

From: Sophia Heidrich <sophia@mapf.org>
Sent: 1/23/2024 2:32:02 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Alexis Ollar <alexis@mapf.org>;
Subject: Public Comment Re: 1/24 RPC Item No.3, TBAP Amendments
Attachments: [1.24.24 - TBAP_TRPA RPC_MAP Comments.pdf](#)

Hello TRPA Staff,

Attached are comments on behalf of Mountain Area Preservation regarding Regional Planning Committee Agenda Item No. 3, Placer County Tahoe Basin Area Plan Amendments. Please distribute these comments to the RPC members and include them on the record.

Thank you,



mountain area preservation

Sophia Heidrich

Advocacy Director, Mountain Area Preservation

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www.MountainAreaPreservation.org | [Like us on Facebook](#) & [Instagram](#)

"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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January 23, 2024

Regional Planning Committee
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Re: Agenda Item No. 3, Placer County Tahoe Basin Area Plan Amendments, January
24th TRPA Regional Planning Committee

Dear Regional Planning Committee Members,

Thank you for the opportunity to participate in the decision-making process and for considering the following comments regarding Agenda Item No. 3, the Placer County Tahoe Basin Area Plan (TBAP) Amendments. These comments are submitted on behalf of Mountain Area Preservation (MAP), a 36-year-old environmental advocacy non-profit organization. In addition to championing strong environmental policies and regulations in Truckee Tahoe, we are deeply committed to environmental justice, social justice, workforce housing, and community character. These topics are all relevant to the decision before you today regarding the TBAP amendments.

We understand that the intent of the amendments is to incentivize the revitalization and rejuvenation of North Tahoe town centers, and we support that vision along with many of the policies included in this large package of proposals. The amendments that raise concerns are related to the housing amendments, particularly with regard to allowing certain multi-family developments by right, removing setbacks and minimum lot areas per dwelling, and reducing parking requirements, lot widths, and minimum lot sizes. These changes may make sense on a case-by-case basis but do have the potential to impact the environment and town character negatively, the way these places look, feel, and function. Massing, scale, and height are all areas of the built environment that can either enhance or detract from the quality of life and character in North Lake Tahoe.



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We certainly want developments that support the folks who support our communities, the workforce, and we know it is possible to make that happen in a way that respects community character and the environment. These amendments may bring those projects to fruition, but they may also bring projects that are out of scale with current development and adversely impact the community with inappropriate site design and a lack of updated mitigation measures to address new land use impacts. We have submitted similar comments in much more detail to Placer County decision-makers. We'll not repeat those comments now but have attached them for the record and your consideration.

In addition to those previous comments, we would like to raise another concern related to the TBAP amendment process and its relationship to the TRPA's Phase 2 Housing Amendments process. Conducting these two processes simultaneously has fostered extreme confusion for Placer County's North Tahoe community members. One example is related to the proposed change in building heights, originally considered part of the TBAP Amendments. The first proposal was to increase the building height limit to 71' in Town Centers. Placer County then changed that proposal to 65' and finally took that out of the proposal based on community feedback.

Many community members felt heard on that point, only to discover that the TRPA was also proposing an increase in the Town Center building height limit to 65' through a separate process. The TRPA's original proposal stated that their new standards would "supersede" local standards upon adoption. That has since been changed. Now, as we understand it, the TRPA Code goes into effect 60 days after adoption, but Placer County has one year to amend its area plan where the area plan standards are inconsistent with the TRPA's standards. Placer County can "opt-out" of the TRPA's amendments, but as this letter is being drafted, it has been 41 days since the TRPA codes were adopted, and the process to "opt-out" of those amendments is still undefined.



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Anyone who is even vaguely familiar with land-use planning knows that one year is little time to complete a planning process, and the clock is already ticking. So if you're a community member following this, first the building heights proposal was 71', then 65', then no change, then back to 65' because TRPA's codes would supersede Placer County's, and now unknown because Placer County can "opt-out", but we don't know how or whether they will. It's no wonder why folks are confused, upset with their governmental officials, and lacking faith in decision-making. In the future, we urge the TRPA and local jurisdictions to better coordinate with one another and hope that the TRPA will fully define the steps to implement their new amendments before adopting them.

Attached are the comments we submitted to the TRPA Advisory Planning Commission and the Placer County Board of Supervisors. Please consider those comments as you judge the merits of the TBAP amendments.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Sophia Heidrich', is written in a cursive style.

Sophia Heidrich, Advocacy Director

A handwritten signature in black ink, which appears to read 'Alexis Ollar', is written in a cursive style.

Alexis Ollar, Executive Director

Attachment A: MAP Comments to the TRPA Advisory Planning Commission (12.5.23) Re: Placer County Tahoe Basin Area Plan Amendments

Attachment B: MAP Comments to the Placer County Board of Supervisors (10.16.23) Re: Placer County Tahoe Basin Area Plan Amendments

Attachment A



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,

Alexis Ollar, Executive Director

Sophia Heidrich, Advocacy Director

Attachment B



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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.

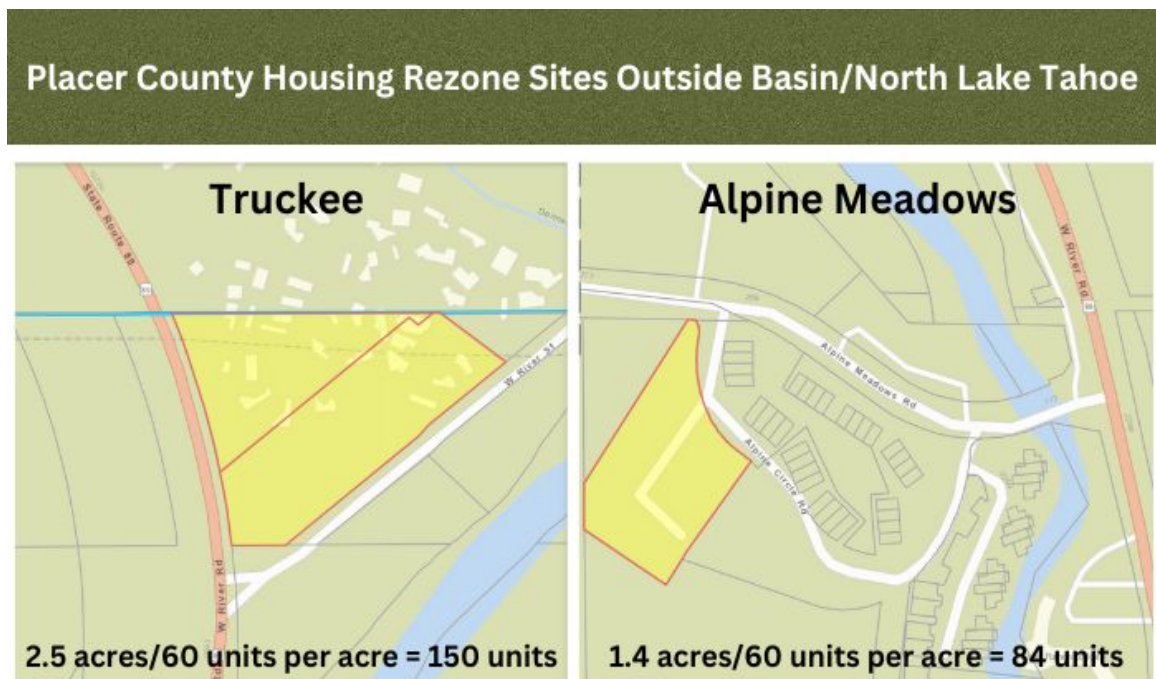
Cumulative Impacts

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,

A handwritten signature in black ink, reading "Alexis Ollar".

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

A handwritten signature in purple ink, reading "Sophia Heidrich".

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

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 1/23/2024 2:51:25 PM
To: Public Comment <PublicComment@trpa.gov>; TRPA <trpa@trpa.gov>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settlemyer <jsettlemyer@dcnr.nv.gov>; Shelly Aldean <shellyaldean@gmail.com>; Jessica Diss <jdiss.trpa@gmail.com>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Alexandra Leumer <TRPALeumer@yahoo.com>
Subject: Email 1 of 2 Public Comment Agenda Item 3 - TRPA Regional Planning Committee Mtng 1-24-24
Attachments: [A1 Public Comment TRPA Reg Plng Comm Mtng 1-24-24 TahoeCleanAir.org.pdf](#) , [Attachment D - Questionable Growth Management Data.pdf](#) , [Attachment A - Fire Dept Retired Professionals Letter.pdf](#) , [Attachment B - Flawed Traffic Data and Assumptions.pdf](#) , [Attachment E - Achievable Housing Technical Information.pdf](#) , [Attachment F - Significant Changes - New Information Since 2016 Certified EIR.pdf](#) , [Attachment C - Pages from TBAP EIR Final Roadway Evacuation Analyses.pdf](#) , [Attachment G - Comments From Former TRPA Planners.pdf](#)

Email 1 of 2

To: Tahoe Regional Planning Agency (TRPA), Regional Planning Committee (RPC)
Re: Public Written Comment TRPA RPC Meeting January 24, 2024

Agenda Item # 3

Discussion and possible recommendation on Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

TBAP = Tahoe Basin Area Plan

Dear TRPA Regional Planning Committee:

Please make the attached written comment as well as the Email 1 and Email 2 Attachments and Exhibits listed below part of the record and the minutes in connection with Agenda Item 3.

Attachment A – Fire Dept Retired Professionals Letter – Opposition to TBAP
Attachment B – Flawed Traffic Data and Assumptions
Attachment B1 - 2016 EIR KB Traffic Study
Attachment C – Pages from TBAP EIR Final Roadway Evacuation Analyses
Attachment D – Questionable Growth Management Data
Attachment E – Achievable Housing Technical Information
Attachment F – Significant Changes – New Information Since 2016 Certified EIR
Attachment G – Comments from former TRPA Planners
Exhibit 1 – TahoeCleanAir.org Written Comment TRPA APC Meeting 12-6-23.
Exhibit 2 – Petition for Writ of Mandate 11-29-23.
Exhibit 3 – Conservation Group Comments Placer County BOS Meeting 10-16-23.
Exhibit 4 – Public Comment Agenda Item 12 Placer County BOS Meeting 10-31-23.

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



January 23, 2024

To: Tahoe Regional Planning Agency (TRPA), Regional Planning Committee (RPC)

Re: Public Written Comment TRPA RPC Meeting January 24, 2024

Agenda Item # 3

Discussion and possible recommendation on Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

TBAP = Tahoe Basin Area Plan

Dear TRPA Regional Planning Committee:

Please make this written comment as well as the Attachments and Exhibits listed below part of the record and the minutes in connection with Agenda Item 3.

For the reasons provided herein and within the attachments listed below, of which attachments were submitted for the record in connection with the TRPA APC Meeting conducted on December 6, 2023, TahoeCleanAir.org opposes TRPA adoption of the Tahoe Basin Area Plan.

1. The Initial Environmental Checklist (IEC) finding of "no significant effect" is highly controversial not based on a required comprehensive environmental analysis and in several instances lacked substantial evidence to make its findings, and was therefore arbitrary, capricious, and represented a scheme to avoid both a Placer County subsequent Environmental Impact report and a TRPA Environmental Impact Statement.
2. Placer County has failed to provide the required environmental analyses per the California Environmental Quality Act (CEQA). (See attached Exhibit 2 – Writ of Mandate 11-29-23).
3. TRPA has failed to provide the required environmental analyses per the California Environmental Quality Act (CEQA) and per its own TRPA Code of Ordinances and Rules of procedures.
4. The TBAP contains individual and cumulatively significant environmental and public safety effects / impacts.
5. TRPA's Area Plan adoption of the TBAP represents a new CEQA **project** process. Therefore, the TRPA, as an "approving" agency is required, to comply with the opinions of the recent California Supreme Court case ***Union of Medical Marijuana Patients, Inc. v. City of San Diego***. The CA Supreme Court decision states that "CEQA review is undertaken by a **lead agency**, defined as 'the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment, and in this case *by Placer County and the TRPA's own admission, will cause a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment*. **Note** emphasizing here the term "physical change." The TRPA / Placer County **failed to properly identify and analyze the**

reasonably foreseeable direct or indirect physical change in the environment caused by the TBAP amendments.

6. TRPA adoption of the TBAP represents significant revisions to the Placer County housing element General Plan and therefore must comply with the Fire Evacuation requirements of California Government Code Section 65302.15 (a) and (b), including “identification of evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios”, of which requirements have not been met.
7. 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.**
8. TRPA adoption of the TBAP, without a subsequent 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. (See attachment A and B).
9. TRPA and Placer County failed to adequately discuss and apply significant changed and new information including that 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 including:
 - 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 further 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.

Therefore, TRPA approval of the Placer TBAP amendments will be arbitrary, capricious, without regard for the required environmental analysis, and without substantial evidence to justify TRPA's finding of "no significant effect" and will represent an act of prejudicial abuse of discretion in violation CEQA , the TRPA Code of Ordinances and Rules of Procedure, California Government Code Section 65302.15 (a) and (b) and the Bi-State Compact.

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

Attachments:

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Exhibit 4 – Public Comment Agenda Item 12 Placer County BOS Meeting 10-31-23.

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.

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.caprдио.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

Fire Fighter/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 SCHLUE

Lake Tahoe Community:

X MEERKS BAY

Retired Fire Professional Title and Agency:

X ENGINEER, SACRAMENTO FIRE DEPT.

Date: 9/20/23

Signed:

X *Julie L. Hutchinson*

Printed Name:

X Julie L. Hutchinson

Lake Tahoe Community:

X Tahoe

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 INLINE 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 *Jerrold H. Cook*

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:

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.

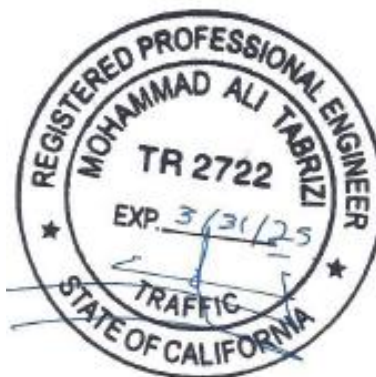
It should also be noted, even though level of service and operation of the intersections and roadway network is no longer a CEQA-related issue and Vehicle Miles Traveled (VMT) has been adopted as the new metric for CEQA, safety is still considered a CEQA-related metric, which can have a direct correlation with the operation of the roadway system and intersections.

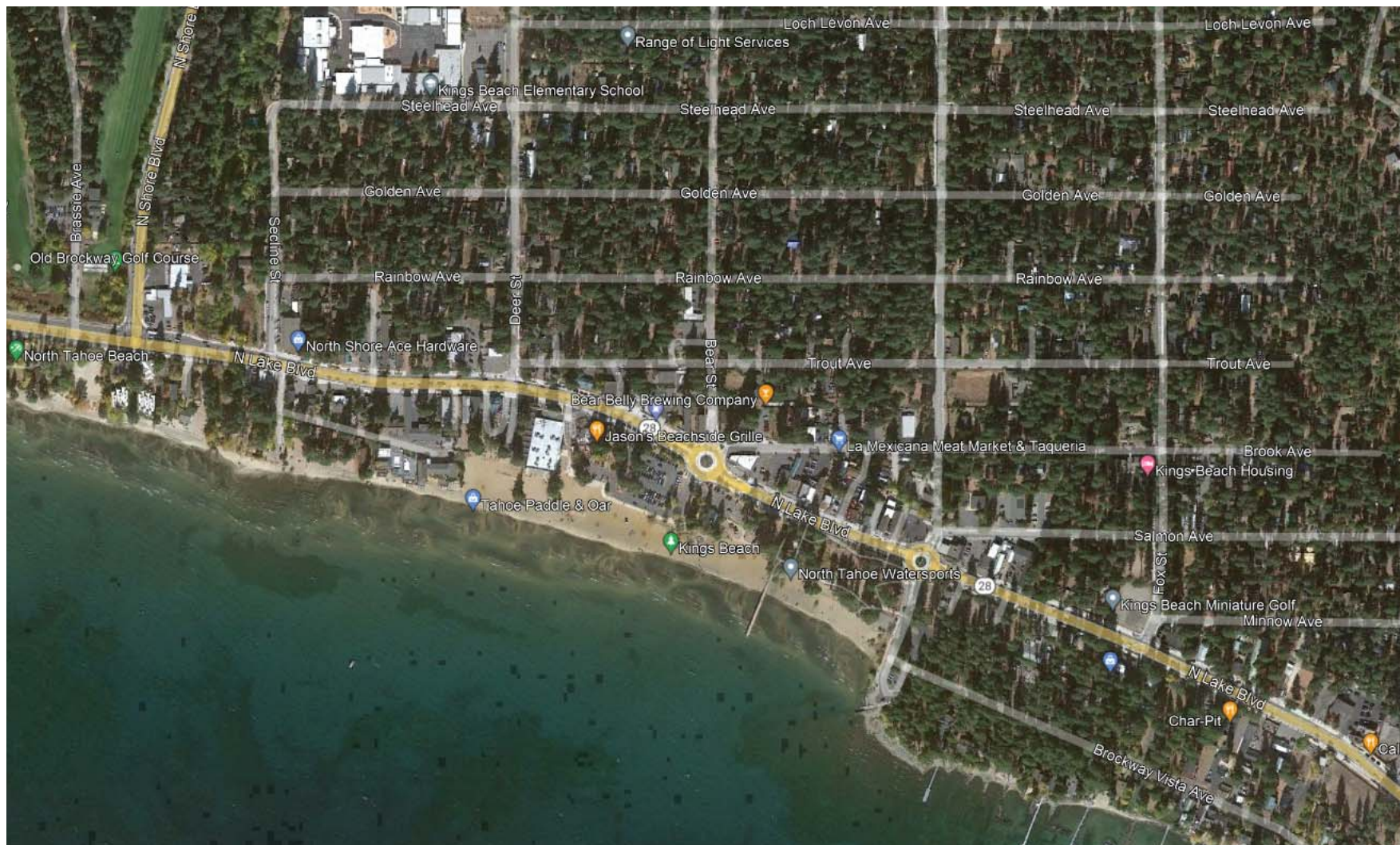
MAT Engineering Inc. appreciates the opportunity to provide this review. If you have any questions, please contact us at 949-344-1828 or at@matengineering.com.

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

Page# 9

District County RouteSfxPrefix 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
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

02/10/2023

Detail All Vehicle Hourly Count Report

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

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

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Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								Lane Code:	1

7-Day Periods			5-Day Periods		
WEST			WEST		
7-Day Total	Daily Average		5-Day Total	Weekday Average	
1st	38733	5533	1st	28719	5744
2nd	43472	6210	2nd	31398	6280
3rd	45927	6561	3rd	32785	6557
4th	46937	6705	4th	33279	6656

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Detail All Vehicle Hourly Count Report

District	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								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
2022								
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

Detail All Vehicle Hourly Count Report

02/10/2023

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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	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
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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

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Detail All Vehicle Hourly Count Report

Page# 20

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	Mon	Tue	Wed	Thu	Fri	Sat	Sun
2022	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

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Detail All Vehicle Hourly Count Report

Page# 21

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	52500	7500
2nd	57679	8240
3rd	65051	9293
4th	66295	9471

5-Day Periods

WEST

	5-Day Total	Weekday Average
1st	36982	7396
2nd	43071	8614
3rd	45883	9177
4th	47028	9406

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

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	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								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	County	Route	Sfx	Prefix	Postmile	Hg	Leg	Traffic Station:	165
03	PLA	028			9.340		A	Location Type:	Trend Station
Location Description								Lanes:	2
KINGS BEACH, JCT. RTE. 267								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

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Detail All Vehicle Hourly Count Report

Page# 30

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

Detail All Vehicle Hourly Count Report

Page# 31

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

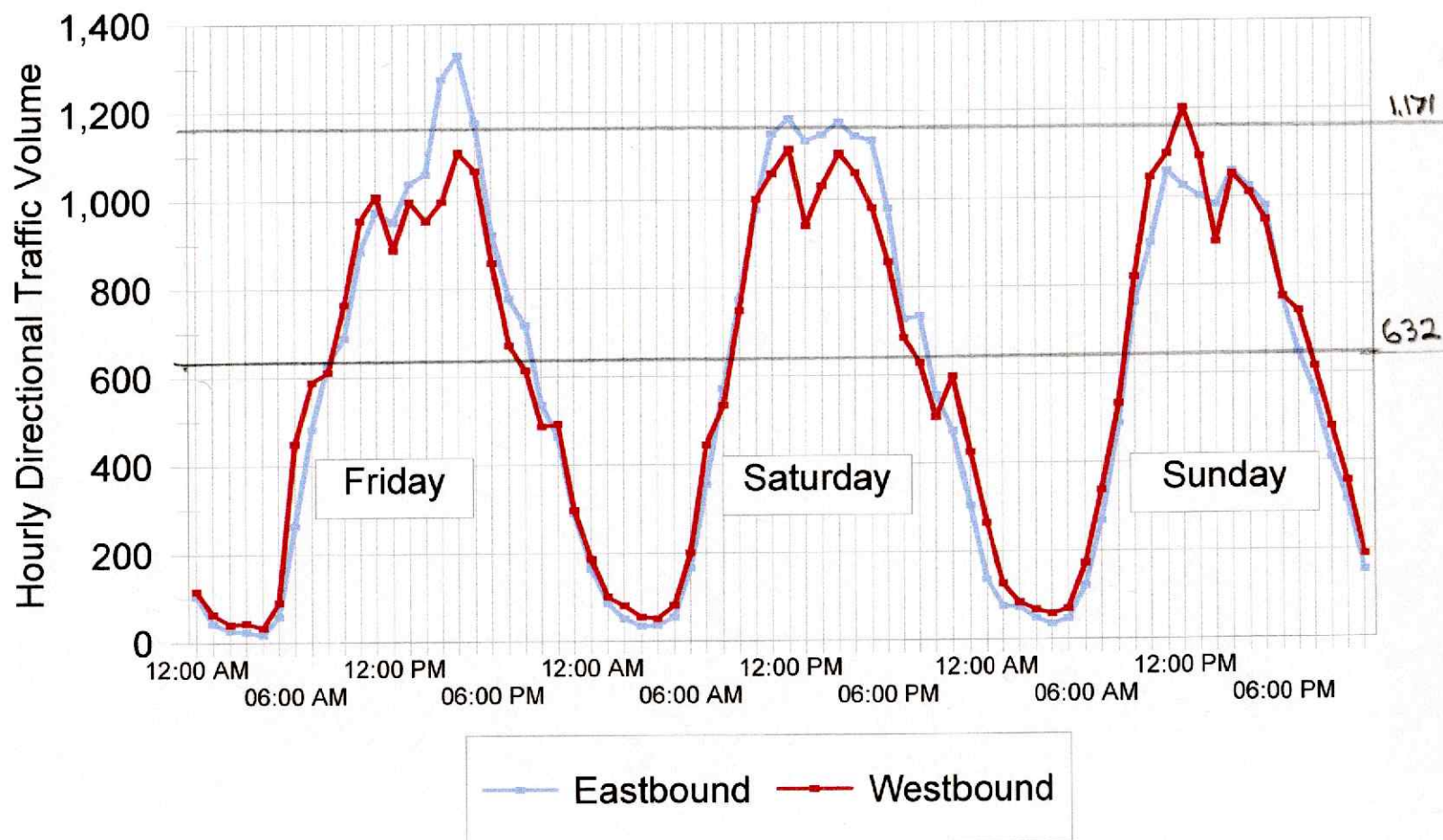
TABLE 36: Summer Capacity Analysis of Three-Lane SR 28 in Kings Beach With No On-Street Parking

	Observed Conditions: Tahoe City WB	Forecast Conditions: Kings Beach								
		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
Existing Count - Just East of 267		1,160	1,160	1,160	1,160	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
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

Figure 3

One-Way Hourly Traffic Weekend Volumes

SR 28 East of SR 267, for Friday August 9 through Sunday August 11



- 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, Granlibakken 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

1 adopt, feasible mitigation that would minimize the significant transportation and GHG impacts of the
2 project. (Cal. Code Regs., tit. 14, § 15126.4(a)(1).)

3 31. Vehicular Traffic in the Basin. The county's response to comments noted that
4 project-generated vehicle trips would contribute to vehicle miles travelled (VMT) in the Tahoe
5 Basin. The county pointed out that approximately 35 percent of daily peak trips in summer or 1,394
6 daily trips from the project would be into the Tahoe Basin. On a peak travel day the project would
7 generate approximately 13,745 VMT in the Tahoe Basin. The county noted that increased VMT
8 results in increased traffic congestion, increased nitrate loading into the atmosphere (and subsequent
9 deposition into Lake Tahoe), and an increase in the concentration of airborne particulates which
10 affect visibility and human health. The Attorney General pointed out that the Tahoe Regional
11 Planning Agency (TRPA) considers the addition of 200 daily trips to the Basin to be a significant
12 impact. Nevertheless, the county declined to use the TRPA threshold as a standard of significance
13 and failed to evaluate the impact. As the lead agency the county was required to determine whether
14 the increase in VMT in the Basin that will result from the project constitutes a significant impact.
15 (Pub. Resources Code, §§ 21002, 21002.1(a), 21100(b)(1).) The failure to do so was unlawful under
16 CEQA and constituted a prejudicial abuse of discretion.

17 18 TREE MORTALITY

19 32. Project Setting. On September 8, 2015, the Placer County Board of Supervisors
20 adopted Resolution No. 2015-253 proclaiming a public emergency in Placer County and declaring
21 that tree mortality has reached epidemic levels in Placer County due to extreme and prolonged
22 drought, pine beetles and other tree parasites and that further increases in tree mortality could be
23 expected in the near future. Governor Brown signed a similar proclamation on October 30, 2015.
24 Further, through the California Timberland Productivity Act of 1982, the California Legislature has
25 found that diversion of timberland to urban and other uses threatens to erode the state's timberland
26 and made it state policy to discourage the expansion of urban services into timberland. (Gov. Code,
27 § 51102(a)(3).) The county's discussion of the project setting for forest removal was unlawful
28 because it failed to discuss the over-riding circumstance of an on-going tree mortality epidemic in

4. The following information is being furnished to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. It is not intended to be used in connection with any other financial product. It is not intended to be used in connection with any other financial product. It is not intended to be used in connection with any other financial product.



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MEMORANDUM

To: Nanette Hansel, Ascent Environmental

From: Gordon Shaw, PE, AICP, LSC Transportation Consultants, Inc.

Date: October 4May 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 ~~7,070~~), 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	
Daily 1-Way Vehicle Trips	Distribution						
	Lodge	Retail Non- Passby					
	South Lake Tahoe	3% 2%	19	34	12	34	44
	Emerald Bay	4% 1%	9	45	16	45	22
	Homewood/Tahoma	10% 10%	93	113	39	113	219
	Sunnyside	8% 9%	84	91	31	91	197
	Eastern Tahoe City	5% 9%	84	57	19	57	197
	Dollar Hill/Lake Forest	0% 9%	84	0	0	0	197
	Carnelian Bay	4% 9%	84	45	16	45	197
	Tahoe Vista	9% 9%	84	102	35	102	197
	Kings Beach/ Crystal Bay	16% 12%	112	181	62	181	263
	Incline Village/East Shore	6% 5%	47	68	23	68	110
	SR 89 North	35% 25%	233	397	136	397	548
Total	100% 100%	932	1,133	389	1,133	2,191	
Daily Vehicle-Miles of Travel	Trip Length (Miles)						
	South Lake Tahoe	31.2	582	1,060	364	1,060	1,367
	Emerald Bay	18.8	175	852	293	852	412
	Homewood/Tahoma	8.6	802	974	335	974	1,884
	Sunnyside	2.4	201	218	75	218	473
	Eastern Tahoe City	0.4	34	23	8	23	79
	Dollar Hill/Lake Forest	2.4	201	0	0	0	473
	Carnelian Bay	5.7	478	258	89	258	1,124
	Tahoe Vista	8.2	688	836	287	836	1,617
	Kings Beach/ Crystal Bay	10.0	1,119	1,813	622	1,813	2,629
	Incline Village/East Shore	16.3	760	1,108	380	1,108	1,786
	SR 89 North	3.6	839	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 Mdws 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				Alpine Sierra		Palisades		Total Growth in Travel To/From Squaw Valley/Alpine Meadows	
							Plumjack									
Daily Vehicle-Trips	Distribution of External Trips Internally Within Tahoe Region (1)															
	SR 267	SR 89 North														
South Lake Tahoe	4%	3%	50	92	42	26	9	18	75	2	3	6	86	77	119	
Emerald Bay	5%	4%	63	115	53	41	14	28	118	3	5	5	131	117	170	
Homewood	5%	18%	63	115	53	174	58	116	497	13	19	8	537	479	531	
Sunny Side	5%	11%	63	115	53	113	38	76	323	8	12	7	351	313	365	
Tahoe City	18%	29%	226	415	189	286	95	190	815	21	29	83	949	854	1,043	
Carmelian Bay	4%	4%	50	92	42	34	11	23	96	3	2	3	104	93	135	
Tahoe Vista	6%	8%	75	138	63	80	27	54	229	6	8	7	250	223	286	
Kings Beach/ Crystal Bay	31%	17%	390	716	326	168	56	112	479	13	15	21	528	472	797	
Incline Village/East Shore	20%	5%	251	462	210	61	20	40	173	4	6	14	197	176	387	
Spooner Summit	2%	0%	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	Tahoe Internal Trip Length by External Point (Mi.)															
	SR 267	SR 89 North														
South Lake Tahoe	35.0	34.5			1,471									2,668	4,139	
Emerald Bay	37.2	22.0			1,955									2,576	4,531	
Homewood	20.5	12.0			1,077									5,746	6,823	
Sunny Side	14.4	5.9			757									1,845	2,602	
Tahoe City	12.5	4.0			2,365									3,414	5,779	
Carmelian Bay	7.3	9.3			307									863	1,170	
Tahoe Vista	4.7	11.9			296									2,655	2,951	
Kings Beach/ Crystal Bay	4.6	13.7			1,499									6,461	7,960	
Incline Village/East Shore	11.5	20.6			2,417									3,633	6,050	
Spooner Summit	22.4	--			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 policies 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.

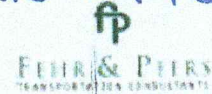
BASELINE TAHOE BILTMORE TRIP GENERATION

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
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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	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).

Appendix A: Reference for Baseline Biltmore Pass-By Trips

Mr. Brueck
July 6, 2010
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TABLE 8 BASELINE TAHOE BILTMORE DAILY TRIP GENERATION		
	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 2006 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).

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.

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 policies 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 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 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:

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)

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 1/23/2024 2:51:50 PM
To: Public Comment <PublicComment@trpa.gov>; Alexandra Leumer <TRPALeumer@yahoo.com>; Vince Hoenigman <vhoenigman@yahoo.com>; Shelly Aldean <shellyaldean@gmail.com>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Jessica Diss <jdiss.trpa@gmail.com>; James Settlemyer <jsettlemyer@dcnr.nv.gov>
Subject: Email 2 of 2 Public Comment Agenda Item 3 - TRPA Regional Planning Committee Mtng 1-24-24
Attachments: [Exhibit 1B - TahoeCleanAir.org Public Comment TRPA RPIC Mtg - 11- 15 - 23.pdf](#) , [Exhibit 3 - Conservation Groups Comments Placer BOS Mtg 10-16-23.pdf](#) , [Exhibit 2 - Placer County Petition for Writ Mandate 11-29-23.pdf](#) , [Exhibit 1C - TahoeCleanAir.org Comment TRPA APC Mtg 12-6-23.pdf](#) , [Exhibit 1A TahoeCleanAir.org Public Comment 12-12-23 TRPA Gov Brd Mtng on 12-13-23.pdf](#) , [Exhibit 4 - Public Comment Agenda Item 12 Placer BOS Meeting 10-31-23.pdf](#)

Email 2 of 2

To: Tahoe Regional Planning Agency (TRPA), Regional Planning Committee (RPC)
Re: Public Written Comment TRPA RPC Meeting January 24, 2024

Agenda Item # 3

Discussion and possible recommendation on Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan

TBAP = Tahoe Basin Area Plan

Dear TRPA Regional Planning Committee:

Please make the attached written comment as well as the Email 1 and Email 2 Attachments and Exhibits listed below part of the record and the minutes in connection with Agenda Item 3.

Attachment A – Fire Dept Retired Professionals Letter – Opposition to TBAP
Attachment B – Flawed Traffic Data and Assumptions
Attachment B1 - 2016 EIR KB Traffic Study
Attachment C – Pages from TBAP EIR Final Roadway Evacuation Analyses
Attachment D – Questionable Growth Management Data
Attachment E – Achievable Housing Technical Information
Attachment F – Significant Changes – New Information Since 2016 Certified EIR
Attachment G – Comments from former TRPA Planners
Exhibit 1 – TahoeCleanAir.org Written Comment TRPA APC Meeting 12-6-23.
Exhibit 2 – Petition for Writ of Mandate 11-29-23.
Exhibit 3 – Conservation Group Comments Placer County BOS Meeting 10-16-23.
Exhibit 4 – Public Comment Agenda Item 12 Placer County BOS Meeting 10-31-23.

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



11/14/23

RE: Public Comment TRPA Regional Plan Implementation Committee Meeting 11/15/23 – Agenda Item 3.

Dear TRPA Regional Plan Implementation Committee:

Please include this written public comment as part of the minutes and the record in connection with the Regional Plan Implementation Committee Meeting 11/15/23 – Agenda Item 3.

Discussion and possible recommendation on the Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 1, Introduction; Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units.

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

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 amendments.

PROPOSAL(S) = TRPA proposed Phase 2 Housing Amendments discussed in Agenda 3. as described above.

For the record, as discussed below, TahoeCleanAir.org opposes the proposed amendments and changes for the following reasons:

1. The TRPA has indicated that it will provide an updated Initial Environmental Checklist (IEC), just prior to the December 13, 2023, TRPA Governing Board Meeting. This action places the public at a significant disadvantage to be able to review and substantively comment on a revised IEC. This type of manipulation on the part of the TRPA only fuels what is already a high level of community distrust of the TRPA, and further exacerbates the public's perception that public comment is not an important factor in TRPA decision making. The public should have access to the newly modified TRPA IEC at least 10 to 15 days prior to the December 13, 2023, Governing Board meeting. This situation truly represents poor public policy.
2. In connection with Article VII(a)(2) of the Compact, the proposals represent 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 below, per the Bi-State Compact, TRPA regulations and the California Environmental Quality Act (CEQA), TRPA must prepare a new or supplemental cumulative impact EIS/EIR to the 2012 Regional Plan EIS/EIR and require a CEQA EIS/EIR before deciding to approve the proposed amendments.
3. TRPA proposals represent significant revisions to its regulatory housing element and directly affect the regulatory housing element of Area Plans, which TRPA claims will be "superseded" by the proposed amendments. 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 proposals, 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.

4. Since TRPA has stated that “adoption of the proposal would **supersede** the height, density, and parking requirements in Area Plans for deed-restricted residential development (Page 130 of the Staff report), TRPA appears to be fulfilling the role of a “lead agency” assuming regulatory primacy as the principal agency responsible for carrying out **or** eventually approving a project which may have a significant effect upon the environment.” (Pub. Resources Code, § 21067.)

Therefore, the TRPA must perform not only an EIS/EIR under TPRA requirements but must require an EIS/EIR under CEQA.

“Significant effect on the environment” under CEQA means a substantial, **or potentially** substantial, adverse change in the environment.

Based on an overwhelming substantive and subject matter expert community member comments opposing the proposal, any reasonable person would conclude that the TRPA proposals are at minimum, potentially substantial and therefore significant.

5. TRPA has failed to provide substantial evidence to make the following statements located in Section 10.6, 14.a and 23.d of the TRPA Initial Environmental Checklist. Therefore, the statements are speculative, highly controversial, arbitrary, capricious, agenda driven and their stated outcomes highly uncertain. Therefore, adoption of the environmental checklist findings, items 10.6, 14.a, and 23.d (as reflected below) would represent prejudicial abuse of discretion on the part of the TRPA.

10.6 - By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments would benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways.

14.a - However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact.

23.d - d. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly? TRPA states NO

As an example, 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.

6. TRPA's proposals disproportionately and adversely impact 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 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 the 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 Initial Environmental Checklist 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 Governors 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 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. The proposal is a threat to both visitor and resident life safety inside and outside concentrated town centers and mixed-use areas.

Adoption of the proposal, 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 proposed amendments are 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 TRPA proposal represents significant revisions to its regulatory housing element and directly affects the regulatory housing element of Area Plans which TRPA claims will be “superseded” by the proposed amendments. 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 proposed amendments, 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 proposed amendments 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 the information furnished to the TRPA during its committee meetings regarding this matter, any reasonable person would conclude that these proposed amendments are 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. Per the TRPA Code of Ordinances, Rules of Procedure, and the California Environmental Quality Act (CEQA), a new EIS/EIR or a supplemental EIS/EIR to the 2012 Regional Plan and CEQA must be prepared, circulated, and certified. This since the proposed amendments to 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 proposed amendments represent 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 proposed amendments 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 proposed amendments are 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 currently proposed amendments, 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 proposed amendments are 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 proposed amendments 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 proposed amendments run 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 amendments, 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 proposed amendments run 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



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 Summitt 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](#).

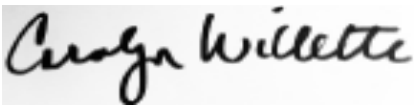
Microplastics

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 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

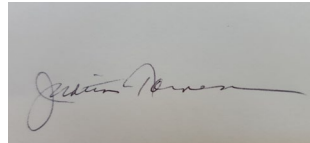
the lake to cover boats, kayaks and protect things from the wind and the sun's rays, the exact thing that speeds up the deterioration of the plastic." See the following reports: <https://www.sierrasun.com/news/the-fate-of-plastics-in-lake-tahoe/> <https://tahoe.ucdavis.edu/microplastics> and <https://www.latimes.com/california/story/2023-07-14/lake-tahoe-troubling-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.

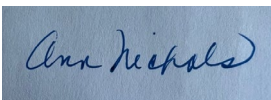
The discovery of the New Zealand Mudsnaills, other invasive species threats, growing widespread cyanobacteria and other near-shore algal blooms, and microplastics in Lake Tahoe are either new threats to Lake Tahoe or are threats that have grown worse over the past 6 years and, therefore, pose significant 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

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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. By this action, Petitioners FRIENDS OF THE WEST SHORE, TAHOECLEARNAIR. ORG; and NORTH TAHOE PRESERVATION ALLIANCE challenge Respondents COUNTY OF PLACER and PLACER COUNTY BOARD OF SUPERVISORS' October 31, 2023 adoption of an Addendum and Errata to the Tahoe Basin Area Plan ("TBAP") Environmental Impact Report; 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).

2. Based upon the record before Respondents and the requirements for the preparation of a subsequent or supplemental environmental impact report ("EIR") Respondents failed to proceed in the manner required by law, and thus approval of the Addendum for the amendments to the TBAP constitutes a prejudicial abuse of discretion, in violation of the California Environmental Quality Act ("CEQA"), Public Resources Code §§ 21000 *et seq.*, and the CEQA Guidelines, Title 14, California Code of Regulations § 15000 *et seq.*

3. Substantial changes in circumstances, as well as new information regarding wildfire, increased density, land use, population growth, and cumulative impacts mandate the preparation of a Subsequent/Supplemental EIR prior to approval of the TBAP amendments.

4. Affordable housing in the Tahoe Basin is critically low just as it is nationwide and globally. The Tahoe Basin is a tourist-based economy and workforce housing is vitally important to the Basin's economy. While Petitioners fully support policies that foster true affordable housing to address this shortage and keep workers from having to commute from outside the Basin, the TBAP amendments do not require or guarantee affordable housing or workforce housing, but serve as a Trojan Horse in the name of "Economic Sustainability and Housing" to incentivize developers and those eager to further exploit Tahoe's scenic beauty for profit.

5. The Town Centers in Placer County were set up in the 2016 TBAP EIR with a 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 12. The environment and residents of Placer County will be directly affected by the
2 impacts of the Project. Petitioners' respective members live, work, travel, and enjoy
3 recreational activities in Placer County. These members have a particular interest in the
4 protection of the environment of the Tahoe Basin, and are increasingly concerned about
5 worsening environmental, water, and land use conditions that detrimentally affect their well-
6 being and that of other residents and visitors of the Tahoe Basin. Petitioners members have a
7 direct and substantial beneficial interest in ensuring that Respondents comply with laws relating
8 to the protection of the environment and human health. Petitioners and their members are
9 adversely affected by Respondents' failure to comply with CEQA in approving the Project.

10 13. Respondent COUNTY OF PLACER is a political subdivision of the State of
11 California and a body corporate and politic exercising local government power. The County of
12 Placer is the CEQA "lead agency" for the Project. As lead agency for the Project, the County
13 of Placer is responsible for preparation of an environmental document that describes the Project
14 and its impacts, and, if necessary, evaluates mitigation measures and/or alternatives to lessen or
15 avoid any significant environmental impacts.

16 14. Respondent BOARD OF SUPERVISORS OF THE COUNTY OF PLACER is a
17 legislative body duly authorized under the California Constitution and the laws of the State of
18 California to act on behalf of the County of Placer.

19 15. Petitioners are unaware of the true names and capacities of Respondents identified
20 as Does 1-20. Petitioners are informed and believe, and on that basis, allege, that Respondents
21 Does 1-20, inclusive, are individuals, entities or agencies with material interests affected by the
22 Project with respect to the Project or by the County's actions with respect to the Project. When
23 the true identities and capacities of these Respondents have been determined, Petitioners will,
24 with leave of Court if necessary, amend this Petition to insert such identities and capacities.

25 **BACKGROUND INFORMATION**

26 **A. THE PROJECT LOCATION**

27 16. The TBAP covers the portion of Placer County that is also within the jurisdiction
28 of Tahoe Regional Planning Agency and encompasses an area of 46,612 acres or 72.1 square

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

contrary to law. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

B. LAND USE

45. The amendments to the TBAP add different types of housing where they did not exist before. The change in the land use comes with no minimum parking requirements that will result in traffic and air quality impacts that were not previously address. While level of service is no longer an impact under CEQA, as discussed above, increased traffic congestion during an emergency evacuation creates a significant impact to public safety.

46. The TBAP amendments' significant changes to land use patterns and parking requirements constitutes substantial changes and along with the change circumstances may have significant environmental impacts. These significant impacts were not addressed in the 2016 Final EIR and thus, require the preparation of a supplemental or subsequent EIR. (Pub. Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

C. CUMULATIVE IMPACT ANALYSIS

47. A number of new projects that are slated for development were not included in the 2016 Final EIR's analysis. This new information was not available at the time the County certified the Final EIR and the record indicates that the TBAP Amendments may have significant cumulative impacts that need to be addressed through a subsequent EIR. (Pub. Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

D. SUBSTANTIVE CHANGES IN GROWTH

48. Since Respondents' certification of the 2016 Final EIR and approval of the TBAP, substantive and unforeseeable changes in growth have occurred within the Project area and vicinity. These changes in growth are in part due to COVID and the significant increase in tourism, particularly from the Bay Area. Additionally, the recent and unforeseen growth in Truckee and the significant increase in the populations of Reno and Carson City all have significantly impacted the Tahoe Basin, including Lake Tahoe. These substantial changes to the Project's circumstances were not addressed in the 2016 Final EIR. Additionally, the unexpected growth, due in part to COVID, constitutes new information that affects traffic, air quality, noise, wildfires and evacuation. All of which CEQA requires to be addressed in a

subsequent or supplemental EIR. (Pub. Resources Code, § 21166(c); CEQA Guidelines, § 15162(a).).

51. Based upon each of the foregoing reasons, Respondents' failure to prepare a subsequent or supplemental EIR is contrary to law and constitutes a prejudicial abuse of discretion in violation of CEQA in approving the Project.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for judgment as follows:

That this Court issue a peremptory writ of mandate ordering Respondents to:

a. Vacate and set aside the following approvals:

i. Addendum and the Errata to the Tahoe Basin Area Plan Environmental Impact Report;

ii. Resolution 2023-257 approving amendments to the Tahoe Basin Area Plan policy document;

iii. Ordinance 6230-B amending the Tahoe Basin Area Plan implementing regulations;

iv. Ordinance 6231-B amending Placer County Code, Chapter 12, Article 12.08, Section 12.08.020(A).

b. prepare, circulate and consider a subsequent or supplemental EIR for the Project;

c. suspend all activity that could result in any change or alteration to the physical environment in the Project site until Respondents have taken such actions as may be necessary to bring their determination, findings or decision regarding the Project into compliance with CEQA;

2. For Petitioners' costs associated with this action;

3. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure § 1021.5; and

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

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

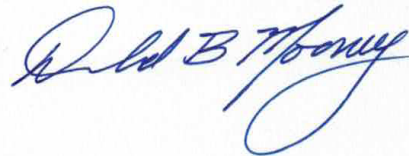
Re: NOTICE OF INTENT TO FILE CEQA PETITION

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;
TahoeCleanAir.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



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 Ordinances 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 –

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



December 12, 2023

EXHIBIT 1

To: TRPA Governing Board

Re: Written Public Comment TRPA Governing Board Meeting December 13, 2023

Dear TRPA Governing Board Members,

Please make this written comment part of the record and minutes in connection with:

Agenda Item: VI. PUBLIC HEARINGS A. Phase 2 Housing Amendments, including proposed Action Page 281 amendments to Code of Ordinances Chapter 1, Introduction; Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and amendments to the Regional Plan, Goals and Policies, Land Use and Housing Sections

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

IEC = TRPA Initial Environmental Checklist

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 amendments.

PROPOSAL(S) = TRPA Regional Plan proposed Phase 2 Housing Amendments discussed in Agenda VI.A. as described above.

Note: All Exhibits and Attachments within Emails 1, 2, and 3 electronically transmitted to the TRPA today, 12-12-23 are hereby incorporated into this public comment.

In connection with the proposals, the TRPA must provide both a new or supplemental comprehensive cumulative impact EIS/EIR to the 2012 Regional plan **and** a cumulative CEQA EIS/EIR:

1. TRPA's proposals are based on a lack of substantial evidence to justify its stated purpose, environmental findings, are speculative, highly controversial, arbitrary, capricious, agenda driven and their stated outcomes highly uncertain. Therefore, adoption of the proposals on the part of the TRPA would represent prejudicial abuse of discretion.
2. In connection with Article VII(a)(2) of the Compact, the proposals represent 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.

The proposals are 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.

Further, by adopting the proposals, which include acceptance of the proposed IES **vs** a cumulatively considered EIS/EIR will be in violation of ARTICLE VII. – ENVIRONMENTAL IMPACT STATEMENTS, will be arbitrary and capricious and represent a prejudicial abuse of discretion. This, since as described herein, the TRPA has failed to provide substantial environmental or other evidence to support the proposed finding of "no significant effect".

(NEXT)

3. Further, the proposals fail to provide substantial evidence that the cumulative impact of the proposals, 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 and adoption based on the non-substantiated claims will constitute prejudicial abuse of discretion. Current evidence runs counter to TRPA stated outcomes.

Offered here as evidence, significantly countering TRPA staff historical claims, that the proposals will encourage or result in the achievement of workforce, moderate, achievable, and “missing middle” housing, the following subject matter expert opinion debunks these claims:

Op-ed by Seth Dallob is the Chief Operating Officer of NexGen Housing Partners (www.nexgenhp.com), a leading company in transit oriented, affordable, and eco-friendly housing in Seattle. He and his wife are full time South Lake Tahoe residents.

<https://www.tahoedailytribune.com/news/phase-2-housing-amendments-are-positive-development-opinion/>

“they do not go far enough in addressing the fundamental issues that hinder the development of affordable housing in the Tahoe Basin. The region needs more comprehensive reforms that not only increase the height and density of buildings but also address the cost barriers associated with land, labor, and financing. Only then can we hope to see a vibrant, affordable housing market in the Tahoe Basin that caters to the needs of all its residents”

4. The proposals violate the bi-state Compact since the Compact does not expressly allow the TRPA regulatory authority to impose “achievable” housing and land use mandates on the State of Nevada nor the State of California sides of the Lake Tahoe Basin without congressional approval and at minimum, state legislature approval. The term “achievable” springs from a locally invented term, and the term in connection to Lake Tahoe basin housing code and land use amendments is not recognized by the states of California or Nevada nor by the Federal Government.
5. TRPA’s adoption of the Regional Plan proposals represents a CEQA project. This, per the recent California Supreme Court case ***Union of Medical Marijuana Patients, Inc. v. City of San Diego***.

TRPA’s own IEC under the heading “**Determination**” States that “*On the Basis of this evaluation b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules and Procedures*”.

Not only has the TRPA IEC failed to take a hard look at the proposed actions to provide substantial evidence to adequately identify or justify the “mitigating measures” or to consider the project’s total cumulative effects resulting from its actions on the Lake Tahoe regional environment, the TRPA continues to ignore overwhelming substantial evidence discussed herein and as provided by the public opposing the proposals.

As a result of significant public comments received to date, and per the information discussed herein, **as the Lead Agency** for the proposals, TRPA must find that the proposals “*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. The mere creation of a TRPA IEC is not comprehensive nor adequate in this regard and does not fully comply with CEQA nor the TRPA own Code of Ordinances and Rules of Procedure.

“Significant effect on the environment” under CEQA means a substantial, **or potentially** substantial, adverse change in the environment.

Based on an overwhelming substantive and subject matter expert community member comments opposing the proposal and calling for an EIS/EIR, any reasonable person would conclude that the TRPA proposals are at **(NEXT)**

minimum, potentially substantial and therefore significant. Again adoption of the proposals without comprehensive data drive substantial evidence would be arbitrary, capricious and represent prejudicial abuse of discretion.

6. Since the adoption of the 2012 Regional Plan, TRPA has not acted expeditiously and in good faith to comprehensively update its 2012 Regional Plan EIS/EIR. In the case of the proposals, and since the adoption of the 2012 Regional Plan (11 years ago), the TRPA has **failed** to adequately monitor consider, measure, analyze or discuss comprehensive cumulative environmental effects as a result of its Area Plan approvals, code changes and approved projects on the Lake Tahoe Basin.

In its IEC, the TRPA **fails** to comprehensively discuss past, present and future potential, and cumulative environmental effects from the proposal. Instead, TRPA simply justifies its proposals as “tiering”.

Tiering on its own merit does not provide any significant cumulative impact discussions whatsoever, nor does it provide substantial evidence to adequately make cumulative environmental effect conclusions in connection with past, present and future environmental effects of the project. **Tiering and the use of a simple desktop IEC result in a powerful glidepath tool, that allows the circumventing of completion of a comprehensive EIS/EIR.**

As an example TRPA, NDOT and the Nevada State Parks have failed to adequately monitor the significant visitor and cumulative environmental impact on the Lake Tahoe Basin, from the now international destination East Shore Trail placed in service in June of 2019. It is unconscionable that daily visitor counts are not being undertaken on this significant impact project. This, resulting from significant cumulative impacts from humans, vehicles, dog and human excrement, trash, algae and bacteria directly and adversely effecting and impacting Nevada’s pristine East Shore.

Additionally, the TRPA fails to discuss the fact that lake clarity is at 61 feet, not 100, even after 11 years of TRPA's 2012 mandates being in force. To continue to "tier off" the 2012 Regional Plan and use the original number of development units is NOT reasonable. If TRPA were meeting all of its 10+ thresholds in 2023, then it makes sense to continue using the system that was put in place in 2012. But it is not. The most important threshold is lake clarity, and at 61 feet, that threshold is not being met.

Further, the current proposal and the IEC fail to discuss significant new information and changed circumstances since the adoption of the 2012 Regional Plan and must therefore provide both a new or supplemental cumulative impact EIS/EIR to the 2012 Regional plan and a comprehensive cumulative CEQA EIS/EIR. As just a few examples: Many of which are discussed in Nevada Current12- 11- 23 news article here:

<https://www.nevadacurrent.com/2023/12/11/whats-changed-in-tahoe-since-2012-far-more-than-tpa-admits/>

- *The California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*
- *Updates to California Government Code Section 65302.15 (a) and (b)*
- The now internationally known destination East Shore trail project
- Significant effect North Shore development projects
- Washoe County Area Plan modifications allowing multifamily condominium projects on 40 + parcels up and down Tahoe Blvd in Incline Village
- The new Lake Tahoe Events Center
- Significant impact from the proliferation of Short Term Rental approvals
- Lake Tahoe has been [warming at a record rate](#) of 0.3 degrees Fahrenheit a decade since 2012. Toxic [algae blooms](#) populate the shoreline.
- Climate headlines from the Tahoe Environmental Research Center in [November 2012](#) noted that rising temperatures foreshadow forests more susceptible to diseases and fires.
- In other sciences news, December 2012: [Scientists say Lake Tahoe area overdue for another earthquake.](#)
- In 2017, a [Tahoe Transportation District report](#) noted that in 2014 alone 24.4 million visitors entered the Tahoe Basin, equating to 9.4 million vehicles. **(NEXT)**

- The [Caldor fire](#) in 2021 burned nearly [222,000 acres](#), roughly the size of San Diego. Tahoe's wildland urban interface (WUI) double hazard zone risk is now [well documented](#). Confusion and horrors from Lahaina, Caldor and Paradise wildfire evacuations remain fresh.
 - Pandemic visitation to Tahoe led to all-time highs in hotel and vacation [rental room revenue](#). Accompanying traffic [congestion](#) is awful summer and winter with [epic gridlock](#).
 - Population growth surrounding the Tahoe basin continues to soar. To the west of us, Folsom, CA, plans to [add 11,000 homes](#) to accommodate some 30,000 people. Marketing materials extol easy proximity to Tahoe.
 - In July 2023, a research team found Lake Tahoe's [lead levels](#) along with other [toxic materials](#) surpassed the EPA-approved limit by more than 2,500 times.
 - Also in 2023, [the scientific journal Nature](#) revealed Lake Tahoe has higher concentrations of [microplastics](#) than some of the garbage patches swirling in the world's oceans.
 - Invasive New Zealand [mud snails](#), anyone? They [made news](#) in August 2023.
 - There are currently a dozen large-scale projects under way in the basin, but there has not been a cumulative analysis of their impact on the limited infrastructure.
7. TRPA proposals represent significant revisions to its regulatory housing element and directly affect the regulatory housing element of Area Plans, which TRPA claims will be "superseded" by the proposed amendments. 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 proposals, 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.

8. Since TRPA has stated that "adoption of the proposal would **supersede** the height, density, and parking requirements in Area Plans for deed-restricted residential development, TRPA appears to be fulfilling the role of a "lead agency" assuming regulatory primacy as the principal agency responsible for carrying out **or** eventually approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)
9. The TRPA IEC has failed to provide substantial evidence to make the following statements located in Section 10.6, TRPA Question 10.b, 14.a and 23.d.

Therefore, based on the information provided herein, and attachments, the following statements are speculative, highly controversial, arbitrary, capricious, agenda driven and their stated outcomes highly uncertain and they would require a "crystal ball" to be able to arrive at their conclusions. The adoption of the environmental checklist findings, including items 10.6, TRPA Question 10.b, 14.a, and 23.d (as reflected below), therefore would represent prejudicial abuse of discretion on the part of the TRPA.

10.6 - By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments may benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways. (NEXT)

Fire spread and structure loss is more likely to occur in low- to intermediate-density developments. This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough (as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation. As such, centers and other urban areas adjacent to town centers are typically less fire prone than less developed areas of the Lake Tahoe Region.

The proposed amendments are focused on town centers and areas immediately adjacent to town centers, where wildfire danger is inherently less because these areas are further from the wildland-urban interface, and there is more defensible space and pavement. New housing developments that may be facilitated by the amendments are still subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help prevent structure loss during a wildfire.

By concentrating higher density developments of remaining residential growth in centers and along evacuation routes such as major highways, rather than in lower density residential neighborhoods closer to the wildland-urban interface, or on residential neighborhood roads which may have limited exit routes, the proposed amendments may benefit evacuation planning. As documented in *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (Syphard, 2019), project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments. This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough (as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation. As such, centers and other urban areas adjacent to town centers are typically less fire prone than less developed areas of the Lake Tahoe Region.

14.a - However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact.

23.d - d. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly? TRPA states NO

As an example, 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.

Nor has the TRPA presented substantial empirical data evidence to make such claims, including statistical data from the California, Nevada and National Fire Incident Reporting System.

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.

10. TRPA’s proposals disproportionately and adversely impact 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. (NEXT)**

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 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 the 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 cumulative TRPA and CEQA EIS/EIR rather than an Initial Environmental Checklist 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. **(NEXT)**

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 a an example 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. **See also email 4 of 4 of this written comment -i.e. December 12, 2023 -written comment to the TRPA Governing Board, from Doug McClure, which are adopted as part of this written comment.**

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 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.

11. The proposal is a threat to both visitor and resident life safety inside and outside concentrated town centers and mixed-use areas.

Adoption of the proposal, 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. **(NEXT)**

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 proposed amendments are 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](#)

12. Per the TRPA Code of Ordinances, Rules of Procedure, and the California Environmental Quality Act (CEQA), a new EIS/EIR or a supplemental EIS/EIR to the 2012 Regional Plan and CEQA must be prepared, circulated, and certified. This since the proposed amendments to 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.

13. TRPA has failed to discuss alternatives to the proposals.

(NEXT)

14. 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 proposed amendments represent 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 proposed amendments 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 proposed amendments are 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 currently proposed amendments, 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. **(NEXT)**

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 proposed amendments are 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. **(NEXT)**

- 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.
- g) 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.
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.

15. 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 proposed amendments 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.

16. The proposed amendments run 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.

17. 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:
- (Next)**

- 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.
18. 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.

19. 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 amendments, 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.

20. 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.
21. 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 proposed amendments run 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.

(NEXT)

Conclusion:

on the information provided herein, TRPA's adoption of its proposals, without requiring/providing a new or supplemental EIR/EIS and a CEQA EIS/EIR, and adoption of the proposals would be a violation of the B-State Compact and is arbitrary and 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



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 policies 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: Jacob Stock <jstock@trpa.gov>
Sent: 1/17/2024 1:51:05 PM
To: paulson.davidn@gmail.com <paulson.davidn@gmail.com>; Stacy Wydra <SWydra@placer.ca.gov>
Cc: Public Comment <PublicComment@trpa.gov>;
Subject: RE: Employee Housing Options for the West/North Shore

Good afternoon David,

Thank you for your comments and my apologies for the delayed response. I'm just returning from parental leave today and getting back into the swing of things.

The proposed TBAP amendments include the following elements which could help support workforce housing:

- Policies encouraging adaptive reuse of vacant or underutilized space including flexible parking and expedited permitting
- 50% deed restriction of new condominiums
- Multifamily and employee housing allowed without County use permit in all preferred affordable housing areas and mixed-use districts if deed-restricted
- Allow tiny homes as primary or accessory dwellings and employee housing

Additionally, on Dec. 13 the TRPA Governing Board passed new design standards aimed at encouraging deed-restricted housing. TRPA is working with the County to implement these new standards so that we can start getting more housing on the ground.

I understand that none of these changes directly result in new units. That said, I know that the county is working directly with developers and employers to identify new housing opportunities (Stacy Wydra from the County is cc'd). Additionally, if you have any ideas of policies or partnerships that could work to help address our employee housing crisis, please share. These amendments are just the start of a long and multipronged effort to confront our region's housing crisis.

Thank you again for your engagement on this important issue.

Jacob

From: Katherine Huston <khuston@trpa.gov>
Sent: Wednesday, January 3, 2024 9:42 AM
To: Jacob Stock <jstock@trpa.gov>
Subject: FW: Employee Housing Options for the West/North Shore

TBAP comment/question

Katherine Huston (*she/her*)
Paralegal
(775) 589-5206 · khuston@trpa.gov

From: David Paulson <paulson.davidn@gmail.com>
Sent: Thursday, December 28, 2023 7:42 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Employee Housing Options for the West/North Shore

Good morning,

I just looked through the various visioning proposals presented through the Placer County website under the Tahoe Basin Area Plan. What I must have missed is the plan for providing more employee housing or low income housing at the North and West Shore areas of the Lake. We struggle every year to find places for our prospective winter and summer employees to house themselves. Even when we are lucky enough to find homes along the West Shore or from Tahoe City to Dollar Hill, they are not truly affordable. They are all no less than \$1,000 per month for shoebox size rooms with roommates they may not know and quite often more than that per month. As a business we have secured employee housing through the purchase and yearly leases of properties, but many businesses are not in a position to do that.

There are also frustrating situations where an out of town business or church purchases properties and then just lets them sit as tax write offs, such as the Norfolk Woods Inn in Tahoma. That property with its many rooms and out cabins would be ideal for employees to call home, either year round or seasonally. Is the County or other agency's in a financial position to purchase properties like the Nortfolks Woods Inn as an almost immediate fix to this situation?

If I completely missed the portions of the TBAP where it addresses this, could you please direct me to that information, I'd like to be better informed on this matter going forward.

Thank you so much for your efforts in all these matters and Happy New Year!

--
Dave Paulson
PO Box 1138
Homewood, CA 96141
[Washoe Ancestral Land](#)