9:31:53 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Fwd: Article on Montana's affordable housing "miracle"

Please distribute to the APC members.

----- Forwarded message -----

From: **Tobi Tyler** <tylertahoe1@gmail.com>
Date: Tue, Nov 28, 2023 at 11:13 AM
Subject: Article on Montana's affordable housing "miracle"
To: <publiccomment@trpa.gov>

Please distribute this email ASAP to all Governing Board members regarding their housing code amendments scheduled for December 13, 2023.

Governing Board members, please read [Four Elements of a Successful Housing Task Force: Lessons from the Montana Miracle | Mercatus Center](#). This article was linked in the following from the High Country News: [Has Montana solved its housing crisis? \(Montana's half-hearted housing miracle\) — High Country News — Know the West \(hcn.org\)](#). These articles highlight why the TRPA needs to slow down, listen AND INVOLVE the community, rather than blindsides them again and again with the housing amendments proposed.

Some quotes from the 4-elements article:

"The diversity of perspectives represented on the task force meant that its recommendations had broad buy-in from the elected officials **and pressure groups** that would be important for turning the recommendations into laws."

"The task force's **openness to the public** helped create allies in the pro-housing effort. Pressure groups that have stood in the way of statewide land use reforms in other states helped to lead them in Montana."

The situations in other states or locations are very different from Tahoe, but this points to a glaring lack of outreach and inclusivity on the part of TRPA with regard to this topic. Yes, you've posted your tiny blurbs about meetings in the newspaper as required, but most of the public finds out about the housing meetings after the fact. There has been no openness and inclusivity in the process.

Also, see this article: ['Managed mayhem': Tahoe preps for winter chaos, clueless drivers \(sfgate.com\)](#). Not only are you saddling wildfire evacuations on the fire agencies, but you're saddling police and safety agencies with more "mayhem" with the proposed code changes.

Besides not properly and thoroughly evaluating the environmental impacts of your code changes, your Trojan Horse named "Economic Sustainability and Housing" will **not** provide true affordable housing that is needed, but only serve to incentivize developers and those eager to further exploit Tahoe's scenic beauty for profit.

Tobi Tyler
Sierra Club's Tahoe Area Group

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 12/1/2023 7:31:37 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: jmtornese@aol.com <jmtornese@aol.com>; tylertahoe1@gmail.com <tylertahoe1@gmail.com>; carolyntahoe@sbcglobal.net <carolyntahoe@sbcglobal.net>; ronsallygrassi@mac.com <ronsallygrassi@mac.com>; tahoeblue365@gmail.com <tahoeblue365@gmail.com>; 'Ellie' <tahoellie@yahoo.com>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; Kristina Hill <tahoeHills@att.net>; niobe.burden@gmail.com <niobe.burden@gmail.com>; 'Alexis Ollar' <alexis@mapf.org>; Gavin Feiger <gavin@keptahoeblue.org>; DarcieGoodman-Collins <Darcie@keptahoeblue.org>; jesse@keptahoeblue.org <jesse@keptahoeblue.org>; ann@annichols.com <ann@annichols.com>;
Subject: APC:Do Not Recommend TBAP For Approval By Governing Board Dec 6, 2023 Hearing
Attachments: [image001.png](#)

TBAP REDLINED CHANGES	https://www.placer.ca.gov/tahoebasinareaplan	Page #	Affected Areas	
TBAP SUPERCEDES	TBAP Supersedes- TRPA Chpt 36 mixed use design, & 34 Parking	1		
DESIGN REVIEW	No design review for MF w/15 units or less	3		
	Residential Districts (32), subdistricts and overlay districts	19 32		
USE CHANGES	Allowed Use Changes-			
Lot Area	Minimum lot area (6k sf)per unit eliminated (19 districts)			
Lot Width	Lot width reduced 55'-25'		KB, Lake Forest Glen, Tahoe Vista, Tavern Heights,KB Industrial	
Minimum Lot Size	Minimum lot size reduced from 10 sf to 2904 sf	43 57	43 Fairway tract. KB 57,Lake Forest Glen, Tavern Heights,KB Industrial	Tahoe Park stayed at 10k 84 Tahoe Pines stayed
Allowed Uses	Allowed use from MUP for deed restricted	44	44 Fairway tract	
Setbacks Reduced	Side setbacks reduced from 15 total to 5' or 0	46	46 Fairway tract, Lake Forest Glen, Tahoe Vista, Tavern Heights	
	Receiving Transfer of Development	92 106	Tahoma 92,Tahoe Vista 88, Tavern Heights, all mixed use Districts 106 North Tahoe East and West, Mixed Use Gateway East and West,	
Single Family Allowed	Single Family Allowed in Town Centers	115	Greater Tahoe City on SR 28 condos or townhomes if it's 25% or less of project or if 50% of SFR are Deed Rest. 115	
Building Modulation	Building Modulation increased from 50-75'		Town Center Subdistricts	
	MF & MP & EH allowed if 100% deed restricted	115 142 185 205	Greater Tahoe City 115 North Tahoe West & East Mixed Use 142, West Shore Mixed Use 185, KB Industrial 205, Lake Forest Commercial, Tahoe City Industrial,Granlibakken Subdist	
	Side and rear Setback	144	Town Center Subdistricts 144	

			SUBDISTRICTS 144	
Flat Roofs	Flat roofs OK			
Underground parking 0 setback	Underground Parking 0 setback		North Tahoe West	
Hotel/motel allowed if less than 20 units	Hotel,motel, TAUS allowed	142 144	N Tahoe east if less than 20 units and not more than 1300 daily vehicle miles 142 Zero side setback 144	
Multi-family, Multi-person, Employee Housing Allowed	MF,MP,EHousing	204	Allowed in West Shore Mixed, Fairway Service, Kings Beach Industrial 204 use if 100% are deed restricted	
	Overlay Districts 209			
	Building Height		Core Area Max height is 56' subj to TRPA code findings 37.7.16	
Height increased in transition areas			Transition Area 46' subj to TRPA code findings 37.7.16	
Density of project Area	Density of non contiguous project area 270		Density removed. Land coverage remained	
Tiny Houses	Moveable Tiny House		Can be ADU, SFR,EH	
Coverage	Land Coverage	275	Per TRPA chpt 30 275	
Density Calculation	Density		Mixed Use,SFR,TAU calculate per total property acreage when combined with commercial uses.	
Parking no minimum required	Parking		No min parking required for SFR, Commercial, or other development project if the project is located within ½ mile of public transit	
			For 1000 sf addition no parking min apply Parking overflow to be avoided through design features	
	Parking projects in Town Centers and Village Centers	295 296	Parking requirements can be waived 295 No min parking for development project if within ½ mile of public transit. 296	
Ground Water Intercept	Exceptions to TRPA Code 33.3.6 ground water intercept for town centers	305	Ground water to be rerouted (underground parking)	

- No shorezone changes considered in this analysis

TBAP promotes over 20 significant changes in land use patterns in North Lake Tahoe. An environmental checklist review is inadequate. Effects of population growth in the surrounding areas of Reno and Carson City have not been considered. The finding of no significant effect can't be made.

Ann Nichols



North Tahoe Preservation Alliance

P.O. Box 4
 Crystal Bay, Nv. 89402
preserve@ntpac.org
 775-831-0625
www.ntpac.org

“Helping preserve the natural beauty and rural character of North Lake Tahoe”

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCElbNFbSt&_r=1

Instagram Video: <https://www.instagram.com/northtahoepreservation/>



From: leah kaufman <leah.lkplanning@sbcglobal.net>
Sent: 11/25/2023 8:33:48 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Sue daniels letter to the Placer County Planning Commission and Lake Tahoe residents for December 13th

Please distribute to apc and trpa governing board

[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "leah kaufman" <leah.lkplanning@sbcglobal.net>

To: "Leah Kaufman" <leah.lkplanning@sbcglobal.net>

Sent: Mon, Nov 20, 2023 at 11:18 AM

Subject: Fw: Please Read and Consider my letter to the Placer County Planning Commission and Lake Tahoe residents for December 8, 2022

[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "leah kaufman" <leah.lkplanning@sbcglobal.net>

To: "Karen Leep" <karenleep@gmail.com>, "Diane Angel" <5304123983@mms.att.net>

Sent: Mon, Dec 5, 2022 at 8:30 PM

Subject: Fw: Please Read and Consider my letter to the Placer County Planning Commission and Lake Tahoe residents for December 8, 2022

Cindygustafson@placer.ca.gov

[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "leah kaufman" <leah.lkplanning@sbcglobal.net>

To: "Karen Leep" <karenleep@gmail.com>, "Diane Angel" <5304123983@mms.att.net>, "Laurie Gregory" <tahoelaurie@gmail.com>

Sent: Mon, Dec 5, 2022 at 8:28 PM

Subject: Fw: Please Read and Consider my letter to the Placer County Planning Commission and Lake Tahoe residents for December 8, 2022

Write cindy guftason our supervisor with your thoughts. Will help!

Please write letters. Anyone living anywhere can write if they care about Tahoe.

Thank you,
Sue

Susan L. Daniels
BRE#01066252
Sue Daniels and Associates
Coldwell Banker Residential Brokerage
Lake Tahoe/Truckee Specialist
530-210-0222 Cell
Sue@LakeTahoeSue.com

From: Daniels, Susan <Susan.Daniels@cbnorcal.com>

Sent: Monday, December 5, 2022 5:23 PM

To: Susan Lewis <sue@laketahoesome.com>; sherring@placer.ca.gov <sherring@placer.ca.gov>; mwood@placer.ca.gov <mwood@placer.ca.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; sfox@placer.ca.gov <sfox@placer.ca.gov>; Katelynn Hopkins <KHopkins@placer.ca.gov>; swydra@placer.ca.gov <swydra@placer.ca.gov>; esetzer@placer.ca.gov <esetzer@placer.ca.gov>; cjacobse@placer.ca.gov <cjacobse@placer.ca.gov>

Subject: Please Read and Consider my letter to the Placer County Planning Commission and Lake Tahoe residents for December 8, 2022

Dear Planning Commission team members, Placer County executive team and Placer County Board Members:

Please vote to reject the motion to amend the Eastern Placer County Plan modifications at this time. It is simply not ready for prime time. We, the members of the Placer County plan team, spent hours and hours gathering public input to the plan that the county did adopt in 2017. We had good compromise then, and good reasons for our decisions. With this motion, you will see it is designed for huge developers to make more profit, but at the expense of the public and the capacity of the lake basin. It begs the question: is Tahoe here for a few to make huge profits? or for the people of the world to visit in their time and with smaller scale redevelopments?

Remember too that your own Placer County Redevelopment Agency has received viable offers from developers who have smaller scale ideas, fully ready to perform within the current codes. The fact that your own Redevelopment Agency has turned them away is a major part of the problem. There are too many unanswered questions and unsubstantiated studies and the public comment period has been too short for you to understand the depth of the affect the public will be experiencing with your decision. As you are aware, many people are already weary of governmental decisions, and this one is a definite example of that concern. Give it time, there is no hurry. Give it thought, really take time to see what could happen with untethered development.

Not fair representation or public process by any means. The county planning process is likened to a statement I heard last Thursday: "the county took 2 years to prepare a 7-course meal and they are giving us 5 minutes to eat it!"

Un-equal representation: According to staff, the Placer County planning department and planners have spent the last 2 years working towards modifications to the Eastern Placer County community plans. They have relaxed the restrictions on development with meetings with the developers themselves as well as within their own meetings. Yet they allow the public 2 minutes to comment. Even past plan team members who donated over a hundred hours to create a community-based plan are allowed only 2 minutes now.

Population of full-time residents: county claims it is down, and perhaps the 2020 census, taken in 2019 showed less full-time occupants than in 2010. But as Realtors during the covid pandemic of 2020, 2021, 2022, and as school district officials can attest to, the local full time population jumped by several thousands of people in the past 3 years. Many work from home, but their kids do not. School enrollment went up so quickly that the district struggled to get enough new teachers for over 600 new students in one year.

We do need motels: Lalima Ferrari claimed that motel needs/visits were down from the past because they wanted to show that they needed to change the vision. In reality, they just closed down for much of the past 5 years. They said they were working on items, that they had some red-tagged rooms etc. Personally I had over 10 friends tell me that they had stayed there every year for their whole lives, and when they tried to make reservations, they were told the motel was not taking any customers. So were the developers trying "to show there is no need for motels???" Were they trying to get code changes that would allow them to build condos and single family homes on the lake? Would they need more height on the lake to make it "pencil out"?

25' foot lots in some neighborhoods: while I do hope to see tiny houses and extra workforce housing solutions, we must remember these subdivisions were legally developed in the 1920's, and private owners held many of these lots. Some are still in private ownership, but when they were considered undevelopable, the owners' rights to build them were condemned by government rulings. These condemnations were given a buyout for pennies on the dollar and the California Tahoe Conservancy or USFS purchased them. Now they will be legally buildable again. Should the previous owners, or their descendants be given the first rights to have them back? Would this taking by the government be now ripe for a lawsuit????

Height allowances gift to the developers: the largest GIFT of public permission to private developers is allowing more height. Height extension not only creates more mass, more sunlight and view blocking, but it allows more density. That is the only reason the developers want it: there is only so much land, but with extra height they can build higher to get more condos, motel/hotel rooms etc, and then throw in more workforce housing spaces as a gift back. Parking and traffic WILL BE AFFECTED!! Even if people use the public transit, there will be more cars.

Height allowances affect shore zone views: the plan team fought hard to keep the heights in check at 36 feet lakeside and 48 feet mountain side. Today's plans will allow 71/72 feet anywhere in the town centers. That is as high or higher than the Jeffrey pine trees in the area, or those left after the developers cut most of them down and plant deciduous maple trees. Views from the lake will be affected.

Height shadows on neighbors: height also affects the neighboring properties. Many were built under current existing codes and will now be shadowed by ginormous mega buildings. Streets and sidewalks will be shadowed all winter long and exist in a perma-frost through November, December and January. There should be a shadow study showing that the shadow of a new building does not go more than 5 feet over the property line during the winter solstice at noon. This rule would also benefit the property owners on Rainbow, Trout, Brook and Minnow streets who might otherwise face living in a permanently shaded winter home where they used to have peek lake views.

Note other gifts of public funds: Placer County bought the Rudnick property in Tahoe City for \$4million as a gift to help a developer make his parking count work. Now he just needs height. Do we really need to give developers more??

Traffic and safety: a huge shortfall in the plan is the fact that traffic will be increased by allowing the modifications of the planning codes. It has not been studied or will it be. It will not combine the cumulative effects of all the developments planned to this point, because, so far, the county has not required them or calculated them.

Fire safety and other emergency needs for ingress and egress: you can already see from the Caldor fire last year how it took a mass effort to evacuate SLT and yet they did it because they had time, good planning and a 4-lane highway to facilitate it. More density, more huge developments will make our situation even worse than it already is. This aspect has not been planned well. If a fire hits here on a hot summer afternoon with some wind... well, we might have the time... it depends..., and we might have some planning, but we do not have the highway capacity. In fact, the county has been actively reducing that!!

The increased potential for loss of life, known as collateral damage, will be a calculated risk that you, the planners, will be accepting. It is on your shoulders.

Remember With our negligence, HISTORY CAN REPEAT ITSELF

A brief background of untethered development prior to 1976 includes:

**mult-story towers built for the casinos at CalNeva, Hyatt and South Lake Tahoe Stateline

**Tahoe City Peppertree tower

**Brockway Springs Condo tower (1 of 3 slated to be built)

**Tahoe Keys

**Incline Village upper areas of erosion prone soil

**Condos all over, including on meadows and wetlands

****ski area clear cut forests**

****proposed 4 lane highways all around the lake (SLT Hwy 50, Kings Beach, Carnelian Bay, Tahoe City and Hwy 89 from Olympic Valley to Truckee were all built to 4 lanes during the early 1960's)**

****proposed bridge over the end of Emerald Bay**

You may need to copy//paste these links to your web search bar.

Preserve Lake Tahoe shows plans currently ready for development.

<https://youtu.be/WKzPL-EwEUw>

And here is the UC Davis excellent video showing the lake, how it has lived and where we fit in it.

<https://youtu.be/1kxySVKiWfU>

Please vote no on the revisions. We can work with some of the ideas on Workforce housing as separate items. We can keep the heights the same as we agreed on the plan teams years ago. We can get developers who will work within those plans. .

Thank you, Sue

Thank you,
Sue

Susan L. Daniels

BRE#01066252

Sue Daniels and Associates

Coldwell Banker Residential Brokerage

Lake Tahoe/Truckee Specialist

[530-210-0222](tel:530-210-0222) Cell

Sue@LakeTahoeSue.com

Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 11/25/2023 6:19:05 PM
To: Public Comment <PublicComment@trpa.gov>; wade.crowfoot@resources.ca.gov <wade.crowfoot@resources.ca.gov>; mwood@placer.ca.gov <mwood@placer.ca.gov>
Cc: DarcieGoodman-Collins <Darcie@keptahoebblue.org>; jesse@keptahoebblue.org <jesse@keptahoebblue.org>; Gavin Feiger <gavin@keptahoebblue.org>;
Subject: TRPA's Culture of Development
Attachments: [image001.png](#)

Please distribute to Governing Board, APC and RPIC and Placer County Supervisors. Thank you. Ann Nichols

<https://mailchi.mp/8033109d31de/trpas-culture-of-development>



North Tahoe Preservation Alliance

P.O. Box 4

Crystal Bay, Nv. 89402

preserve@ntpac.org

775-831-0625

www.ntpac.org

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCElbnFbSt&_r=1

Instagram Video: <https://www.instagram.com/northtahoepreservation/>



From: leah kaufman <leah.lkplanning@sbcglobal.net>

Sent: 11/24/2023 5:17:13 PM

To: Public Comment <PublicComment@trpa.gov>

Subject: Maui councilmember wants mayor to mandate long-term housing in Lahaina vacation rentals | Devastation in Lahaina | kitv.com

https://www.kitv.com/news/lahaina/maui-councilmember-wants-mayor-to-mandate-long-term-housing-in-lahaina-vacation-rentals/article_0cea21ac-8a4d-11ee-ac4a-2f6448736689.html

Please distribute to apc and governing board m

Tx

From: Steve Elder <steveelder2@gmail.com>
Sent: 11/24/2023 12:54:58 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: general comments

In order to help the dire lack of work force housing, houses need to not function as hotel rooms. Please END short term rentals in residential neighborhoods. Please protect Lake Tahoe and not contribute to it's ruin by unreasonable code changes. Codes are necessary to protect the QUALITY of resident's life. There are three VHRs within hearing distance from my home. I can expect car alarms, loud parties, unwanted disturbance at all times of day and night. Please stop this nuisance. I have been a full time Tahoe homeowner for more 58 years and resident for more than 64 years and love Tahoe. Hopefully, your planning will be thoughtfully executed. Thank you, Steve Elder and Wilma Elder

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 11/23/2023 7:31:23 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: 'Alexis Ollar' <Alexis@mapf.org>; Gavin Feiger <gavin@keoptahoeblue.org>; DarcieGoodman-Collins <Darcie@keoptahoeblue.org>; jesse@keoptahoeblue.org <jesse@keoptahoeblue.org>; jmtornese@aol.com <jmtornese@aol.com>; 'Doug Flaherty' <tahoeblue365@gmail.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'Carolyn Willete' <carolyntahoe@sbcglobal.net>; Kristina Hill <tahoeHills@att.net>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; 'David McClure' <mcluretahoe@yahoo.com>;
Subject: FW: Recognizing Capacity Reduction on Hwy 28 in Kings Beach
Attachments: [image001.jpg](#), [KB10Edit.mov](#), [Lane Reduction Comp 2009,2019,2022.pdf](#)

Please distribute this email string to Governing Board and APC.

Dave McClure deserves a direct answer to a direct question. Jeff Cowen's response is insulting. Certainly this data applies NOW to the TRPA Housing Amendments and TBAP. Thank you,
Ann Nichols

From: David McClure <mcluretahoe@yahoo.com>
Sent: Monday, November 20, 2023 10:04 PM
To: Julie Regan <jregan@trpa.gov>
Cc: John Marshall <jmarshall@trpa.gov>; John Hester <jhester@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>
Subject: Re: Recognizing Capacity Reduction on Hwy 28 in Kings Beach

Hi Julie,

Jeff's response was not serious, and you are the CEO.

Please view the video footage taken on 7/16/2022 attached, along with the actual Caltrans counts for 7/16/2022. You will see queues up Brockway Hill (from Racoon St roundabout), and into the Hwy 267 intersection from the Bear St roundabout. This was a day of total counts of only 19,500 vehicles. I am not presenting an opinion but informing you of the facts that arose after completion of the KBCCIP.

The question was whether you recognize these facts and video of reality since 2018 or do you pretend that Hwy 28 through KB is as presented in the 2016 EIR (i.e. erroneously assumed to handle 1171 vehicles per hour westbound instead of the reality of 632 vehicles per hour westbound).

Your position does not change reality, though you can put blinders on and try to temporarily mislead or divert the attention of Board members. None of this will put off what is physical reality today and the glaring contradiction of your high-density growth vision on top of the approved WALT project and coming Cal Neva project.

Placer County and Washoe County share the same Hwy 28 corridor yet each County plans with TRPA's blessing as if the other County has no connection. Kings Beach and Crystal Bay have Town Center designations but their projects pretend that their impacts stop at the State boundary. Only TRPA has the responsibility to connect the planning impact and account for example how WALT and Cal Neva traffic will extend queues on both sides of the State line. No queue analysis was done for WALT, in large part because TRPA does not recognize how the KBCCIP has resulted in a structural bottleneck and evacuation chokepoint.

You also control the calibration of the TransCAD Model required by TRPA to be used by projects to project future traffic conditions. The evidence we have assembled proves the model fails to reflect the actual conditions of the territory and has been used to perpetuate a falsehood about the impact of WALT and projects in this highway corridor.

The executive leadership is responsible for pretending there is no traffic problem worth examining prior to codifying plans that increase densities of Town Centers.

I would appreciate your response.

Kindly regards,

David McClure

On Wednesday, November 8, 2023 at 01:16:15 PM PST, Jeff Cowen <jcowen@trpa.gov> wrote:

Good Day Mr. McClure,

We have forwarded this information to our transportation and research and analysis teams and the science program manager.

This kind of information will apply best with the upcoming Threshold Evaluation Report and Regional Transportation Plan update, both scheduled for 2024.

The agency will try to address your questions through those processes.

I appreciate your patience on this response.

Regards,

Jeff Cowen (he/his)
Public Information Officer
Tahoe Regional Planning Agency
775.589.5278



From: David McClure <mccluretahoe@yahoo.com>
Date: Friday, November 3, 2023 at 9:28 AM
To: Julie Regan <jregan@trpa.gov>
Cc: John Marshall <jmarshall@trpa.gov>, John Hester <jhester@trpa.gov>
Subject: Fw: Recognizing Capacity Reduction on Hwy 28 in Kings Beach

Hi Julie,

It has been a week with no response. I would appreciate your answer that simply addresses the nature of the actual territory of North Lake Tahoe, i.e. reality on the ground.

Thank you,
David McClure

----- Forwarded Message -----

From: David McClure <mccluretahoe@yahoo.com>
To: Julie Regan <jregan@trpa.gov>
Cc: John Marshall TRPA Legal <jmarshall@trpa.gov>; Ann Nichols <preserve@ntpac.org>
Sent: Friday, October 27, 2023 at 01:13:13 PM PDT

<https://www.dropbox.com/s/6du82nvmq1dcn20/KB10%20roundabouts%20east%20and%20west%20pan.mp4?dl=0>

Subject: Recognizing Capacity Reduction on Hwy 28 in Kings Beach

Hi Julie,

The 2017 EIR is based on a 2007 estimate of capacity for the future KBCCIP roundabouts of 1171 vph westbound. Since completion of the project in 2018 there have been several years of Caltrans count data (see attachments)

as evidence of actual capacity (632 vph westbound) which is nearly half what LSC estimated in 2007.

Is the TRPA going to recognize this empirical data from 2019 and 2022 Caltrans counts in Kings Beach and correct the 2017 EIR?

Will the TransCAD Model also be updated with this current data?

Kindly regards,

David McClure



**TAHOE
REGIONAL
PLANNING
AGENCY**

P.O. Box 5310
Stateline, NV 89449

775-588-4547

www.trpa.gov

Result of Hwy 28 Capacity Reduction in 2018

CalTrans Counts	Saturday 7/11/2009 4 lane Hwy KB-W	Saturday 7/20/2019 2 lane Hwy KB-W	Saturday 7/16/2022 2 lane Hwy KB-W
Hour			
10 am	669	605	640
11 am	819	618	655
12 NOON	807	561	643
1 pm	855	519	596
2 pm	891	545	621
3 pm	826	616	622
4 pm	855	544	622
5 pm	924	580	665
6 pm	833	529	610
7 pm	598	509	649
10 hr Count	8077	5626	6876
24 hr Total	11305	8745	9863
% of Daily	71%	64%	70%
Average Count/hr	808	563	632
Daily Count			
Both Directions	23037	18790	19551