

**From:** Tobi Tyler <tylertahoe1@gmail.com>  
**Sent:** 2/27/2024 3:34:10 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** Boatworks NOP (agenda item unknown as previously on consent calendar)  
**Attachments:** [SC comments Gov Bd on Boatworks 2.28.24.pdf](#)

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Please see attached Sierra Club's Tahoe Area Group comments on the Boatworks Project, which is currently listed under the Consent Calendar, but was agreed to be pulled from the consent calendar.

Thanks

Tobi Tyler



Date: February 27, 2024

Tahoe Regional Planning Agency  
Regional Plan Implementation Committee and TRPA staff  
128 Market St, Stateline, NV 89410  
Submitted via email

**Subject: Boatworks at Tahoe NOP at Governing Board Meeting February 28, 2024**

On behalf of the Tahoe Area Group of the Sierra Club, we have the following comments to share regarding the Notice of Preparation of a draft EIR/EIS for the Boatworks Project in Tahoe City. More extensive comments will be provided by February 29, 2024 to Placer County.

The draft EIR/EIS should include at least one alternative (if not more) that incorporates on-site workforce housing into the Project instead of the proposed “property acquisition, consisting of existing housing or through the applicant’s payment of in-lieu fees.” More in-lieu fees to the County are not going to bring needed affordable housing to the area. The current plan is just more of the same – more approvals of high-end condo/hotel complexes without any true commitment, enforcement, or assurances that the necessary affordable housing to accommodate these developments will occur.

The draft EIR/EIS should also fully analyze (i.e., not “scope-out”) the following resource topics: biological resources, land use, energy, public service, and wildfire. Biological resources should be fully analyzed and mitigated since the proposal to build a 56-foot-high building next to Bliss Creek would most certainly cause shading impacts to the creek. This proposal should be re-evaluated and alternatives proposed that would either offer a greater width of setback and/or reduction in the height of the building. In addition, this is the opportunity to restore previously paved or built-upon land capability zone 1b/stream environment zones (SEZs) or backshore 1b.

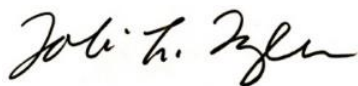
The draft EIR/EIS should also fully analyze and mitigate impacts regarding land use decisions. The proposed project will more than be likely be extremely resource intensive (e.g., groundwater interception and removal costs and costs to maintain two full size pools at 6,200’ of elevation to name a few) and does not appear to have been designed for maximum efficiency. This is contrary to CEQA guidelines with respect to land use decisions. The project also does not meet CEQA guidelines regarding bringing vibrancy, community and social connection to neighborhoods as there is nothing planned here that will help neighborhoods in the Tahoe City area. Instead, the completely private high-end condominium/hotel complex will

bring an influx of new tourists to the region, which may be the intended goal, but does nothing to provide connections to neighborhoods, only transportation frustrations to the community.

The draft EIR/EIS should also fully analyze and mitigate impacts to energy with an analysis of energy conservation consisting of a summary of the energy regulatory framework, the existing conditions at the project site, a discussion of the project's potential impacts on energy resources, and identification of project design features and/or mitigation measures that may reduce energy consumption. As stated under land use above, this project appears to be extremely energy intensive and, as a redevelopment project, should be re-designed to reduce energy intensive uses in this era of climate change.

Wildfire must not be "scoped-out" considering the area is a very high Fire Hazard Severity Zone, the very real possibility of an evacuation of large numbers of locals and tourists on 2-lane roads, and the resulting traffic congestion nightmare that will ensue. This Project will ultimately result in the increased numbers of visitors to the area becoming a public safety issue if there is a need for an emergency evacuation. Lastly, public service must also not be "scoped-out" since the need to add police or fire services to keep within a response time or meet a specified ratio must be fully analyzed and mitigated, especially in terms of cumulative impacts with other future Placer County projects.

Thank you for considering these comments.

A handwritten signature in black ink, appearing to read "Tobi Tyler". The signature is fluid and cursive, with the first name "Tobi" and last name "Tyler" clearly distinguishable.

Tobi Tyler, Sierra Club's Tahoe Area Group

**From:** kristina hill <tahoehills@att.net>  
**Sent:** 2/26/2024 8:18:43 AM  
**To:** preserve@ntpac.org <preserve@ntpac.org>  
**Cc:** Public Comment <PublicComment@trpa.gov>; Judy and Jerry Winters <jmtornese@aol.com>; Doug Flaherty <tahoebblue365@gmail.com>; David McClure <mcccluretahoe@yahoo.com>; Tobi Tyler <tylertahoe1@gmail.com>; carolyn willette <carolyntahoe@sbcglobal.net>; leah kaufman <leah.lkplanning@sbcglobal.net>; Niobe Burden <niobe.burden@gmail.com>; Susan Daniels <sue@laketahoesue.com>; Ellie <tahoellie@yahoo.com>; Gavin Feiger <gavin@keeptahoebblue.org>; DarcieGoodman-Collins <Darcie@keeptahoebblue.org>; Pamela Tsigdinos <ptsigdinos@yahoo.com>;  
**Subject:** Re: BOATWORKS NOP Concerns

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AND No workforce housing!  
Shameful.

Sent from my iPhone

On Feb 26, 2024, at 6:48 AM, preserve@ntpac.org wrote:

#### **Boatworks NOP Comments**

**NOP must also analyze land use and fire/evacuation.**

##### **Public Benefit:**

1. Less encroachment on Bliss Creek is insufficient.
2. Potential future parking spaces is insufficient.
3. Two pools are proposed-one should be open to the public

##### **Short Term Rentals:**

Will short term rentals be allowed on property? A condo-tel is a short term rental use since only 25% of the time the units are not available for rent and 75% of the time they are. Analyze impacts of more STRs on affordable housing.

##### **Massing:**

What is the sf buildout of the total proposal?  
What is the sf buildout of the hotel?  
What is the sf buildout of the condo-tel?  
Analyze the existing with the proposed amount of massing.

##### **Project Population:**

What is the population of the project?  
How many employees?  
How many living units would be required for the workforce? How much in -lieu fees?

##### **Circulation:**

Where is the designated delivery area for trucks etc? Snow Storage? A shading study must be done.  
One entrance to the site seems shortsighted. Are right turn or left turn only lanes proposed on SR28 and project site? A pedestrian crossing light?

##### **Phasing:**

What is the phasing of the project? What is the estimated time to complete the project? Will it require a cement batch plant onsite?

##### **Excavation:**

How deep is the deepest area of the excavation?  
How man cubic yards of material will be disturbed and/or removed? Where will the material be taken? How many truck trips are required?

##### **Homewood Mitigation:**

Is the project considering the completion of the Homewood project fire settlement mitigations (west shore fire station etc).

##### **Scoping:**

Scoping must include land use, fire evacuation and microplastics.

**Cumulative Analysis:** Cumulative impacts of proposed projects in the pipeline must be analyzed. (WALT, CalNeva, Tahoe Inn, 39n,Laulima,Tahoe City Lodge, Homewood, Palisades) Tiering off the 2016 EIR is insufficient.

##### **Ground water intercept:**

This must be analyzed since this property is lakefront and the lake intersects with the shore.

##### **No Net VMT:**

How does the project conform with no new net VMT rules? Providing changing rooms and bike racks is insufficient mitigation.

Thank you,

Ann Nichols

<image001.png>

**North Tahoe Preservation Alliance**

P.O. Box 4

Crystal Bay, Nv. 89402

preserve@ntpac.org

775-831-0625

www.ntpac.org

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

**Preserve Lake Tahoe (Video):** <https://youtu.be/WKzPL-EwEUw>

**TikTok Video:** [https://www.tiktok.com/@northtahoe preservation?\\_t=8XCElbNFbSt&\\_r=1](https://www.tiktok.com/@northtahoe preservation?_t=8XCElbNFbSt&_r=1)

**Instagram Video:** <https://www.instagram.com/northtahoe preservation/>

**From:** preserve@ntpac.org <preserve@ntpac.org>  
**Sent:** 2/26/2024 6:47:53 AM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Cc:** 'Judy and Jerry Winters' <jmtornese@aol.com>; 'Doug Flaherty' <tahoebblue365@gmail.com>; 'David McClure' <mccluretahoe@yahoo.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'carolyn willette' <carolynthoe@sbcglobal.net>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; 'Niobe Burden' <niobe.burden@gmail.com>; 'Susan Daniels' <sue@laketahoese.com>; 'Ellie' <tahoellie@yahoo.com>; Kristina Hill <tahoehills@att.net>; Gavin Feiger <gavin@keeptahoebblue.org>; Darcie Goodman-Collins <Darcie@keeptahoebblue.org>; 'Pamela Tsigdinos' <ptsigdinos@yahoo.com>;  
**Subject:** BOATWORKS NOP Concerns  
**Attachments:** [image001.png](#)

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## Boatworks NOP Comments

### NOP must also analyze land use and fire/evacuation.

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Thank you,

Ann Nichols



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**Preserve Lake Tahoe (Video):** <https://youtu.be/WKzPL-EwEUw>

**TikTok Video:** [https://www.tiktok.com/@northtahoe preservation?\\_t=8XCElbNFbSt&\\_r=1](https://www.tiktok.com/@northtahoe preservation?_t=8XCElbNFbSt&_r=1)

**Instagram Video:** <https://www.instagram.com/northtahoe preservation/>





**From:** Ellie <tahoellie@yahoo.com>  
**Sent:** 2/25/2024 9:58:24 AM  
**To:** John Hester <jhester@trpa.gov>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>  
**Cc:** Brandy McMahon <bmcMahon@trpa.gov>; Ann Nichols Tahoe Community <ann@annnichols.com>; Doug Flaherty <tahoeblue365@gmail.com>; Kristina Hill <tahoehills@att.net>; Darcie Goodman-Collins <Darcie@keeptahoeblue.org>; Gavin Feiger <gavin@keeptahoeblue.org>;  
**Subject:** Requesting removal of Consent Item # 4 for public comment: NOP Boatworks Redevelopment Project

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TRPA CONSENT CALENDAR. Item #4

<https://www.trpa.gov/wp-content/uploads/February-28-Governing-Board-Agenda.pdf>

Notice of Preparation for Joint Environmental Impact Report/ Action/Approval Page 67 Environmental Impact Statement for Proposed Boatworks Redevelopment Project; 740, 760, and 790 North Lake Boulevard, Tahoe City, Placer County, California; APNs 094-090-001, -033, -036, -042, and 065; TRPA File # ERSP2022-0953

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Kindly remove this item from consent for discussion allowing public comment to be registered in the record.

Much like at the February 14, 2024 Advisory Planning Commission, this will allow the Governing Board members to hear public concerns that might provide an insight to issues they did not consider.

~Ellie Waller

**From:** Ellie <tahoellie@yahoo.com>  
**Sent:** 2/25/2024 3:18:27 PM  
**To:** Public Comment <PublicComment@trpa.gov>; CDRA PLACER <cdraecs@placer.ca.gov>  
**Cc:** Ann Nichols Tahoe Community <ann@annnichols.com>; Doug Flaherty <tahoebblue365@gmail.com>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Kristina Hill <tahoehills@att.net>; Sue and Dan Daniels <susan.daniels@cbnorcal.com>; Tobi Tyler <tylertahoe1@gmail.com>; Gavin Feiger <gavin@keptahoeblue.org>; Megan Chillimi <megan@chillemi.com>; North Tahoe Fire Protection District <holland@ntfire.net>;  
**Subject:** Public Comment TRPA 2-28-2024 Governing Board Consent Agenda Item # 4 Boatworks NOP Add'l Detailed comments  
**Attachments:** [GB 2-28-2024 Boatworks consent Item 4 and Placer CDRA submittal.pdf](#)

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Please accept and distribute this Public Comment to Governing Board members and appropriate staff for the Tahoe Regional Planning Agency 2-28-2024 Governing Board Consent Agenda Item # 4 Boatworks NOP.

Attached PDF contains detailed comments additional to the request to remove from consent. Thank You, Ellie Waller

This also serves as submittal to Placer County CDRA office before the 2-29 2024 deadline.

### **Boatworks consent item**

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Kindly remove this item from consent for discussion allowing public comment. Much like at the Advisory Planning Commission, this will allow the Governing Board members to hear public concerns that might provide an insight to issues they didn't consider.

4. Notice of Preparation for Joint Environmental Impact Report/ Action/Approval Page 67  
Environmental Impact Statement for Proposed Boatworks Redevelopment Project; 740, 760,  
and 790 North Lake Boulevard, Tahoe City, Placer County, California; APNs 094-090-001, -033,  
-036, - 042, and 065; TRPA File # ERSP2022-095

Furthermore, I urge you to please take the time to listen to Tahoe Regional Planning Agency  
Advisory Planning Commission 2-14-2024 comments on Boatworks.

<https://www.trpa.gov/advisory-planning-commission-documents-february-14-2024-hybrid-meeting/>

Approximately 48:28 APC member comments and 106.20 public comments

### **My comments below**

Bigger isn't always better. We must take a step back, analyze existing conditions, course correct or we are doomed to repeat the same mistakes over and over. Community Enhancement Program (CEP) comes to mind. Not a single project emerged.

#### **BOATWORKS AT TAHOE**

**PLN21-00244**

<b>Lead:</b>	Heather Beckman
<b>Status:</b>	A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) is being prepared. Once the NOP is finalized, it will be made available to responsible agencies and the public, and a Public Scoping meeting will be scheduled. Contact ECS at CDRAECS@placer.ca.gov to be added to the notification list for this project.
<b>Project Description:</b>	The project proposes 80-85 hotel lodging units, 31 residential condominiums, conference facilities, a lobby, a full-service spa, swimming pools/hot tubs, fitness center, food and beverage outlets, retail space, as well as adequate parking on 3.8-acres.
<b>Applicant:</b>	Wyatt Ogilvy
<b>Supervisor District:</b>	District 5
<b>Community Plan:</b>	Tahoe Basin Area Plan
<b>MAC Area:</b>	North Tahoe Municipal Advisory Council
<b>Owner:</b>	Boatworks At Tahoe Llc

<b>APN</b>	<b>Address</b>	<b>Zoning</b>	<b>Acres</b>
094-090-001-000	790 LAKE BLVD, TAHOE CITY	Mixed-Use (Greater Tahoe City)	0.00
			0.00

1)Is 3.8 acres sufficient for all the proposed uses? Stating the project site is approximately 75 percent covered with existing impermeable pavement and structures does not tell us if the proposed project will fit. I believe the Waldorf Astoria is approximately 12 acres.

The Waldorf project is located on a 12-15-acre site at the former Tahoe Biltmore Hotel and Casino property. Proposes 177 units: 76 hotel rooms, 22 hotel lock-offs, 36 hotel residences, 25 exclusive residences intended for full-time residences. 22,000 square feet of roadways and pavement are being converted to pedestrian walkways with an internal walkway system designed to allow residents and visitors to walk to the resort's Sky Lobby with an upscale restaurant and bar and additional specialty restaurants and curated retail shops.

The resort also features a 10,000 square-foot Spa, a speak-easy cabaret, a state-of-the-art fitness facility with an outdoor terrace connecting to an expansive resort pool and an additional dedicated pool for residents. event lawns an amphitheater within its park-like setting.

<https://revitalizetahoebiltmore.com/trpa-unanimously-approved-the-revised-plan-for-the-building-of-the-waldorf-astoria-lake-tahoe-resort-residences/>

2)Underground parking. Clarity of no ground water incept issues necessary in the EIR/EIS documentation. Concerns were brought up by an TRPA APC member requesting additional information.

3)What is the definition of a discretionary entitlement? On the Boatworks project specifically, who are the approving member(s) of the entitlements? Transparency necessary.

4)What variances to code and regulations are being proposed? Define minor versus major and approval level in the EIR/EIS.

5)How will this project meet no net zero VMT requirements? Proposing the following: The project includes the following trip-reducing features: amenities that support active transportation (e.g., employee changing facilities, employee lockers, and bicycle parking and storage); bicycles for use by lodge guests; on-site electric vehicle charging stations; and private and public transit connectivity/shuttles to recreational and sightseeing opportunities.

Some of the mitigations stated cannot be quantified. How do you determine usage by guests counting towards mitigation of no net VMT as project specific? How will this project know how many guests use public transportation? Providing the connectivity/shuttles cannot be quantified for mitigation of no net zero. Bicycles cannot be used 12 months out of the year so that datapoint in an analysis must be reduced as usage is not guaranteed. Related: Will the EV on site stations be available to the general public?

6)The Parking Plan assumes shared parking. Explain the shared parking formula and criteria. How do you quantify with certainty the hours cited in the LSC report for shared parking? Guesstimates? Off-site additional parking being considered depending on mitigations? Approximately 20 spaces? Location?

7)Will hotel component be conditioned in first phase? It should be. Economic analysis of necessary of "new" hotel touted endlessly. Condos, condo-tel are not a hotel product. Some condo-tel units in the mix but cannot predict how many based on owner-occupied time-use.

8)How many TAU's does this property currently have banked? How many more are required? Has the applicant asked for Placer purchased TAU's if needed? Does Placer have enough currently? How much existing commercial floor area will be converted to TAU? Have the lock-off additional TAUs been calculated into the required number of TAUs for this project? Securing TAUs from Placer ties them up until project is completed.

The TAU's must be deed-restricted no short-term rental capability even if hotel units offset the number. I believe Placer is considering removing (x) number of units for every hotel room built.

How many Residential Units of Use does the project have? How many will the project require from the Placer annual allocation or is there more conversions ?

9) A table of all conversions necessary in the EIR/EIS documentation.

10)The project states 4 stories. What height is projected (56 or more feet)? And is any additional height with appurtenances proposed? What is the current greatest height now? One alternative should be consistent with existing height. This was mentioned by APC member Simon.

11) What are the landscaping requirements for this project? How many trees are being removed? Replaced? In kind size should be considered. Waiting for 5, 10, 20 years for trees to resemble existing conditions is not a mitigation.

12)How much land will be utilized for snow storage requirements?This should be included on site plans in the EIR/EIS documentation?

13)How Much land will Emergency Vehicle turnaround design require? This should be included on site plans in the EIR/EIS documentation.

14)Is there a dedicated delivery drop-off location and dedicated space for that component? How much space will be utilized for dedicated for EV stations, bicycles, other should be included on site plans in the EIR/EIS documentation.

15)Four stories is 56 feet in the TBAP update for Town Center Overlay districts. Is the Boatworks project one of the "targeted" for additional height as mentioned by Supervisor Gustafson and staff Crystal Jacobsen? If so, what is the proposed height? Can this project make the findings? Scenic is just one example.

To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8, and 9 of Section 37.7.. Example: The additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7 Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines. 66.3.7. Additional Visual Magnitude. Provide analysis completed.

16)Explain the Multi-Family conversion to condo units process for clarityin the EIR/EIS documentation.

17)Workforce (affordable) housing requirement: how many units are required? One alternative should include on-site units. The Waldorf Astoria proposing 13 or 14 units. In-lieu fees should not be an option. As we know Placer has an affordable housing crisis, re-zone proposals, incentives of millions of dollars for proposed projects with and without site plans. In-lieu fees don't get projects built. This was mentined by APC member Chandler along with evacuation.

18)Site Specific Evacuation Plan should be included in the EIR/EIS documentation.

19)Provide information of displacement of current employees (thanks APC member Drake for your question.) How is this mitigated? This was mentioned by APC member Moroles-O'Neil

20)Bliss Creek restoration: Placer should work with applicant and propose an EIP project inconjunction instead of waiting for new applicant at adjacent project area to emerge. (thanks APC member Alling for asking why entire Bliss Creek isn't mitigated by project and adjacent neighbors and echoed by member Stahler)

21)Cumulative impacts of known projects in the general vicinity of i.e. Dollar Creek Crossing, Chateau Blanc, Tahoe City Lodge, etc. must be analyzed in the EIR/EIS.

Cumulative impacts of Truckee 2040 General Plan analyzed related to incoming VMT specifically.

22)Does NT Fire have existing equipment to address taller structures than those that already exist? (exception is Peppertree, can NTF equipment reach 70+ feet now?)

23)Will the project require Placer to work with TRPA to relax scenic standards as proposed in the TBAP? Shorezone/Shoreline standards as well as current SQIP scenic highway status and possible degradation must be studied. Stationary Story-poles should be erected for scenic analyses along with balloon study. Require a glare analysis for proposed increase height from 2 stories to? Is this a targeted project request?

24)Provide detailed Best Management Practices requirements/mitigations in any applicable category in the EIR/EIS. Stormwater BMPs brought up by APC member Carr and echoed by APC member Stahler

### **Several questions arise from the 55-page Draft scenic analysis**

Figure 2: Boatworks at Lake Tahoe Site Plan



The proposed project will include approximately 7,000 square feet for retail and food and beverage located within the first floor of the residence building along SR 28. The remaining 69,000 square feet in the residence building provides space for the 29 condo residences, public spaces, back of house and function space within four floors. The hotel building includes approximately 98,000 square feet on four floors for 79 guestrooms and suites, public spaces, food and beverage, recreation, function space and back of house. The resort includes two pools, one dedicated to the hotel and the other for condo residences. The site will be landscaped to create open green spaces, view corridors and a public lake access path. Figure 3 documents how the proposed Boatworks at Lake Tahoe buildings, site access and resort amenities would relate to the existing built environment consisting of buildings, access driveways and parking lots (the outline of proposed buildings is overlaid on top of existing aerial imagery).

As part of the recent Placer County Tahoe Basin Area Plan adoption process, the County and TRPA developed implementing regulations intended to improve scenic quality through implementation of Area Plan redevelopment. One such regulation (2.09 Overlay Districts) would require that four-story buildings located between SR 28 or SR 89 and Lake Tahoe maintain 35 percent of the site as open view corridors to Lake Tahoe. If existing development does not already maintain 35 percent of the site as an open view corridor to the lake, then a redevelopment project would be required to increase the width of open view corridors by at least ten percent. As documented in the Plan set prepared by SB Architects, the proposed project would increase

Page 3

existing view corridors that total 20 feet to approximately 24 feet along the proposed site access driveway.

The Area Plan EIR/EIS identified potentially significant scenic impacts related to redevelopment projects that may be located on non-contiguous project areas (e.g., potential for land coverage and density to be consolidated onto one or more parcels within a non-contiguous project area, thereby resulting in larger buildings and denser developments). As a result, the Area Plan adoption included scenic mitigation measures (Measure 9-1) to limit visible mass near Lake Tahoe within non-contiguous project areas. The proposed project does not include a non-contiguous project area or propose land coverage or density transfers.

This project may include an additional off-site (?) Parking area of 20 (?) spaces as mentioned by applicants' team (?) making it non-contiguous. Furthermore, significant scenic impact will occur with larger, denser, etc. buildings proposed regardless of being not being non-contiguous compared to site today.

Potential effects or benefits described do not take into consideration the increased height, additional lightening, dark skies, etc. changes. The EIR/EIS must require additional scrutiny comparing the changes of the existing conditions.

#### **TRPA SCENIC RESOURCE UNITS**

The project site, located within the Tahoe City Town Center is most visible from the Scenic Resource Inventory Units listed below. The project area may also be visible from other nearby scenic units, but the potential effects or benefits described in the evaluation below would be less noticeable from these other more distant units.

##### ***Scenic Recreational Resource Units***

- Resource Unit 13 (Lake Forest Beach)
- Resource Unit 14 (Lake Forest Campground and Boat Ramp)
- Resource Unit 15 (Tahoe State Recreation Area)
- Resource Unit 16 (Tahoe City Commons Beach)

##### ***Scenic Roadway Units***

- Roadway Unit 15 (Tahoe City)

##### ***Scenic Shoreline Units***

- Shoreline Unit 15 (Tahoe City)
- Shoreline Scenic Resource 15.4

The following evaluation includes a summary of the baseline Scenic Resource Inventory and recent monitoring for each unit and analysis of how the proposed site redevelopment may adversely affect or benefit scenic quality ratings.



Figure 5: Roadway Unit 15 (Tahoe City)

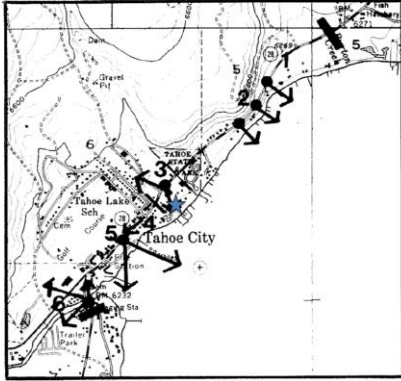
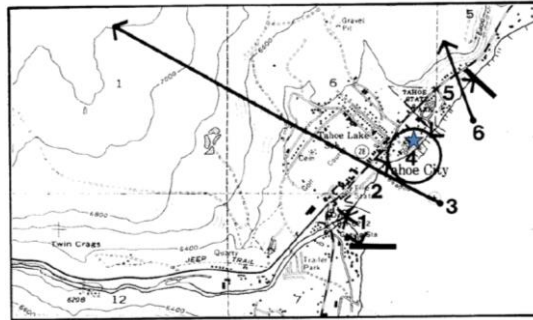


Figure 6: Shoreline Unit 15 (Tahoe City)



As documented in Table 1, redevelopment of the project area would not adversely affect scenic quality ratings or worsen the existing visual prominence of structures located within Unit 15. Conversely, while not leading to improved scores because of the small size of the redevelopment area compared to the size of the overall Tahoe City urban core area, the proposed redevelopment of the existing tourist accommodation and commercial uses along SR 28 would improve scenic conditions for man-made features, roadway distractions and structure, landscaping and variety (see viewpoints 1 through 4 in Attachment A). From viewpoints located 300 feet from the Project site, the proposed one story retail and four story residence building would blend well into the existing tree canopy and existing commercial buildings. The proposed pedestrian oriented retail spaces fronting the roadway would clean up some of the SQIP referenced clutter associated with signage, parking lots, and pedestrian barriers/retaining walls.

Describing this project as related to small size compared to the overall Tahoe City core is preposterous. How many trees will be removed to accommodate the immensity of this proposed project? Blending with existing tree canopy is a standard? Clutter eliminated: massing, and height increase alone create a similar detractor as the replacement of clutter.

Table 1: Scenic Roadway Threshold Travel Route Ratings, Unit 15 (Tahoe City)

Criteria	Monitoring year						Project
	1982-96	2001	2006	2011	2015	2019	
Man-made Features	2	3	3	3	3	3	3
Roadway Distractions	1	2	2	2	2	2	2
Road Structure	2	2	2	2	2	2	2
Lake Views	3	3.5	3.5	3.5	3.5	3.5	3.5
Landscape Views	3	3	3	3	3	3	3
Variety	2	3	3	3	3	3	3
Threshold Composite	13	16.5	16.5	16.5	16.5	16.5	16.5
Status	N	A	A	A	A	A	A

Source: TRPA 2019 and HBA 2023

The project addresses the recommendations included in the SQIP by improving the variety of building setbacks, removing parking lots from areas fronting SR 28, adding landscaping to pedestrian areas, using greater articulation in structures/rooflines, and reducing signage clutter. Building materials and colors associated with the proposed one story roadside commercial retail uses would be consistent with characteristics of the setting and Area Plan guidelines, replacing existing monolithic square shapes with articulated structures with better proportions, variety, and building materials/colors. As documented in the visual simulations, the addition of streetscape landscaping would improve both landscape views and visual variety along the roadway corridor.

As stated no change to scenic rating but massing, and height alone increase create a similar detractor. Greater articulation on taller buildings does not eliminate massing changes.



## Scenic Shoreline Unit 15 (Tahoe City) and Scenic Resource 15.4

The shoreline unit rating is based on the values of the backdrop landscape or skyline or ridges and peaks, the character of the shoreline foreground, and natural and man-made feature of interests on or near the shore as viewed from Lake Tahoe (TRPA 1982, 1983). Background views in Shoreline Unit 15 consist of large and dense pine trees, forested ridgelines and some clearing for residential development on the skyline. Shoreline views consist of numerous piers, boats, commercial buildings, scattered residential and condo buildings, sandy and rocky beaches and partially screened commercial uses that front SR 28 in the Tahoe City core. Visual features of note (resource 15.4) include boats in the commercial/marina that provide interesting color contrasts, large pole marina buildings and commercial buildings with timber facades and prominent windows.

Scenic quality travel route ratings are provided in Table 2. Figure 6 provides a map of Shoreline Unit 15 (Tahoe City). The project site consists of approximately five percent of the shoreline unit and is located near the middle of the unit behind the Tahoe City marina bulkhead/piers and boat slips.

Describing this project as related to small size compared to the overall Tahoe City core and only being 5% of the shoreline unit is preposterous. Massing, height, increased lighting, etc. create a similar detractor.

*Table 2: Scenic Shoreline Threshold Travel Route Ratings, Unit 15 (Tahoe City)*

Criteria	Monitoring year						Project
	1982	1991-2001	2006	2011	2015	2019	
Man-made Features	1	1	1.5	1.5	1.5	1.5	1.5
Background (Landscape) Views	2	2	2	2	2	2	2
Variety	2	2	2	2	2	2	2
Threshold Composite	5	5	5.5	5.5	5.5	5.5	5.5
Status	N	N	N	N	N	N	N

Source: TRPA 2019 and HBA 2023

TRPA monitoring has determined that Shoreline Unit 15 is in nonattainment with a threshold composite score of 5.5 out of a possible 15 (TRPA 2019). A composite score of 7.5 is required for the shoreline unit to be in attainment. Scenic resource 15.4 is in attainment with a score of 7.0 (2015) because the score has not decreased from when it was first assigned in 1982. Ratings for man-made features of Shoreline Unit 15 have been poor since scoring was first conducted in 1982, primarily as a result of the numerous commercial (and other land uses) structures located too close to the water's edge, with extensive glass, light colored and reflective building materials, and little screening. Viewpoints 5 and 6 (Attachment A) show the project area as viewed from approximately 300 feet from the Lake Tahoe shoreline (Viewpoint 6) and ¼ mile (Viewpoint 5). In Viewpoint 5, the existing Boatworks commercial building and marina buildings are highly visible beyond the Marina bulkheads with minimal vegetation screening, very few material textures and light to medium color values. In Viewpoint 6 (300 feet from the shoreline), the Boatworks building is partially screened by the Tahoe City Marina bulkhead as photographed during a low water year, but the upper level of the building and rooftop mechanical equipment detract greatly from the forested ridgelines beyond.

As mentioned above, the existing Boatworks building and project area comprises a small portion of the total shoreline travel route, but is a key man-made feature in the foreground views within the center of the unit because of the stark building contrast with the darker vegetation located behind the building. The Boathouse, along with the Tahoe City Marina and other commercial structures to the south and Lighthouse Center structures to the north, form a large expanse of man-made features that detract from the background forested landscape.

Scoring analogy stating 7.0 score replaces 5.5 because it hasn't decreased since 1982 qualifies for attainment is confusing when 7.5 composite score is required. And the monitoring year chart states 5.5. This scoring information needs more clarity and criteria in the EIR/EIS documentation. Taller buildings will be more visible and still remain key man-made features.



Design Workshop simulations do not take into account tree removal that is in all probably necessary. And I've never seen full screened trees planted as depicted.

Removal of several large existing trees is noticeable being replaced by taller proposed buildings and massing.




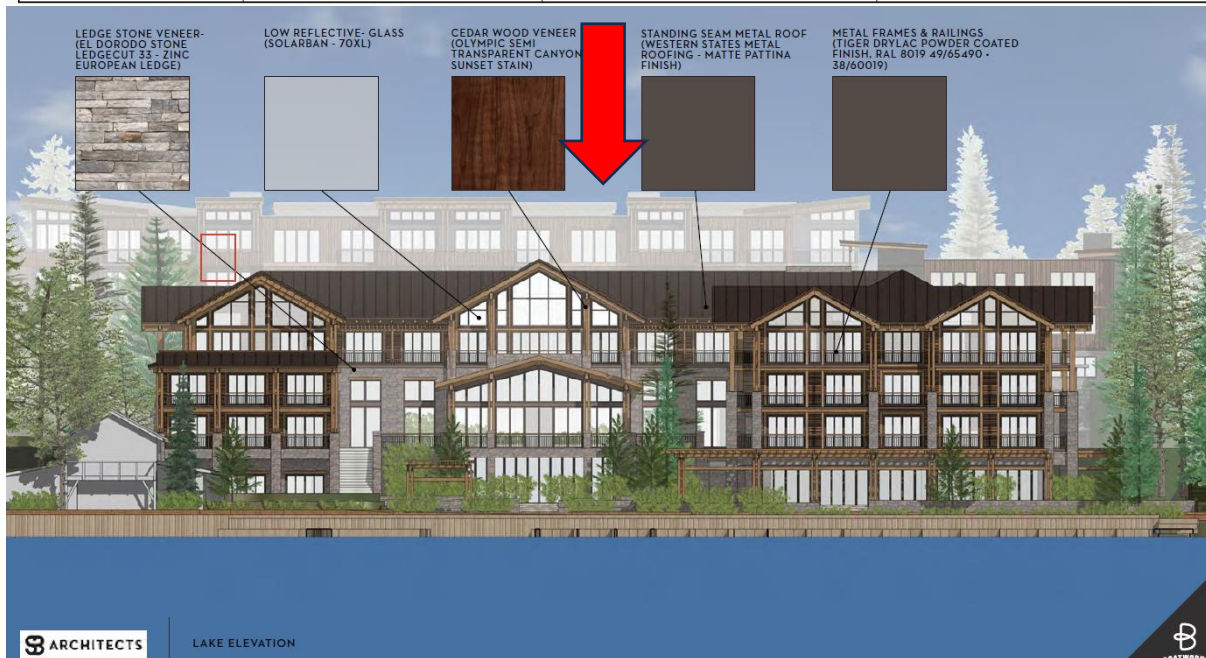


Design Workshop simulations do not take into account tree removal that is in all probably necessary. Trees in backdrop in simulation removed several large trees showing taller buildings.





	<b>3/16/2021, 3:00:10 PM</b> DJI Pro 4 1/400s at f/5.6 24 mm	<b>Location:</b> 300' offshore <b>GPS location:</b> lat: 39° 10.290'N lon: 120° 8.183'W	<b>Water Level:</b> 6225.53' <b>Notes:</b> Elevation view.
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Many, many more windows and lighting issues, etc. need to be analyzed to properly assess scoring. Adding stone and varying colors does not compare to the additional height and windows, etc. being added.

The following report is a somewhat thorough analysis but does beg a few questions.

**Partner Engineering and Science, Inc Phase 1 Environmental Site Assessment Report May 2019**

One of the TRPA Advisory Planning Commissioners asked about this site assessment report. It should be included in the EIR/EIS as reference materials and any conclusions drawn from the assessment in support of mitigation requirements that may arise.

Excerpts from the



### 1.5 Limiting Conditions

The findings and conclusions contain all of the limitations inherent in these methodologies that are referred to in ASTM E1527-13.

Specific limitations and exceptions to this ESA are more specifically set forth below:

- Interviews with past owners, operators and occupants were not reasonably ascertainable and thus constitute a data gap. Based on information obtained from other historical sources (as discussed in Section 3.0), this data gap is not expected to alter the findings of this assessment.
- Partner requested information relative to deed restrictions and environmental liens, a title search, and completion of a pre-survey questionnaire from the Report User. This information was not provided at the time of the assessment.
- Partner was unable to determine the property use at 5-year intervals, which constitutes a data gap. Except for property tax files and recorded land title records, which were not considered to be sufficiently useful, Partner reviewed all standard historical sources and conducted appropriate interviews.

The Client has requested the report despite the above-listed limitations.



Tahoe Regional Planning Agency 2-28-2024 Governing Board Meeting and Placer CDRA submittal.  
Consent Item #4 Placer Boatworks Notice of Preparation Ellie Waller public comment for the Record

During the final groundwater monitoring event conducted in April 2016, MW-10 (located in the north central portion of the subject property) contained 360 parts per billion (ppb) Total Petroleum Hydrocarbons-Gasoline (TPH-g); MW-20A (located in the western portion of the subject property) contained 2,300 ppb TPH-g, 310 ppb TPH as diesel (TPH-d) and an estimated concentration of 4 ppb ethylbenzene which was below the quantitation limit; and MW-9 (located along the western subject property boundary) contained 240ppb TPH-d. No other contaminants of concern (COCs) were detected in exceedance of laboratory reporting limits during the final groundwater monitoring event. The responsible party is identified as The Chevron Environmental Management Company, and the State Water Resources Control Board Low-Threat Underground Storage Tank Case Closure Policy was obtained on February 14, 2018. The monitoring wells located at the subject property were abandoned in May 2017. TPH-g and TPH-d do not represent a direct vapor intrusion concern and all concentrations of benzene, toluene, ethylbenzene and xylenes (BTEX) compounds in samples collected from the subject property at the time of regulatory closure were either below the laboratory reporting limits or below the applicable environmental screening levels (ESLs) for vapor intrusion concerns. Based on the confirmed impacts to groundwater beneath the subject property with an identified responsible party, regulatory case closure, and the lack of a vapor intrusion concern for the subject property buildings, the release at the nearby property and associated regulatory cleanup case represent a historical recognized environmental condition.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, warrant further discussion. The following was identified during the course of this assessment:

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Phase I Environmental Site Assessment  
Project No. 19-245905.1  
May 16, 2019  
Page iii

**PARTNER**

- Due to the age of the subject property buildings, there is a potential that asbestos-containing materials (ACMs) are present. Overall, all suspect ACMs were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time. Should these materials be replaced, the identified suspect ACMs would need to be sampled to confirm the presence or absence of asbestos prior to any renovation or demolition activities to prevent potential exposure to workers and building occupants.

### **Conclusions, Opinions and Recommendations**

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of 740, 760, 780, and 790 North Lake Boulevard in Tahoe City, Placer County, California (the "subject property"). Any exceptions to, or deletions from, this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. Based on the conclusions of this assessment, Partner recommends no further investigation of the subject property at this time.

The EIR/EIS should include an updated site verification acceptance letter from State Water Resources Control Board as almost 5 years has passed. Trust but verify.

## 2.2 Current Property Use

The subject property is currently developed with The Tahoe City Inn at 790 North Lake Boulevard for commercial motel use; the second story of a multi-tenant commercial building at 740 North Lake Boulevard occupied by El Dorado Savings Bank and Walton Design & Engineering; and The Boatworks Shopping Mall at 760 and 780 North Lake Boulevard which is occupied by multiple retail and restaurant tenants. Onsite operations consist of lodging guests, routine housekeeping and maintenance of motel spaces, banking services, the retail sale and storage of consumer goods, food preparation and service, and administrative office activities. The subject property consists of the motel, a two-story U-shaped building located on the northern portion of the property with service for 36 rooms; the second floor of a commercial building located on the western portion of the property; and the Boatworks Shopping Mall, a large two-story commercial building located on the southeastern portion of the property. In addition to the current structures, the subject property is improved with an asphalt-paved parking area located throughout the property.

The subject property is designated MU-TC for Mixed Use Town Center development by Tahoe City.

The subject property was not identified in the regulatory database report which is discussed in Section 4.2.

The subject property is identified as two-stories. The existing character and current scenic existing conditions must be taken into consideration when determining appropriate maximum height in feet not just stories.

Ground water intercept analysis discussed at the 2-14-2024 TRPA Advisory Planning Commission( members Carr and Stahler). This must be scrutinized and proposed mitigations stringent to avoid any issues.. Swimming pool intercept analysis as well included in the EIR/EIS documentation.

[https://waterdata.usgs.gov/ca/nwis/dv/?site\\_no=10337000&agency\\_cd=USGS](https://waterdata.usgs.gov/ca/nwis/dv/?site_no=10337000&agency_cd=USGS)

Page Contact Information: [California Water Data Support Team](#)

Page Last Modified: 2024-02-24 14:13:50 EST

as

### USGS 10337000 LAKE TAHOE A TAHOE CITY CA PROVISIONAL DATA SUBJECT TO REVISION


Available data for this site Time-series: Daily data GO

Click to hide station-specific text


ELEVATIONS OF INTEREST AT LAKE TAHOE (U.S. Bureau of Reclamation datum)	
Description	Elevation (ft)
Maximum legal limit	6,229.1
Natural rim of lake	6,223
Gage Datum	6,220

Note: Current lake elevation = 6,220 + Current gage height (see below)

Click to enlarge



Operated in cooperation with:



California Department of Water Resources

► Station Manuscript

This station managed by the Truckee Field Office.

## **2.4 Physical Setting Sources**

### **2.4.1 Topography**

The United States Geological Survey (USGS) *Tahoe City, California* Quadrangle 7.5-minute series topographic map was reviewed for this ESA. According to the contour lines on the topographic map, the subject property is located at approximately 6,261 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping moderately toward the south-southeast. The subject property is depicted on the 2012 map as situated within a developed area in which only structures typically associated with institutional, religious, and large commercial/industrial facilities are portrayed.

A copy of the most recent topographic map is included as Figure 3 of this report.

### **2.4.2 Hydrology**

According to topographic map interpretation, the direction of groundwater flow in the vicinity of the subject property is inferred to be toward the south-southeast. The nearest surface water in the vicinity of the subject property is Lake Tahoe located less than 100 feet to the southeast of the subject property. No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed at the subject property during this assessment.

According to available information, a public water system operated by the Tahoe City Public Utility District serves the subject property vicinity. According to the 2017 Consumer Confidence Report, shallow groundwater beneath the subject property is not utilized for domestic purposes. The sources of public water for Tahoe City are groundwater sourced from deep wells located within the city.

According to a previous subsurface investigation conducted on a nearby property (Tahoe Boat Company at 700 North Lake Boulevard and Case #T0606100336), the depth of groundwater in the vicinity of the subject property is inferred to be approximately less than 2.5 to 15 feet below ground surface (bgs).

### **2.4.4 Flood Zone Information**

Partner performed a review of the Flood Insurance Rate Map, published by the Federal Emergency Management Agency. According to Community Panel Number 06061C0342H, dated November 2, 2018, the subject property appears to be located in Zone X (unshaded), an area located outside of the 100-year and 500-year flood plains.

A new verification of the Flood zone should be included in the EIR/EIS. 2018 was six years ago.

## **3.2 Fire Insurance Maps**

Partner reviewed the collection of Sanborn Fire insurance maps from EDR on May 1, 2019. Sanborn map coverage was not available for the subject property.

A copy of the Certified Sanborn Map Report is included in Appendix B.

Fire Insurance Map for this property was not available. Environmental impacts could be significant if there were a fire related event. Insurability for liability issues needs to be identified in the EIR/EIS.



#### 4.2.5 Orphan Listings

The adjacent Tahoe City Marina at 700 North Lake Boulevard was identified in three orphan listings as a handler of hazardous materials and for dredging activities. The dredging activities do not represent a concern for the subject property and concerns regarding hazardous materials for this site are previously discussed in Section 4.2.3. No other orphan listings of concern were identified.

A copy of the regulatory database report is included in Appendix C of this report.

What dredging activities conclude necessity of environmental analysis? The EIR/EIS must identify and analyze any dredging activities identified as requiring analysis. A condition that any future dredging identified, if approved, must require the appropriate level of environmental analysis.

Nearshore (littoral) disturbance during demolition needs to be analyzed.

Truck trips for the removal of demolished buildings needs to be analyzed. Identify where demolition debris will be trucked to in the EIR/EIS for VMT calculation's adequacy.

The EIR/EIS should include several depictions of the location similarly found in this report for clarity of the project site and location proximity to the shoreline and possible impacts in several elements



These pictures show a better storage area should be required and identified on site plan as dedicated storage facility.



13. View of the office for the property manager at the Boatworks Shopping Mall



14. View of compressor oil located within the Boatworks Shopping Mall

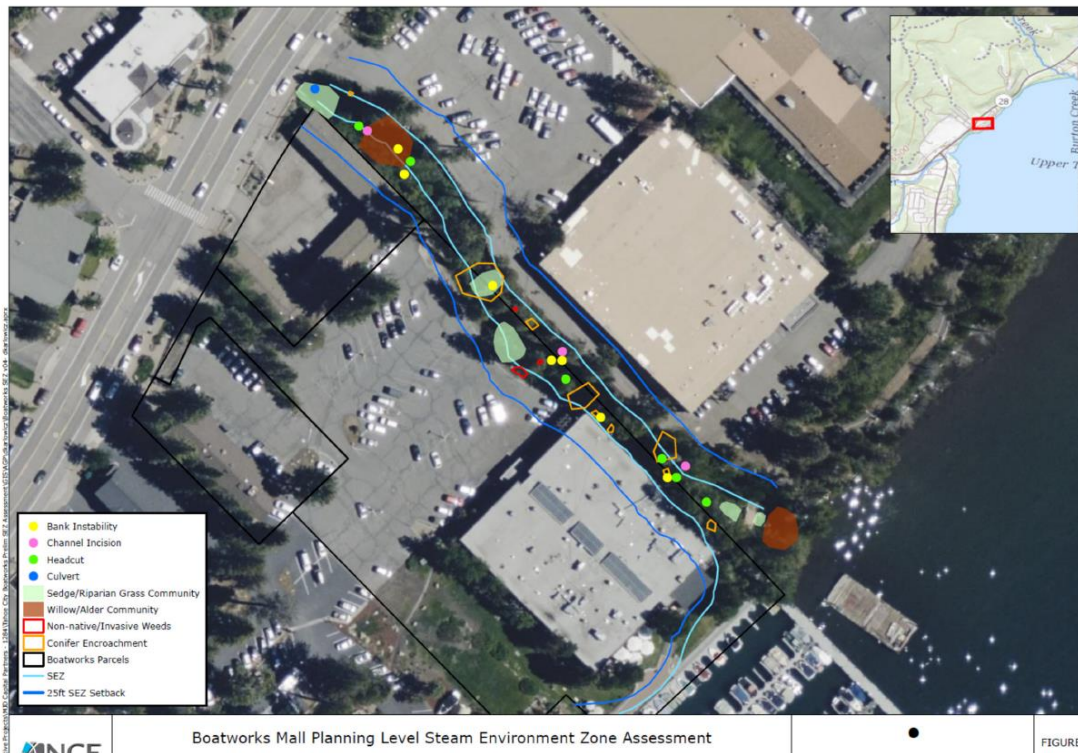


15. View of the maintenance area within the Tahoe City Inn



16. View of detergent and cleaning supplies at the Tahoe City Inn

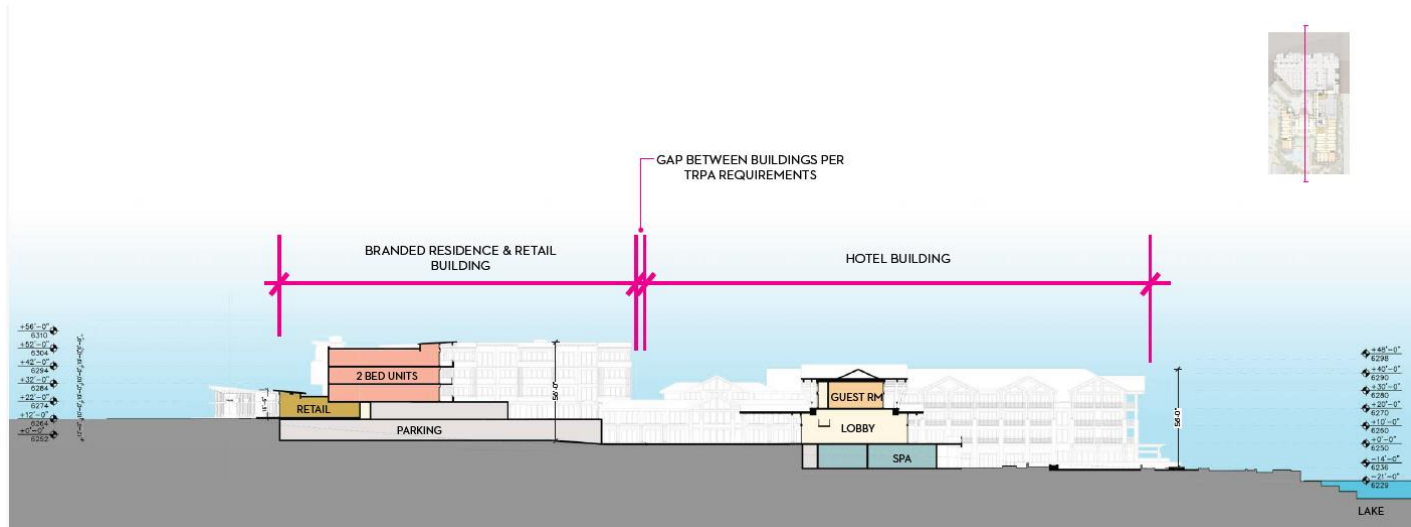
SEZ analysis details in the EIR/EIS documentation necessary





The height proposed for scenic analysis with these types depictions for transparency.







### Background information

The existing site includes two buildings with 46,112 sq. ft. of commercial leasable space and a 34-room motel building, with one manager unit (Figure 2). The existing buildings vary from one to three stories. There are 176 existing on-site parking spaces.

Zoning and Permissible Uses: The project area consists of an assemblage of contiguous parcels totaling approximately 3.8-acres of land. The project area is located in the Mixed-Use Town Center (MUTC) of Tahoe City, where various residential, tourist accommodation and commercial uses are permissible. The hotel component of the proposed project will be subject to a Conditional Use Permit. The residential component of the project will be permitted as a multiple family dwelling project and then a subdivision and/or condominium map will be pursued to convert the units to condominiums.

### PROJECT CHARACTERISTICS

Boatworks at Tahoe LLC's vision for the project involves creating a high-quality lodging and condominium complex with community serving retail that connects to other existing pedestrian friendly retail along SR 28 that is consistent with the character of Tahoe City.

The proposed project (Figure 3) involves demolishing the existing 45- and 65-year-old buildings at the site, realigning the SR 28 access driveway, and adding a service access driveway on SR 28 to support redevelopment of the project site with the following:

79 hotel lodging units (64 standard guest rooms and 15 suites with full in-room amenities, with unit sizes ranging from 480 to 1,440 square feet (sq. ft.) and an average room size of 565 sq. ft.;

29 residential condo-hotel units (2- and 3-bedroom units, with unit sizes ranging from 1,700 to 2,000 sq. ft.). Each condominium will have one lock-off totaling 29 lock-offs, for a grand total of 58 units;

6,228 sq. ft. of conference facilities;

a 11,530 sq. ft. full-service spa;

swimming pools/hot tubs;

a guest fitness center;

5,485 sq. ft. of food and beverage outlets;

7,063 sq. ft. of commercial retail space fronting SR 28; and

56,194 sq. ft. of underground parking (155 spaces).

## **Placer County to launch environmental review of Boatworks at Tahoe redevelopment project**

*Published Feb. 8, 2024*

TAHOE CITY, Calif. -- The Placer County Community Development Resource Agency and the Tahoe Regional Planning Agency have issued a joint notice of preparation for an environmental impact report and environmental impact study for the Boatworks at Tahoe project. The proposed redevelopment project in eastern Placer sits on a 3.8-acre site between state Route 28 and Lake Tahoe in downtown Tahoe City.

The public will have an opportunity to review the notice of preparation and provide comments between now and Feb. 29. The county will hold a public environmental scoping meeting at the Tahoe City Public Utilities District Conference Room, at 4 p.m. on Feb. 26. The meeting will also be held virtually [via Zoom](#).

Proposed by applicant Boatworks at Tahoe LLC, the project site is located on the southeast side of North Lake Boulevard, north of Grove Street and west of the Safeway and CVS shopping center. The proposed project would redevelop the existing Boatworks Mall, the Inn at Boatworks and the El Dorado Savings Bank building with mixed-use development that would include 79 hotel units, 29 residential condominiums, independent commercial spaces and a full-service spa.

The proposed hotel would also include new restaurants, conference facilities, event space and a rooftop bar. The project would be served by underground parking with both valet and self-park.

TRPA will also hold a [scoping meeting](#) for the project Feb. 14 at 9:30 a.m. at the Advisory Planning Commission meeting at the TRPA Offices, 128 Market Street, Stateline, Nevada, and [via Zoom](#). The project will also be placed as a consent item on the Feb. 28 agenda for the TRPA Governing Board meeting. Find those details by [clicking here](#).

Written comments can be submitted before Thursday, Feb. 29, at 5 p.m. via email to [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov) or by mail to:

Shirlee Herrington  
Environmental Coordination Services, CDRA  
3091 County Center Drive Suite 190  
Auburn, CA 95603  
Phone: 530-745-3132  
Fax: 530-745-3080

A copy of the notice of preparation can be accessed online at <https://www.placer.ca.gov/9561/Boatworks-at-Lake-Tahoe-Environmental-Im>.

**From:** preserve@ntpac.org <preserve@ntpac.org>  
**Sent:** 2/24/2024 3:20:38 PM  
**To:** John Marshall <jmarshall@trpa.gov>; Julie Regan <jregan@trpa.gov>; Public Comment <PublicComment@trpa.gov>  
**Cc:** Gavin Feiger <gavin@keeptahoeblue.org>; Darcie Goodman-Collins <Darcie@keeptahoeblue.org>; 'Ellie' <tahoellie@yahoo.com>; 'Doug Flaherty' <tahoesierracleanair@gmail.com>; Kristina Hill <tahoehills@att.net>; kathiejulian@gmail.com <kathiejulian@gmail.com>; 'Ron Grassi' <ronsallygrassi@mac.com>; 'Judy and Jerry Winters' <jmtornese@aol.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'carolyn willette' <carolyntahoe@sbcglobal.net>;  
**Subject:** Pull Boatworks consent item  
**Attachments:** [image001.png](#)

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John Marshall, Julie Regan and Governing Board,

Because the Boatworks project is only performing a partial environmental document, this fact must be made clear to Governing Board and the public and discussed by the Board and the public in a public forum.

Thank you,

Ann Nichols



**North Tahoe Preservation Alliance**

P.O. Box 4

Crystal Bay, Nv. 89402

preserve@ntpac.org

775-831-0625

www.ntpac.org

"Helping preserve the natural beauty and rural character of North Lake Tahoe"

**Preserve Lake Tahoe (Video):** <https://youtu.be/WKzPL-EwEUw>

**TikTok Video:** [https://www.tiktok.com/@northtahoepreservation?\\_t=8XCElbnFbSt&\\_r=1](https://www.tiktok.com/@northtahoepreservation?_t=8XCElbnFbSt&_r=1)

**Instagram Video:** <https://www.instagram.com/northtahoepreservation/>





**From:** John Marshall <jmarshall@trpa.gov>  
**Sent:** 2/26/2024 2:43:04 PM  
**To:** Katherine Huston <khuston@trpa.gov>  
**Subject:** FW: Public Comment - Objection to Consent Calendar Item 4 - TRPA Gov Board Agenda 2-28-24  
**Attachments:** [Petition for Writ Mandate 11-29-23.pdf](#) , [image001.jpg](#)

---

**John L. Marshall**  
General Counsel  
(775) 303-4882 · [jmarshall@trpa.gov](mailto:jmarshall@trpa.gov)



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**From:** Doug Flaherty <tahoesierracleanair@gmail.com>  
**Date:** Thursday, February 22, 2024 at 3:52 PM  
**To:** TRPA <trpa@trpa.gov>  
**Cc:** Julie Regan <jregan@trpa.gov>, John Hester <jhester@trpa.gov>, Cindy Gustafson <cindygustafson@placer.ca.gov>, John Marshall <jmarshall@trpa.gov>  
**Subject:** Public Comment - Objection to Consent Calendar Item 4 - TRPA Gov Board Agenda 2-28-24

Dear TRPA Governing Board,

Please make this written comment part of the record and minutes in connection with the TRPA Governing Board meeting on February 28, 2024 - Consent item 4.

*Notice of Preparation for Joint Environmental Impact Report/ Action/Approval Page 67  
Environmental Impact Statement for Proposed Boatworks Redevelopment Project; 740, 760, and 790 North Lake Boulevard,  
Tahoe City, Placer County, California; APNs 094-090-001, -033, -036, -042, and 065; TRPA File # ERSP2022-0953.*

**TahoeCleanAir.org** objects to including the above Notice of Preparation (NOP) on the February 28, 2024 TRPA Consent Calendar for the following reasons:

1. Based on public comments received by the TRPA Advisory Planning Commission (APC) meeting on February 14, 2024, correspondence from the public received by TRPA staff, including today February 22, 2024, and alleged violations of the NV Open Meeting Law described in **item 2. below**, the NOP as written, and the TRPA Action / Approval process is highly controversial and should be pulled from the TRPA consent calendar and a public hearing scheduled regarding this item.

The February 28, 2024 TRPA Agenda states that consent calendar items are expected to be routine and non-controversial. It is irrefutable that the term non-controversial means no controversy.

Substantial controversy in this instance, includes NOP content that makes it clear that the joint EIR/EIS seeks to "**scope out**", and/or "**dismiss**" at least eleven (11) items from comprehensive environmental review including, *land use, recreation; and wildfire* AND substantial controversy exists surrounding the term Action / Approval and the confusion associated with this terms intent and process.

Based on recent substantial public comment and history surrounding wildfire analyses, Placer County and TRPA are well aware that **scoping out** and/or **dismissing**, and therefore squashing comprehensive wildfire analysis in advance of the NOP EIR/EIS is highly controversial and provides reason enough to pull this item from the consent calendar. (**Attached - Placer County Writ of Mandate**).

The proposed "**scoping out**" and/or "**dismissal**" process is highly controversial as it represents a continuing scheme by Placer County and the TRPA to deny the public and public agencies a comprehensive cumulative environmental analysis based on the circumstance of new, changing and un-monitored cumulative impacts since the 2012 TRPA Regional Plan as well as the 2016 Placer County EIR. This active scheme provides a continuing glide-path to rob our cherished Lake Tahoe Basin, its residents and visitors of a comprehensive cumulative environmental and public safety analysis.

The TRPA and Placer County have a responsibility to ensure that the EIR/EIS discussed in the NOP include analyses of new or changed circumstances, cumulative impacts and other information which may result in new significant impacts not considered in a previous EIR/EIS and must provide a comprehensive analysis of all topics they presently intend to "**scope out**" or "**dismiss**".

Further adding to the controversy, of **scoping out** or **dismissing** wildfire from comprehensive environmental review in advance of the EIR/EIS thwarts adequate public safety analyses opportunities within the unique Tahoe Basin, with it's overcapacity roadways, extreme 360 degree high hazard severity wildfire and wildland urban interface zones, overcapacity two lane and traffic calming roadways, and its demonstrated wind and slope environment.

Therefore the EIS/EIR must include a comprehensive analysis of new information as discussed in the California Attorney General's October 2022 Best Practices for Analyzing and Mitigating Impacts of Development Projects Under the California Environmental Quality Act. This information was not available during the TRPA 2012 Regional Plan or the 2019 Placer County Area Plan. Despite repeated pleas from the public to do so, Placer County and the TRPA have failed to substantially address wildfire and wildfire evacuation in relation to individual and cumulative new information and changed circumstances.

Data and information regarding the increase in intensity of wildfire's was not available in 2016 when the Placer County approved the TBAP or during the 2012 TRPA Regional Plan process. As stated by the CA 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.

And finally, to help ensure a full understanding of the need to incorporate the CA AG's October 2022 Best Practices for Analyzing and Mitigating Impacts of Development Projects under the California Environmental **Quality** Act into the proposed Boatworks EIR/EIS, **TahoeCleanAir.org** hereby incorporates its public comments **Pages 2 through 13 and Pages 88 through 256** made in connection with the December 6, 2023 TRPA APC meeting Agenda Item V.A. VI. PUBLIC HEARINGS A. Economic sustainability and housing amendments to Placer County's Tahoe Basin Area Plan (**Link as follows**).  
<https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIA-Placer-County-Tahoe-Basin-Area-Plan-Amendments-Public-Comments.pdf>

2. **TahoeCleanAir.org** alleges that the consent calendar Item 4. description violates the Nevada Open Meeting Law (OML) as follows:

A. The term Action / Approval is not an acceptable description under NRS 241.020(3)(d)(2) and must state, next to the Agenda Item, **"For Possible Action"**.

Per the NEVADA Attorney General OML Manual, "action may be taken only on those items denoted **"For Possible Action."**

B. The general description of the consent calendar agenda item 4. **is not clear and complete** and is confusing as the agenda description did not reveal that at least one intent of adding the NOP to the consent calendar for Action / Approval was to seek TRPA approval to limit a complete environmental analysis by eliminating thirteen items from comprehensive analysis ahead of the actual EIR/EIS.

Placing the NOP on the consent calendar then robbed the public of a public hearing on this controversial and important matter and appears to have been undertaken to avoid OML procedures, in essence squashing public input by concealing from the public the degree of importance associated with this consent item NOP action / approval by the TRPA Governing Board.

Even though TRPA Rules of procedures section 6.9 states that "notice of preparation" also shall be placed on subsequent APC and Board agendas, TRPA exceeded the scope of this requirement by placing an ambiguous description next to the consent calendar item 4 stating Action / Approval. 6.9 of the TRPA Rules of Procedure states only that the "notice of preparation" be placed on the APC and Board Agendas and does not require APC or TRPA Board approval of the NOP. Placing the NOP on the consent calendar for Action / Approval is confusing to the public as to what is actually being approved. It appears that by taking action to approve the NOP, TRPA is taking part in a scheme to seek approval by the Governing Board to **scope out and dismiss** a comprehensive environmental review of thirteen items including among other items **wildfire**.

Since the NOP, as required, was previously submitted on "January 31, 2024 to the California and Nevada State Clearinghouses Responsible and Trustee Agencies, Interested Parties and Organizations" and there is no requirement for the TRPA to take Action / Approve on the NOP, what other reason would spurn TRPA to take Action / Approval, except to squash a comprehensive environmental review of eleven items including wildfire, ahead of the creation of the EIR/EIS and perhaps give legal cover against the environmental consulting firm hired to create the EIR/EIS, i.e. Ascent Environmental.

For these reasons, it would therefore be in the public interest and within the intent of the NV OML to pull the NOP Action / Approval from the consent calendar and set a future public hearing regarding this highly controversial matter.

And finally, Mr. Marshal, if you're going to pull the same shenanigans similar to the last TRPA APC meeting, where because you cannot deny the alleged violation of the NV OML, nor the issue of controversy, and therefore you then state verbally, before or as part of the upcoming meeting February 28th Governing Board meeting in question, state on your own that there will be **no action** taken on this item, TRPA must still pull the item and due to the controversy and confusion TRPA has created with this item, bring it back at a future meeting. Also, I believe that it will take a vote of the Board to change the wording of the Agenda item from Action / Approval to informational only. And finally, shame on the governing board and TRPA staff for the continuation of this type of amateur abuse of the public process.

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

LAW OFFICE OF DONALD B. MOONEY  
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Attorney for Petitioners Friends of  
the West Shore, TahoeCleanAir.Org, and  
North Tahoe Preservation Alliance

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF PLACER

FRIENDS OF THE WEST SHORE;  
TAHOECLEARNAIR.ORG; AND NORTH  
TAHOE PRESERVATION ALLIANCE

Petitioners

v.

COUNTY OF PLACER; PLACER COUNTY  
BOARD OF SUPERVISORS, and DOES 1 to 20,

Respondents

Case No. \_\_\_\_\_

**VERIFIED PETITION FOR  
WRIT OF MANDATE**

**[CEQA Claim, Pub. Resources  
Code, § 21000 *et seq.*]**

## **INTRODUCTION**

1. 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.

27     //

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.)

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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](mailto:dbmooney@dcn.org)

November 29, 2023

***VIA FEDERAL EXPRESS***

***AND ELECTRONIC MAIL***

[mwood@placer.ca.gov](mailto:mwood@placer.ca.gov)

Megan Wood  
Clerk of the Board  
County of Placer  
175 Fulweiler Avenue  
Auburn, CA 95603

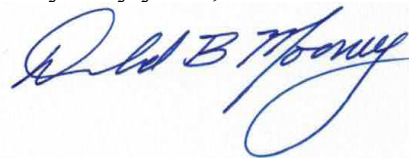
***Re: NOTICE OF INTENT TO FILE CEQA PETITION***

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.



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Donald B. Mooney



**From:** Brandy McMahon <bmcMahon@trpa.gov>  
**Sent:** 2/24/2024 6:42:52 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** FW: TAHOE CITY Boatworks proposed project

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-----Original Message-----

From: Ron Grassi  
Sent: Wednesday, February 21, 2024 11:28 AM  
To: Brandy McMahon ; Shirlee Herrington  
Subject: TAHOE CITY Boatworks proposed project

Dear Brandy and Shirlee: Please distribute my comments to your respective Boards as part of the Public Comment

Rather than go into the usual list of questions and comments, I prefer to focus on one issue which does lead to other issues: This is a Massive Project by anyone's calculation. Would you please answer the following questions:

1. In total, how many Sq. Ft. in total for this property, both now and as proposed for the entire proposed project?
2. How many cars have you calculated, both for now and as proposed for the project? If this estimate has been done on a monthly basis, then how many cars were estimated for July-August and December-February?
3. From the north end (ie adjacent to Safeway which I believe is not part of the project) to the other end which I assume is El Dorado Bank or is it Dave's Bikes (South) how many sight corridors are there allowing the public to see from the road to the Lake both now and as proposed?
4. Same question as #3 except how many actual walking corridors allowing people to walk to and from the Lake from the road side?
5. Have either of your agencies calculated or have access to calculations setting out the number of visitors to Lake Tahoe for 2022, 2023? If so please provide those numbers and explain the source of the numbers.
6. Has the developer provided any revenue calculations if and when this project is completed? If so, please provide the breakdown for the shops, condos, and all other occupants.
7. How many parking spaces are there currently; and how many parking spaces do you calculate will be needed if and when this project is completed?

Thank you.

RON GRASSI  
TAHOE CITY