



Placer County
Environmental Coordination Services
Community Development Resource Agency
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July 31, 2015

Subject: Tahoe Basin Area Plan 2015 Notice of Preparation and draft Area Plan Package

Dear Ms. Jacobsen:

The Friends of the West Shore (FOWS) and the Tahoe Area Sierra Club (TASC) appreciate the opportunity to provide comments regarding the Placer County Tahoe Basin Area Plan (TBAP) Revised Notice of Preparation (NOP), the draft Area Plan, Implementing Ordinances, and related documents (“TBAP Package”). FOWS and TASC appreciate the time taken by Placer County and TRPA staff to revise the NOP and provide the public with the full suite of NOP and draft Area Plan documents.

However, we remain concerned with the environmental and community impacts of the proposed TBAP package, including but not limited to the proposed changes in zoning related to allowing areas of higher density and height (compared to existing conditions), the conversion of Commercial Floor Area (CFA) to Tourist Accommodation Units (TAUs), the intent and impacts of the “Opportunity Sites,” the complexity of the planning document (e.g. including programmatic-level and project-level reviews in the same document), the inclusion of the Tahoe City Lodge “Pilot Project” and lack of defined criteria regarding such pilot projects, and the failure to plan for future flooding events. In our detailed comments below, we have provided several recommendations and requests regarding alternatives and impacts to be evaluated in the Environmental Impact Report/Study (EIR/S).

We would be happy to meet with you to discuss our concerns. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net or Laurel Ames at amesl@sbcglobal.net if you have any questions.

Sincerely,

Susan Gearhart,
President
Friends of the West Shore

Laurel Ames,
Conservation Chair
Tahoe Area Sierra Club

Jennifer Quashnick,
Conservation Consultant

1. The Environmental Document, Process, and Tiering

a) Public Process and clarity regarding program- vs. project-level review:

There have been many changes since the first NOP was released in July 2014,¹ and now the Tahoe City Lodge Pilot Project has been added. The NOP states the Area Plan review (including the Town Centers in Tahoe City and Kings Beach) and the Kings Beach Town Center Design Concept will be evaluated at the program-level,² while the Pilot Project will be analyzed at the project-level. All analyses will be combined into the same EIR/S document, although staff clarified at Placer County's 6/16/2015 public scoping workshop that the Tahoe City Lodge Pilot Project review would eventually be considered separate from the Area Plan at the project-approval stage. With four different levels of actions including program-level reviews, project-level reviews, design concepts, and pilot projects, there is great potential for the distinctions among the different review levels to be very complicated and potentially contentious. We recommend staff lay out these four levels of action very clearly for the public and decision-makers. In addition, when alternatives are considered (see comments below), this four-part process may become even more complex as there will be program-level alternatives to review which may conflict with the proposed Tahoe City Lodge Pilot Project and Kings Beach Design Concept.

As discussed later in these comments, we request the Tahoe City Lodge Pilot Project and Kings Beach Design Concept be removed from the Area Plan environmental review process and evaluated separately.

At a minimum, we request that TRPA and Placer County ensure the environmental document and the factors of the four-part process are very clearly explained to the public and decision-makers before proceeding with the environmental documentation.

b) Tiering from the RPU and RTP Environmental Documents:

The NOP notes that the RPU EIS and RTP EIR/S documents³ will be used to tier from, where appropriate.⁴

¹ "An NOP for the Area Plan was previously released on July 16, 2014; this revised NOP is being released because of substantial changes to the Draft Area Plan and because the EIR/EIS will now include project-level environmental review of the Tahoe City Lodge Pilot Project." (NOP, p. 1)

² "The EIR/EIS will analyze impacts of the Area Plan at a program level." (NOP, p. 2)

³ Hereafter references to the RPU, RPU EIS, RTP, RTP/SCS, and/or RTP EIR/S refer to both the Regional Plan Update EIS and the RTP/SCS EIR/S.

⁴ "The EIR/EIS analysis will tier from and incorporate by reference specific analyses contained in the following environmental review documents, as appropriate:

□ TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (Regional Plan EIS)

□ TRPA/TMPO, *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy EIR/EIS*, certified by the TMPO Board and TRPA Governing Board on December 12, 2012 (RTP/SCS EIR/EIS)

These program-level environmental documents include a regional scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an area plan level and will serve as first-tier documents for the review of the proposed Area Plan." (NOP, p. 15).

The EIR/S must clearly state the specific sections, page numbers, and analyses in the RPU, RTP, and other specifically relevant environmental documents that are being used to tier from.

c) Need for local analysis of impacts:

The Regional Plan Update (RPU) EIS was conducted at a “*broad, regional scale with a focus on overall policy-level issues.*”⁵ The localized impacts of the policies in the RPU, as well as the impacts of changes in the proposed draft Area Plan (that were not included in the RPU), must be thoroughly examined in the EIR/S. Examples include, but are not limited to, the following:

- Although the RPU adopted a new threshold standard for attached algae,⁶ the conditions of the nearshore areas around Tahoe City and Kings Beach, the relationship to runoff, the complexity of water patterns, and upland developments, were not examined at a localized scale (see comments on Nearshore Impacts below).
- The RPU changes would allow building heights up to 56 feet. However, the RPU EIS did not examine the specific impacts of such heights in specific areas, including the cumulative impacts on views from ground-level, mountain-level, Lake Tahoe, and other recreational areas (e.g. from the Tahoe Rim Trail). As a result, the EIR/S must examine the more specific, local impacts of the proposal to allow 3- to 4-story buildings in the Tahoe City and Kings Beach Town Centers.
- As noted in comments on transportation impacts, the RPU EIS did not analyze VMT impacts at the local, Area-Plan scale, therefore the EIR/S must assess the potential VMT and vehicle trips associated with all TBAP alternatives, along with the cumulative impacts of reasonably foreseeable projects (e.g. Squaw Valley).

The RPU EIS and RTP EIR/S analysis for transportation and GHG impacts made numerous assumptions regarding future development patterns on a regional scale.⁷ Assumptions included no new TAUs, and assumed that 47% of the TAUs remaining from the 1987

⁵ “As such, the impact analysis in the Regional Plan Update EIS is conducted geographically at a broad, Regional scale with a focus on overall policy-level issues. The Regional Plan Update EIS does not address impacts at the level of proposed land use development or public works projects, nor does it address impacts of specific programs or project required to implement the Regional Plan. Such environmental analyses would occur, as appropriate, after the Regional Plan Update process concludes and in response to proposal for implementing programs or specific development or public works projects.” (Final RPU EIS, Volume 1. Response to comment O16-160)

⁶ “Significant [RPU] amendments include...Establishing new Threshold Management Standards for attached algae (a nearshore water quality indicator) and aquatic invasive species.” (Final RPU EIS, Volume 1, p. 3-26).

⁷ “The potential impacts of each Regional Plan alternative are influenced by the amount and distribution of new development (i.e. residential units, CFA, and TAUs). To assess the potential impacts of each alternative, the model was updated to include the total residential, commercial, and tourist accommodation development that would be allowable under each alternative. Since it is not possible to know the exact distribution of future development, TRPA had to make a series of assumptions related to the distribution of 1) residential allocations remaining from the 1987 plan, 2) residential bonus units remaining from the 1987 plan, 3) CFA remaining from the 1987 plan, 4) TAUs remaining from the 1987 plan, 5) new allocations authorized under each action alternative, 6) new residential bonus units authorized under alternative 3, 7) new CFA authorized under each action alternative, and 8) new TAUs authorized under alternatives 4 & 5. Each of these assumptions is described in more detail below.” (RTP EIR/S, Appendix C, p. C.7-2).

Regional Plan (and the remaining and new CFA) would be allocated to Placer County.⁸ The proposed Area Plan may result in different distributions, especially with the proposed CFA to TAU conversion program.

The EIR/S must assess the assumptions used in the RPU/RTP analysis, and whether they remain applicable under the proposed TBAP (if so, this needs to be noted clearly, including references to the specific page numbers in the RPU/RTP environmental documents which apply). Where assumptions do not fit within the RPU/RTP analysis, the EIR/S must perform the traffic analysis based on the proposed TBAP.

As noted throughout these comments, proposals in the TBAP are planned to draw more residents and visitors to the Tahoe Basin in order to revitalize the economy.⁹ This would not only result in direct impacts (e.g. more parking demand, especially in Town Centers, taller buildings with larger footprints, and more vehicles), but would also create indirect impacts as well. For example, increasing the number of overnight accommodations in Tahoe City can be expected to (indirectly) result in additional vehicle trips along State Route 89 (SR 89) as visitors drive to Emerald Bay.¹⁰ In addition, more visitors would increase demand on, and auto trips to, local recreational facilities (i.e. beaches, biking and hiking trails, etc.), which results in secondary environmental impacts as well. The cumulative impacts of other projects, including the Squaw Valley expansion, Homewood Mountain Resort, and projects in Truckee/Martis Valley, will also need to be evaluated. Cumulative impacts are discussed later in these comments.

As required by CEQA, the EIR/S must examine all direct/primary effects, indirect/secondary effects, and cumulative effects. Caltrans has posted a summary of what this entails, which is included below:¹¹

1. Direct or primary effects that are caused by a project and occur at the same time and place.
2. Indirect or secondary effects that are reasonably foreseeable and caused by a project, but occur at a different time or place. The [CEQA Guidelines](#) state the following:

An indirect physical change in the environment is a physical change...which is not immediately

⁸ “The remaining TAUs were distributed to counties in the following proportions based roughly on the number of vacant and developable parcels eligible for TAUs in each county. El Dorado – 37% Placer – 47% Washoe – 4% Douglas – 12%. Within each county, TAUs were randomly assigned to TAZs that contained community plan areas.” (RTP EIR/S, Appendix C, p. C.7-3).

⁹ “Studies have shown that there is a land use imbalance in the Area Plan, primarily involving a shortage of lodging compared to visitation levels and other uses. The current pattern of visitors staying outside the Tahoe basin and driving to and from activities at Lake Tahoe is environmentally and economically impactful... This amendment [to convert CFA to TAU] recognizes the uneven distribution of commodities and allows Placer County to establish a more balanced land use pattern over time. It promotes redevelopment of Placer County’s Town Centers, which will improve environmental conditions and support the local economy.” (Draft TBAP, p. 89-90). Also, as noted in the ED Incentives Draft Hearing Report at

<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftAreaPlan2015/Draft%20Hearing%20Report.PDF> (p. A-16), and in the NOP (p. 4), Placer County envisions an additional 400 new hotel units. The Hearing Report estimates this will result in 175,200 new visitors per year.

¹⁰ “The most popular attraction was Emerald Bay, with 47 percent of survey respondents indicating spending time during their visit there.” North Lake Tahoe Resort Associate Visitor Research, p. 6.

<http://nltra.org/documents/pdfs/RRC%20Summary%20NLTRA%20Summer%202014.pdf>

¹¹ http://www.dot.ca.gov/ser/cumulative_guidance/ceqa_guidelines.htm

related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect change in the environment ([Section 15064 \(d\)\(2\)](#)).

...Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems ([Section 15358\(a\)\(2\)](#)).

As stated in [Section 15126.2\(d\)](#) of the Guidelines, a growth-inducing impact could occur if:

...the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in the service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.

A project may have some characteristic that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity, which may lead to an increase in air pollution from man-made mobile and stationary sources. [Section 15126.2\(d\)](#) of the Guidelines concludes by cautioning the planner that "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

3. Cumulative effects. [Section 15355](#) of the CEQA Guidelines states: "Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Important direction to the practical use of this definition is found in [Section 15130](#) of the CEQA Guidelines:

(a)(1) As defined in [Section 15355](#), a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts [emphasis added].

(b)...The discussion of cumulative impacts shall...focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact [emphasis added].

For example, if another project contributes only to a cumulative impact upon natural resources, its impacts on public services need not be discussed as part of cumulative impact analysis.

Taken together, these elements define what counts for the practitioner and help to focus the evaluation upon other actions that are closely related in terms of impact on the resource— not closely related project types.

d) Changing Land Use Terms:

The TBAP process has unfortunately followed a very confusing path. As noted in previous comments on the Framework,¹² draft Policy Document,¹³ and first NOP,¹⁴ the use of terms including plan areas, Plan Area Statements, Area Plans, Community Plans, sub-areas, mixed-use areas, etc., made the planning documents unclear and difficult to follow. Some of this confusion was corrected as a result of TRPA's request for Placer to use the Area Plan terminology (instead of community plan).¹⁵

However, new terms have been added in the second NOP and draft Area Plan which appear to add more confusion to the Area Plan, especially in light of the various iterations the planning documents have already gone through. For example, the first NOP, and earlier iterations of the proposed Tahoe Basin Area Plan, included proposed changes to zoning in areas labeled 'mixed use' by TRPA's 2012 RPU.¹⁶ In the draft map for the mixed use/tourist areas in Homewood and Sunnyside presented in the May 2014 draft Policy Document¹⁷ (West Shore map included below¹⁸), the proposed areas labeled "mixed-use" or "tourist" in the RPU map were labeled "Village Center Districts." From 2012-2014, Planning Teams were considering modifications to the zoning/land use/design standards in these "Village Center" areas.¹⁹

¹² <http://friendswestshore.org/wordpress/wp-content/uploads/2014/08/FOWS-comments-on-Placer-Framework-1.31.2014.pdf>

¹³ <http://friendswestshore.org/wordpress/wp-content/uploads/2014/06/FOWS-comments-on-draft-Placer-Policy-Document-6.23.pdf>

¹⁴ <http://friendswestshore.org/wordpress/wp-content/uploads/2014/08/FOWS-TASC-comments-on-Placer-NOP-8.15.2014.pdf>

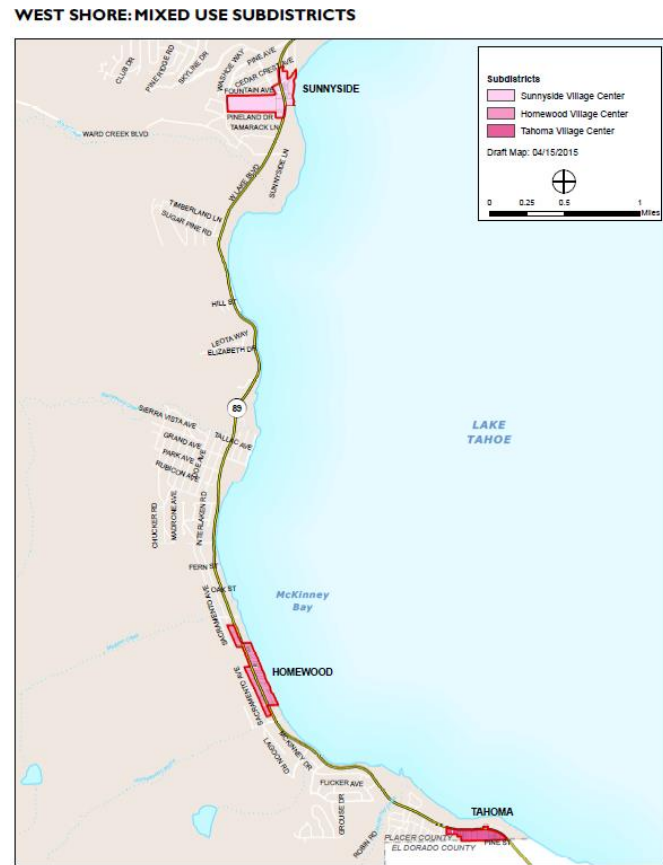
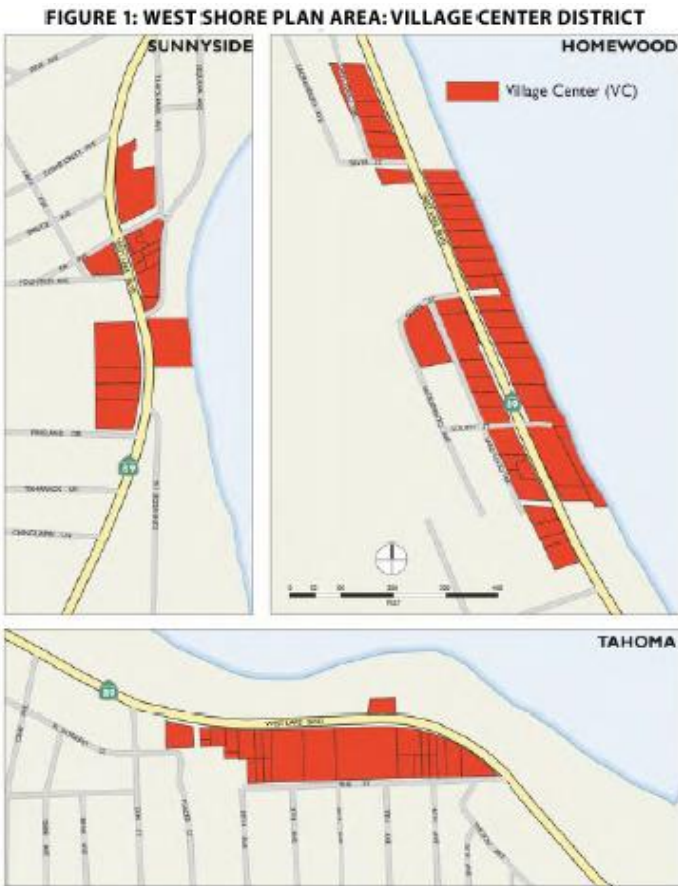
¹⁵ See Board discussion, p. 8-9, in the minutes for the July 23, 2014 GB Meeting. <http://www.trpa.org/wp-content/uploads/August-27-2014-Governing-Board-Packet-1.pdf>

¹⁶ http://www.trpa.org/wp-content/uploads/12-12-2012_RPU_Final_Adopted_Map_Packet.pdf; see Map 1: Conceptual Regional Land Use Map.

¹⁷ See the Community Plan Land Use Diagram, p. 2-13, in the Public Review Draft Tahoe Basin Community Plan Policy Document (released for a 45-day review period which ended on June 23, 2014). <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftPolicyDoc/Ch2LUandCommDesign.pdf>

¹⁸ See *November 2012: West Shore Plan Area Center Village Districts: Neighborhood and Town District Guidelines and Design Standards* at: <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/Workshops/West%20Shore%20Plan%20Area%20Mixed%20Use%20Districts.pdf>

¹⁹ <http://www.placer.ca.gov/departments/communitydevelopment/planning/tahoebasinareaplan>; see specifically information under "Plan Area Teams" tab.



The TBAP will add residential uses to the list of permissible uses in commercial areas in Homewood and Sunnyside, but according to the draft Implementing Regulations, the TBAP does not add any other new uses to these areas beyond those already allowed by the associated Plan Area Statements (PAS's). However, with Homewood as an example, the names/land use labels for these areas have been changed as follows:

1987 Regional Plan:	“Homewood Commercial” (PAS 159)
2012 Regional Plan Update:	“Tourist Use” (and Homewood Commercial PAS 159)
2012 draft Placer Community Plan:	“Village Center District”
2014 draft Placer Community Plan:	“Mixed-Use/Village Center” ²⁰
2015 draft Placer Area Plan:	“Village Center Mixed-Use Subdistricts”

Yet the only actual changes proposed for this area include allowing residential uses. The use of new labels and names in such a short time, and through numerous documents, creates confusion.

Using Tahoe Vista as another example, the proposed TBAP does not appear to make changes to allowable uses or densities in each Special Area of the Tahoe Vista Community Plan compared to the uses and densities proposed for the “North Tahoe West Mixed-Use Subdistricts.”

²⁰

http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCUpdate/DraftPolicyDoc/Ch2L_UandCommDesign.pdf

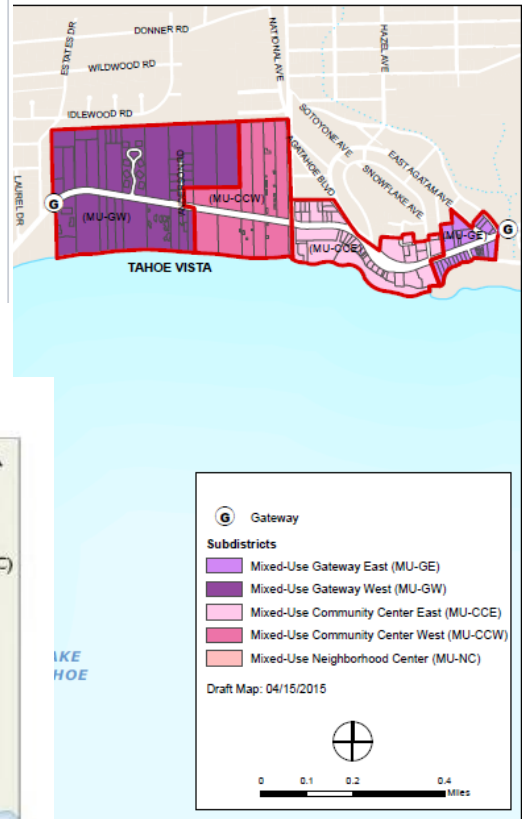
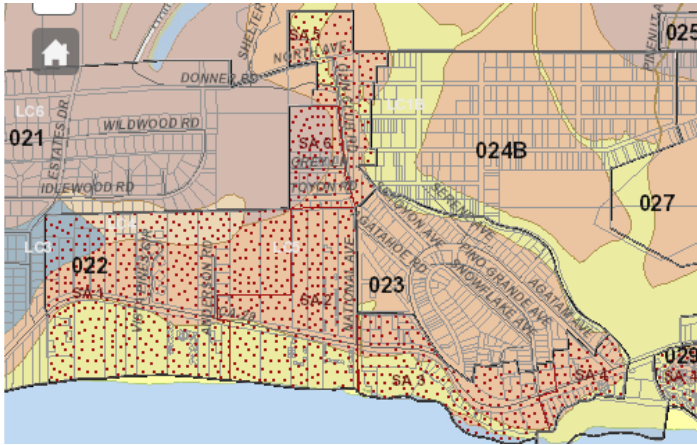


FIGURE 1: NORTH TAHOE WEST: MIXED USE DISTRICTS



However, with the Tahoe Vista Community Plan area, the names/land use labels for these areas have been changed as follows:

- | | |
|-----------------------------------|---|
| 1987 Regional Plan: | “Tahoe Vista Community Plan” with Special Areas (SAs) |
| 2012 Regional Plan Update: | “Tourist Use” (SA’s 1-4); “Mixed-Use” (SA’s 5-6). |
| 2012 draft Placer Community Plan: | “Mixed Use District” ²¹ |
| 2013 draft Placer Community Plan: | “Mixed Use Town Center, Mixed-Use Gateway, and Mixed-Use Service” ²² |
| 2015 draft Placer Area Plan: | “North Tahoe West Mixed-Use Subdistricts”
“Village Center” ²³ |

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<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCUpdate/Workshops/North%20Tahoe%20West%20Plan%20Area%20Mixed%20Use%20Districts.pdf>

22 <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinAreaPlan/AttF.pdf>

In addition, the draft Imp. Regulations only identify Homewood, Sunnyside, and Tahoma as “Village Centers,” while the draft Area Plan includes Tahoe Vista, Carnelian Bay, and Lake Forest/Dollar Hill as Village Centers.²⁴ Given the inconsistent and additive terms for the various locations since 2012, it is unclear whether the North Lake areas are proposed to be Village Centers, or not. Further confusing this issue is the reference to four subareas: “*The Mixed-Use Subdistricts are classified within one of four Subareas—Greater Tahoe City, North Tahoe East, North Tahoe West, and West Shore.*” (Imp. Regulations, p. 9).

We recommend the TBAP and Implementing Ordinances be revised to retain the existing nomenclature for areas outside of Town Centers, while clearly documenting the changes that are being proposed to these areas (where applicable). This will help avoid confusion and help the public to better participate in the TBAP development process. In the future, if significant changes are considered for such areas, new planning terms/labels may be more appropriate. At a minimum, the TBAP package should include a ‘crosswalk’ which clearly identifies, in text and on maps, the existing Plan Area Statements/Community Plans (and associated Special Areas) in relation to the proposed Subdistricts to provide a clear visual comparison for the public and decision-makers.

2. Nearshore Clarity and Other Nutrient Impacts

a) Nearshore Threshold Standards:

There are five TRPA thresholds related to protection of Tahoe’s nearshore areas, and one TRPA threshold focused on aquatic invasive species (a threat that is well-understood to affect nearshore areas).²⁵

Nearshore threshold standards:

Reduce dissolved inorganic nitrogen (N) loading from all sources by 25% of 1973-81 annual average

Reduce the loading of dissolved inorganic nitrogen, dissolved phosphorus, iron, and other algal nutrients from all sources to meet the 1967-71 mean values for phytoplankton primary productivity and periphyton biomass in the littoral zone.

Decrease sediment load as required to attain turbidity values not to exceed three NTU. In addition, turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges

Reduced dissolved inorganic nitrogen loads from surface runoff by approximately 50 percent, from groundwater approximately 30 percent, and from atmospheric sources approximately 20

²³ “Village Centers include Tahoma, Homewood, Sunnyside, Lake Forest/Dollar Hill, Carnelian Bay and Tahoe Vista.” (draft TBAP, p. 71).

²⁴ “This Area Plan encourages redevelopment in the Village Centers and implements the programs that are allowed under the Regional Plan. Area Plan programs that apply in the Village Centers include mixed use zoning, revised parking regulations, new design standards and secondary dwelling units. Also included are plans to complete trail connections, enhance transit service, and advocate for additional redevelopment incentive programs in the Regional Plan.” (TBAP, p. 93); Also identified on Figure 4-5: Area Plan Land Use, p. 95.

²⁵ http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch4_WaterQuality_Oct2012_Final.pdf

percent of the 1973-81 annual average. This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of-basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region.

Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe.

Aquatic Invasive Species standard:

Aquatic Invasive Species MANAGEMENT STANDARD

Prevent the introduction of new aquatic invasive species into the region's waters and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social and public health impacts resulting from aquatic invasive species.

As noted by the scientific community, *“Nearshore conditions are inherently localized issues, where different locations around the lake will have different expected levels of nearshore clarity, trophic status, community structure and human health variables.”* (“Nearshore Report”).²⁶ However, the RPU’s policies (and associated environmental review) were based on implementation of the TMDL requirements,²⁷ which focus on mid-lake clarity, not the nearshore (or the localized impacts of pollution and how they impact individual nearshore environments).²⁸

As noted by the Tahoe Environmental Research Center’s (TERC’s) State of the Lake Reports (2008-2014),²⁹ attached algae biomass is generally elevated along the north and west shores of Lake Tahoe.³⁰ In fact, the biomass in the nearshore adjacent to Tahoe City has been among the highest documented in the State of the Lake Reports each year since 2008 (see maps below).

Although researchers revealed that periphyton concentrations were lower in 2014 (as documented in the 2015 State of the Lake Report³¹), Dr. Geoff Schladow noted that the “result had little to do with what agencies or scientists [have done];” rather, due to drought, measurements of algae concentrations had to be taken in deeper areas of the Lake, where different algae species exist.³²

²⁶ Lake Tahoe Nearshore Evaluation and Monitoring Framework. Final, October 15, 2013; http://www.dri.edu/images/stories/centers/cwes/Nearshore_Evaluation_and_Monitoring_Plan_02.10.14.pdf

²⁷ “The Draft Regional Plan included targeted amendments that support the findings and water quality improvement strategies of the TMDL.” (Final RPU EIS, Volume 1, p. 3-26).

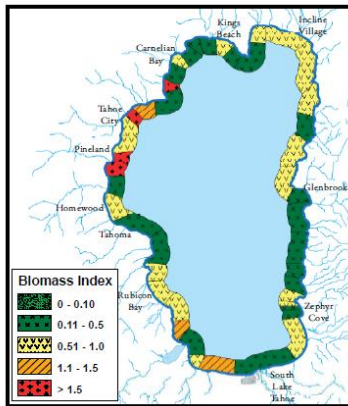
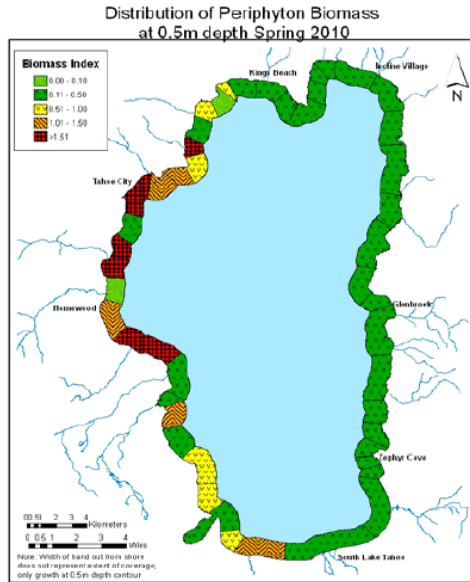
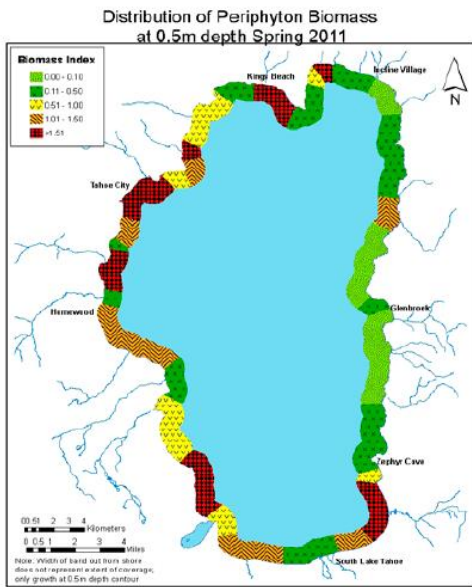
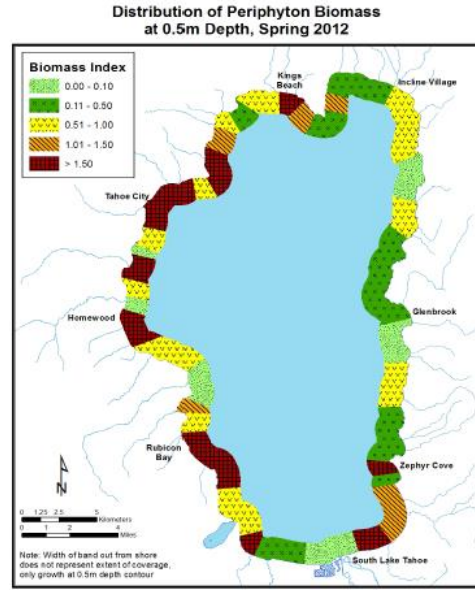
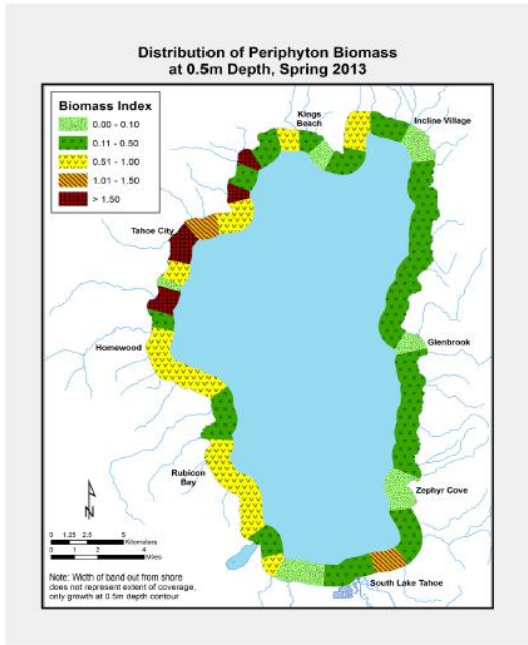
²⁸ In the Lahontan Regional Water Quality Controls Board’s 11/02/2010 response to TMDL comments by the League to Save Lake Tahoe (LTSLT-56), Lahontan stated: “The draft Lake Tahoe TMDL was developed to meet federal requirements under section 303(d) of the federal Clean Water Act, by addressing Lake Tahoe’s deep water transparency. Because the Lake is not meeting the deep water transparency standard, it was listed as impaired on the federal 303(d) list. The TMDL was developed to specifically address that impairment. Because Lake Tahoe’s nearshore environment is not yet listed as impaired on the State Water Board’s 303(d) list, the draft Lake Tahoe TMDL does not specifically address issues in the nearshore.” [Emphasis added].

²⁹ <http://terc.ucdavis.edu/stateofthelake/>

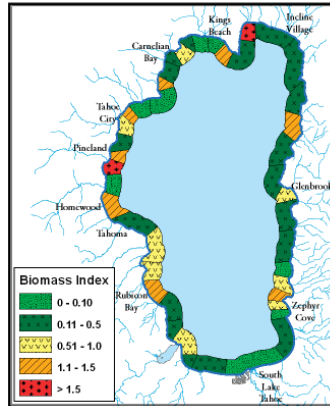
³⁰ “Zones of elevated PBI are evident, particularly along the north and west shores of Lake Tahoe...” p. 10.9. http://terc.ucdavis.edu/stateofthelake/sotl-reports/2014/10_biology.pdf

³¹ <http://terc.ucdavis.edu/stateofthelake/index.html>

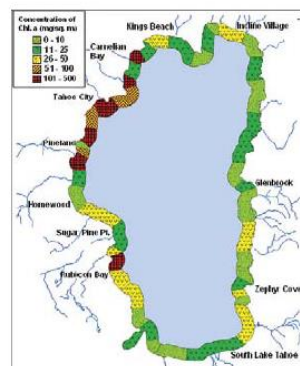
³² From State of the Lake 2015 Report presentation, 7/23/2015.



2009



2008



2007

The RPU EIS did not analyze impacts at the localized scale, where effects on the nearshore are more direct. Rather, the RPU EIS's regional analysis treated Lake Tahoe as one large 'bowl,' only examining impacts from the perspective of mid-lake clarity. Where and how much pollution enters the Lake and how it affects the immediate nearshore areas are topics that were not examined in the RPU EIS. In response to public comments requesting examination of the nearshore conditions and increased coverage in Town Centers bordering the Lake,³³ the Final RPU EIS included a PLRM model estimate. However, the model only developed estimates of the *runoff* from properties with BMPs compared to that of properties without BMPs; it contained no examination of the location of the runoff, the existing nearshore conditions, the substrate or lack thereof, water depth, and other local features.³⁴

As scientists further note, influences on nearshore conditions include:

“5.1 Summary of Influences on Nearshore Condition

- Urban stormwater runoff generally contains much higher concentrations of nutrients and fine sediment particles than found in the lake and in runoff from undisturbed areas. These nutrients cause increased localized concentrations of phytoplankton that decrease water clarity. Likewise, higher concentrations of the sediment particles contribute to decrease nearshore clarity.
- Stream inputs that pass through disturbed watersheds contribute higher concentrations of nutrients and fine particles that decrease nearshore clarity.
- Upwelling events deliver deep-lake waters to the nearshore. These waters can be enriched in some nutrients relative to local nearshore concentrations.
- Nutrient inputs from stormwater runoff, stream inputs and ground water may generate increased biomass of phytoplankton and benthic algae (periphyton and metaphyton).
- Excess fertilizer applications may contribute to groundwater and surface runoff loading of nutrients, which increase the nearshore concentrations of dissolved nutrients that enhance algae concentrations and decrease clarity.
- Nutrients also affect algae growth rates and species distributions, which can impact community structure.” (Nearshore Report, p. 35).

Differences in local areas such as the depth of the nearshore water, which impacts the level of mixing in the nearshore, and the lake bed features in the localized environment (e.g. rocks versus sand), may lead to more or less algae in a given area. For example, the same amount of pollution entering the Lake in the south shore may not have the same impact as an equal amount of pollution entering the Lake near Tahoe City. Additionally, since periphyton is attached algae, it will be more common in areas where there are more items to attach to in the nearshore (e.g. rocks). In addition, the Final RPU EIS notes the PLRM simulation is “a simple aggregate representation of all centers:”

Note: The PLRM simulation described in Appendix C of the Final EIS is a simple aggregate representation of all Centers. The results presented in Table 3-4 are valid as a relative comparison of estimated changes in pollutant loading that could result from policies included in the Final Draft Plan. In practice, the Lake Tahoe TMDL requires local jurisdictions to complete load reduction plans that identify catchments (i.e., sub-watersheds) and their respective pollutant loading to Lake Tahoe. Estimates of existing condition pollutant loading in specific community centers, developed

³³ For example, 6/27/2012 comments by the CA Attorney General state: “The DEIS explains that attached algae in the nearshore is an important water quality issue, and that addressing it would have a beneficial effect on water quality. Yet the DEIS does not contain any analysis of the impacts to the nearshore of the numerous proposed changes to coverage rules contained in Alternative 3 and other alternatives.” (TRPA RPU Final EIS, Volume 2, p. 2-75). [Emphasis added]

³⁴ Final RPU EIS, Volume 1, p. 3-31 and 3-32.

by local jurisdictions using site-specific analysis and detailed stormwater modeling, will differ from the existing condition estimate presented in Table 3-4. (Final RPU EIS, Volume 1, p. 3-31)

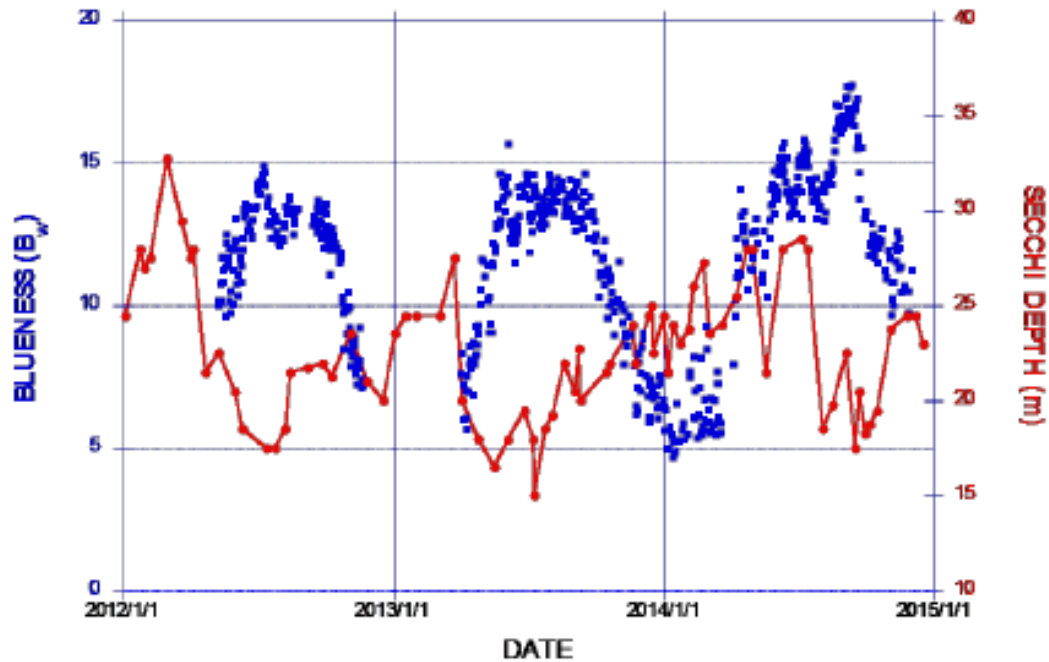
As a result, the TBAP EIR/S must thoroughly examine the specific impacts of each alternative on the nearshore areas affected by land use in the Area Plan. The EIR/S must also clearly identify the existing conditions of Tahoe’s nearshore areas that fall within and/or border the Area Plan, and the impacts of the Area Plan’s policies and requirements. For example, as more coverage is added in Tahoe City, more stormwater pollution will be apt to enter Lake Tahoe’s nearshore in that area. The EIR/S must examine the impacts of the pollution, also considering the depth of the water in the nearshore, potential for mixing/dilution, water flow patterns, and other factors, on water clarity/turbidity in the nearshore (including nutrient and particulate concentrations), habitat, and conditions that may support aquatic invasive species. The EIR/S also needs to identify how Placer County and TRPA will measure the impacts of new and redevelopment on nearshore clarity, and what measures will be taken to mitigate potential impacts, if need be.

b) Nutrient impacts to entire Lake:

On July 23, 2015, Dr. Geoff Schladow from the Tahoe Environmental Research Center (TERC)/UC Davis presented the public with the 2015 State of the Lake Report. In this report, a unique finding was made: the blueness of Lake Tahoe is negatively correlated with clarity. In other words, when clarity improves, there is less blueness, and when clarity declines, there is more blueness. While clarity is affected primarily by the influx of fine inorganic particles into the Lake, the blueness – which is the subject of decades of outreach (e.g. consider the “Keep Tahoe Blue” slogan) – is affected primarily by algae. Thus, as Dr. Schladow noted on 7/23/2015, “if we want to have blue water, we have to work on nutrients.” This information is also reported in the document:

“When the daily average Blueness Index is combined with the measurements of Secchi depth, a surprising result emerges, as evident in the figure below. Blueness and clarity vary opposite to each other. While the clarity is related to the input of very fine particles from the surrounding land, blueness is most strongly related to the algal concentration. The lower the algal concentration, the bluer the lake. The lowest concentration typically occurs in summer when nutrients have been depleted. This is the time of highest particle concentration.

This is good news. We now have an even better understanding of how Lake Tahoe works, and it reinforces the importance of controlling nutrient inputs to the lake, whether from the forest, the surrounding lawns, or even from the air. What is particularly encouraging are the long-term changes. Overall, the blueness has been increasing over the last 3 years and the average annual clarity has stopped declining.” (State of the Lake 2015, p. 6.1)



The blueness index plotted against Secchi depth for the last three years. Times of greater blueness occur at times of lower clarity.

Above: Chart of clarity versus ‘blueness’ from State of the Lake Report.

For years, we have strongly advocated for Plans and Projects to address the need to reduce nutrients – both phosphorous and nitrogen – in order to protect Lake Tahoe’s nearshore areas, where algal growth has been increasing (e.g. see periphyton charts above), research has now reiterated the importance of controlling nutrient growth for yet another reason – ‘Keeping Tahoe Blue.’ The TMDL, upon which the RPU’s mid-lake water quality benefits are primarily based, focuses on fine sediments, and does not address nearshore conditions (where nutrients play a larger role).³⁵ In addition, Dr. Schladow also discussed the variations among Tahoe’s different nearshore areas, in fact stating that in order to have a really good understanding of what is going on in the nearshore, monitors should be located every 2-3 miles along the nearshore. This clearly reiterates the importance of localized pollution and physical condition when it comes to nearshore impacts.

This reiterates the need for the TBAP EIR/S to clearly and comprehensively evaluate the amount and location of nutrients that will runoff into Lake Tahoe for each alternative, as well as their impact in stimulating nearshore and mid-lake algal growth.

³⁵ Information summarized from: Lahontan Water Board, Response to November 11, 2010 TASC Comments on TMDL:

- The TMDL was focused only on mid-lake transparency. (Response to comment TASC-15);
- The Lake Clarity Crediting Program, which is used as a means to track local government compliance with the TMDL, is initially focusing only on fine sediments. (Response to comment TASC-19).

From the *Lake Tahoe Total Maximum Daily Load Technical Report, June 2010*: “This [Tahoe] TMDL does not directly address restoring the nearshore clarity of Lake Tahoe. Rather, the Lake Tahoe TMDL focuses solely on restoring the deep water clarity and transparency.” (P. 3-23).

In addition, the two Town Centers in the TBAP are located in very close proximity to Lake Tahoe, allowing more impervious coverage to be placed in areas closest to Lake Tahoe. While the TMDL estimates that a variety of stormwater treatment systems may be used to reduce fine sediments and phosphorous, these systems generally do not remove nitrogen. In fact, the most effective way to remove nitrogen is through vegetative uptake. As noted in the 1982 TRPA EIS for establishing the Environmental Threshold Carrying Capacities,³⁶ the Basin's soil "is an integral part of the structure and function of the natural ecosystem," "essential for supporting vegetation by providing a medium to anchor roots, store nutrients, and store water for growth." (p. 16). Vegetation, in turn, "is a part of a total system... responsible for removing nutrients, particularly nitrogen, from precipitation... stored in the soil." (Page 18). Impervious coverage "affect[s] the soil's ability to function naturally as a medium for vegetative growth and storage of nutrients and water," and "prevents any infiltration of precipitation and its associated nutrient load, resulting in near total runoff." (Page 17). Increased runoff volume increases its energy, accelerating erosion. (Pages 17-18) [Emphasis added]. Researchers have also recommended ecological "buffers" between roads and the lake to capture runoff: "We should also relocate major roadways, like Highway 50, away from the lake shore," Cahill said. "We need to create ecological buffers [between the roads and the lake], marshes that can capture runoff before it hits the lake."³⁷

The TBAP EIR/S needs to analyze the mechanisms that will be necessary to remove nitrogen from the additional coverage allowed by the TBAP. The impacts of coverage that is exempt per TRPA regulations (e.g. bike trails) must be included in this analysis; while it may be exempt from regulatory requirements, the impacts of the coverage must still be analyzed and disclosed. The EIR/S needs to identify the land that will be used to provide the natural functions necessary to remove nitrogen from runoff before it enters Lake Tahoe.

³⁶ Excerpts attached.

³⁷ <http://articles.latimes.com/2000/feb/16/news/mn-64810>

3. Tahoe City Town Center Boundary Changes

The proposed TBAP would revise the Town Center as follows:

“The Area Plan would modify the Tahoe City Town Center boundary to remove 7.12 acres of property surrounding the Fairway Community Center and a Placer County water quality wetland treatment area, and to add 4.2 acres surrounding the Tahoe City Golf Course clubhouse. These changes would result in a net reduction of 2.91 acres in the Town Center. The Area Plan would also modify Regional Plan land use designations and Area Plan zoning within the Tahoe City Town Center to change: (1) land use designations of land added to the Town Center from Residential to Mixed Use; (2) land use designations of the Placer County water basin located adjacent to the golf course from Mixed Use to Recreation; and (3) land use designations of the remainder of the Tahoe City Golf Course from Residential to Recreation. Exhibit 2 shows these proposed boundary and land use changes.” (NOP, p. 4-5).

The coverage, height, and density allowances for areas within and external to the Town Center vary. Exceptions allowing more height may be permitted for certain uses,³⁸ therefore changing permissible uses may change the maximum allowable height in an area. In addition, allowed density is different for certain uses (for example, tourist uses may be permitted up to 40 units/acre, while multi-family dwellings are permitted up to 25 units/acre). Therefore, changing the allowed uses in these areas will affect the maximum densities allowed.

The EIR/S must analyze and compare the allowed maximum densities, heights, coverage, and uses according to:

- a. *The existing Tahoe City Community Plan and Plan Area Statement 002 (in other words, the No Action alternative, as the RPU’s changes are not in effect until an Area Plan is adopted);*
- b. *The TRPA 2012 RPU; and*
- c. *Proposed TBAP and alternatives.*

4. Pilot Program(s) – General:

The NOP and draft TBAP documents do not include a definition or list of criteria to document what qualifies as a “Pilot Project or Program.” For example, the TBAP Implementing Regulations (or the RPU) need to identify what type, size, location, and other features qualify a project to receive exemptions and/or amendments to the TRPA RPU. As the goal of the TRPA RPU is to achieve and maintain threshold standards, the Area Plan/RPU must also identify what level of environmental benefit a project or program must provide, and how it will be measured and ensured, in order to receive the special considerations.

Finally, the definition needs to include the purpose of the Pilot Project or Program and a plan for how the results will be used to assess the pros and cons of the Pilot Project/Programs and be used to influence any amendments to the RPU or Area Plan that are needed to provide additional environmental benefits.

³⁸ TRPA Code, Chapter 37.

The EIR/S must clearly identify and analyze the criteria for pilot programs and projects, how the environmental benefits will be monitored, how adjustments will be made if environmental benefits are not being realized, and how results will be used to guide future planning processes.

Specific comments on the Tahoe City Lodge Pilot Project and the Kings Beach Design Concept are included later in this document.

5. Overarching need to consider what is sustainable for Tahoe

The existing TRPA RPU's allowances, in combination with approved, proposed, or conceived projects and plan amendments within and adjacent to the Area Plan, do not represent a sustainable situation for Lake Tahoe's environment or communities. FOWS has documented this extensively in comments submitted to the California Office of Planning and Research.³⁹ We request Placer County and TRPA work with the OPR and our individual communities to address what we can do to truly be sustainable, because recognition that the standard urbanized approaches to smart growth (which were included in the RPU) are not appropriate for rural mountain communities was recently expressed by numerous entities.⁴⁰

The EIR/S must address the sustainability of the proposed alternatives, including the impacts to the environment, water demand and supply, and economies of the individual communities throughout the TBAP boundaries. Further, in order to analyze the sustainability of each Area Plan, the document needs to disclose the amount of federal and state dollars that are required to fund TMDL projects, transit operations and projects, scenic protection, and other sustainability measures identified in the SCS.

6. Magnitude and Distribution of Uses

The Conservation/Backcountry acreage⁴¹ in the Plan boundary represent undeveloped land that should remain undeveloped. Most of it is owned by the public. Including it in the percent breakdown makes it difficult to understand the areas where planning changes are proposed. FOWS' comments on the May 2014 draft Policy document included a request for Placer County to, at a minimum, include a separate Table which shows the existing number of acres and percentages by use without the 39, 478 acres of Conservation/Backcountry Use. FOWS also noted that *Table 2.2-2: Existing and Allowable Hard Coverage by Land Capability District* should also separate out the acres of coverage associated with publicly-owned, conservation/backcountry use from the total coverage, as including these presumably undevelopable areas heavily skews the

³⁹ FOWS Comments on Discussion Draft for the Governor's Environmental Goals and Policy Report (Sept. 2013); submitted to California Office of Planning and Research, June 12, 2014.
<http://friendswestshore.org/wordpress/wp-content/uploads/2014/06/FOWS-Comments-to-OPR.Sustainability.-6.12.2014.pdf>

⁴⁰ See summary of statements from June 4th meeting in FOWS comments to OPR, p.1.

⁴¹ See Table 2.1-1: Existing Land Uses in the Community Plan Area and Table 2.2-2: Existing and Allowable Hard Coverage by Land Capability District on pages 2-5 and 2-9 (resp.) in the Draft Policy Document.
<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/DraftPolicyDoc/Ch2LUandCommDesign.pdf>

information. Further, as coverage closer to the Lake has the greatest water quality impact to the lake (see previous nearshore comments), it is inappropriate to categorize all coverage the same. FOWS recommended additional tables be included which note the coverage, *excluding* the Conservation/Backcountry use, as well as tables which distinguish among the different locations of coverage. This information has not been provided with the TBAP documents.

We request the EIR/S provide this information and for each alternative, assess the impacts and location of the existing and proposed coverage in terms of how it relates to downstream nearshore conditions.

7. Assessment of Community Character:

The NOP states the EIR/S will examine impacts on community character, listing example factors to include height, density, setbacks, and design features.⁴² However, existing land uses also play a role in what defines “community character.” In addition, the documented input from the four Planning Teams⁴³ that met regularly with county staff for two years will help reflect what locals view as the character of individual communities.

The EIR/S should include an alternative based on the Area Plan feedback from the four Planning Teams to assess the community character of individual areas throughout the TBAP.

8. Tourist Accommodation Units (TAUs)

Although the RPU placed limits and phasing requirements on allocations for *new* developments,⁴⁴ there are numerous policies in place (and additional policies proposed in the TBAP) which increase development potential in the Basin. For example, transfers and conversions of uses, including the morphing of TAUs,⁴⁵ results in larger units which house more people per unit. An excerpt from previous FOWS comments on TAU morphing is included below.

⁴² “Assessment of community character will involve a discussion of the changes in combined factors that create the existing character (e.g., height, density, setbacks, design features), and that are proposed to change over time. The EIR/EIS will assess the impacts of these features on community character and compatibility with the scale and massing of existing neighborhoods, particularly areas adjacent to Town Centers and mixed-use districts.” (NOP, p. 15).

⁴³ See Tab for Plan Area Teams at:

<http://www.placer.ca.gov/departments/communitydevelopment/planning/tahoebasinareaplan>

⁴⁴ TRPA Code, Section 50.10. Election of Conversion of Use.

⁴⁵ See section titled: “New development as a result of TAU morphing:” on pages 2-3 in the attached 5/27/2015 Comments to TRPA regarding the conversion of CFA to TAU bonus units.

As noted in our previous detailed comments, even before bonus units and other incentives are applied to a situation involving the transfer of existing TAU units, the maximum potential increased growth due to the morphing allowed by the RPU is as follows:

	Existing TAUs		New TAUs			
	Existing TAU	Total: 30 existing TAUs	New TAU – people/unit	# with 30 new TAUs	# with 60 new TAUs	# with 90 new TAUs
People/unit	1-2	30-60	6-8	180-240	360-480	540-720
Total size (sq. ft.)	300	9,000	1,200 (80%) ^a 1,800 (20%)	39,600 ^b	79,200 ^c	118,800 ^d
No. Vehicles	1	30	3-4	90-120	180-240	270-360

- a. Code 51.5.2.K.2. Note: Table has been updated from previous versions in order to account for the 80/20% split in this Code section.
- b. 80% (24) of the units can be 1200 sq. ft. = 28,800 sq. ft. and 20% (6) can be 1800 sq. ft. = 10,800 sq. ft. for a total of 39,600 sq. ft. Compared to 9,000 sq. ft., this is a 440% increase in floor area.
- c. 80% (48) new units at 1200 sq. ft. = 57,600 sq. ft. and 20% (12) at 1800 sq. ft. = 21,600 sq. ft. for a total of 79,200. Compared to 9,000 sq. ft., this is an 880% increase in floor area.
- d. 80% (72) new units at 1200 sq. ft. = 86,400 sq. ft. and 20% (18) new units at 1800 sq. ft. = 32,400 sq. ft. for a total of 118,800 sq. ft. Compared to 9,000 sq. ft., this is a 1320% increase in floor area.

The Lt. Governor of California also identified the need to address this issue (excerpt below):⁴⁶

I am writing to you to express my serious concern over the misuse of Tourist Accommodation Units (TAUs) at Lake Tahoe and the threat it poses to the Lake’s future. The TRPA definition of a TAU is a “one bedroom or a group of two or more rooms with a bedroom...primarily designed to be rented by the day or week and occupied on a temporary basis.” This definition was originally intended to apply to modest structures such as 300 sq. ft. one bedroom units. In practice, this definition is now being distorted to allow for the construction of large, multi-bedroom timeshare units as large as 3,000 sq. ft.

Although the RPU limited the size of new TAUs to 1200-1800 sq. ft. (Code Section 51.5.2), this is still a significant increase by up to a factor of six from 300 sq. ft. rooms, as reflected in our comparison table above. This impact, commonly referred to as “TAU morphing,” was not addressed in the RPU/RTP EIR/S documents. Rather, Alternative 3 (adopted as the new RPU) simply listed these new limits,⁴⁷ and the final RPU EIS concluded the impacts were less than significant by comparing the TAU requirements in the Final RPU EIS to Alternative 3 in the draft RPU EIS.⁴⁸ There was no analysis of impacts such as those represented in our example in the TAU morphing table above.

⁴⁶ Letter from Lt. Governor John Garamendi, dated 10/10/2008. <http://friendswestshore.org/wordpress/wp-content/uploads/2015/07/Garamendi-Letter-TAU.pdf>

⁴⁷ “...Alternative 3 would define a sending TAU as one 1,200-square foot receiving unit or 1,800-square-foot/3-bedroom receiving unit if the units make up less than 20 percent of a Project.” RPU DEIS, p. S-9.

⁴⁸ “Alternative 3 would place size limits on transferred TAUs by defining a sending TAU as one 1,200-square-foot receiving unit or one 1,800-square-foot, 3-bedroom receiving unit if units of this size comprise less than 20 percent of a project’s floor area. The Final Draft Plan retains these size limits for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs, as described in Draft Code Section 51.5.2.K...Because the Plan revisions would not increase the proposed size limits of transferred TAUs considered in Alternative 3, would reduce the size limits for some transferred TAUs, and would place greater restrictions on such

According to p. 85 of the draft TBAP, Placer County has 72,609 sq. ft. of remaining unallocated CFA, and 49 remaining unused TAUs. At the proposed conversion ratio of 1 TAU = 454 sq. ft. of CFA,⁴⁹ conversion of the remaining CFA allocations would result in approximately 160 TAUs (notably this does not include the additional TAUs that could result from the conversion of existing CFA to TAUs).

The EIR/S must identify and analyze the potential impacts on full- and part-time resident, second home, and tourist populations, highway capacity and transit incentives, water supply, and all thresholds from regulations which allow growth through ‘redevelopment,’ transfers and conversions of uses, new units that do not require allocations, the transfer of uses from small rooms into large, multi-unit structures, etc. The analysis must address the impacts from TAU morphing, as indicated in our example comparison table (above). Further, as the TBAP proposes the conversion of CFA to TAUs (beyond TRPA’s proposed ‘bonus unit conversions’),⁵⁰ impacts associated with the maximum development potential (i.e. the conversion of existing and remaining CFA to TAUs), must be thoroughly analyzed and disclosed in the EIR/S.

In addition, we request Placer County review the implications of a policy of fungible conversions and the impact on future transit programs. If the County has not determined a proper ratio of CFA to TAUs that will provide for an effective transit system, the communities could be inadvertently thrown into a situation in which they have an imbalance in transit trips. For example, unintended consequences could include a situation where a row of hotels is developed separate from commercial and other uses.

Conversion of CFA to TAUs allowing 400 Additional TAUs:

The proposed Area Plan program titled “Limited Conversion of CFA to TAUs” allows for the conversion of up to 400 new TAUs in Town Centers.⁵¹ Assuming these were built to maximum size (see TAU morphing section above), 80% of these units (320 units) may be 1200 sq. ft. and 20%, or 80 units, 1800 sq. ft. The resulting floor area would be 528,000 sq. ft.⁵² This area would accommodate potentially *thousands* of additional visitors at one time, many of which are likely to arrive to Tahoe via personal automobile.

The EIR/S must also examine the increased development that would result from 400 additional TAUs, including the floor area, increased coverage, number of visitors

transfers, [revisions in the Final EIS] would reduce the total floor area of tourist development compared to the Draft [Regional Plan Update]. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.” (Final RPU EIR, Volume 1, p. 2-6).

⁴⁹ “The proposed conversion rate is consistent with the conversion rate being developed by TRPA for bonus units: 1 TAU = 454 square feet of CFA.” (NOP, p. 4)

⁵⁰ “The Area Plan would establish a pilot program for the limited conversion of commercial floor area (CFA) to tourist accommodation units (TAUs) for existing development (held by property owners) and for the CFA supply held by Placer County.” (NOP, p. 4).

⁵¹ NOP, p. 4.

⁵² 320 units x 1200 sq. ft./unit = 384,000 sq. ft.; 80 units x 1800 sq. ft./unit = 144,000 sq. ft. Total new sq. ft. = 528,000 sq. ft.

(recognizing a 1,200 to 1,800 sq. ft. unit may have multiple rooms accommodating many people), number of vehicles, VMT, parking requirements, and other impacts.

The Implementing Regulations state: “No more than 400 TAUs may be established within the Placer County Tahoe Basin Area Plan through this pilot program and other programs combined;” (p. 305). It is not clear whether the limit of 400 encompasses the total number of new TAUs, including those constructed with Bonus Units, or just the total number of new TAUs converted from existing and unused CFA commodities. This needs to be clearly specified in the Implementing Regulations. If the limit of 400 TAUs does not include Bonus Units, the EIR/S must analyze the impacts of the new 400 TAUs plus associated Bonus Units.⁵³

The Implementing Regulations also state: “7. The program will be periodically monitored for efficacy and future consideration of program adjustments.” (Section 3.13.B.2). It is unclear what is meant by “periodically.”

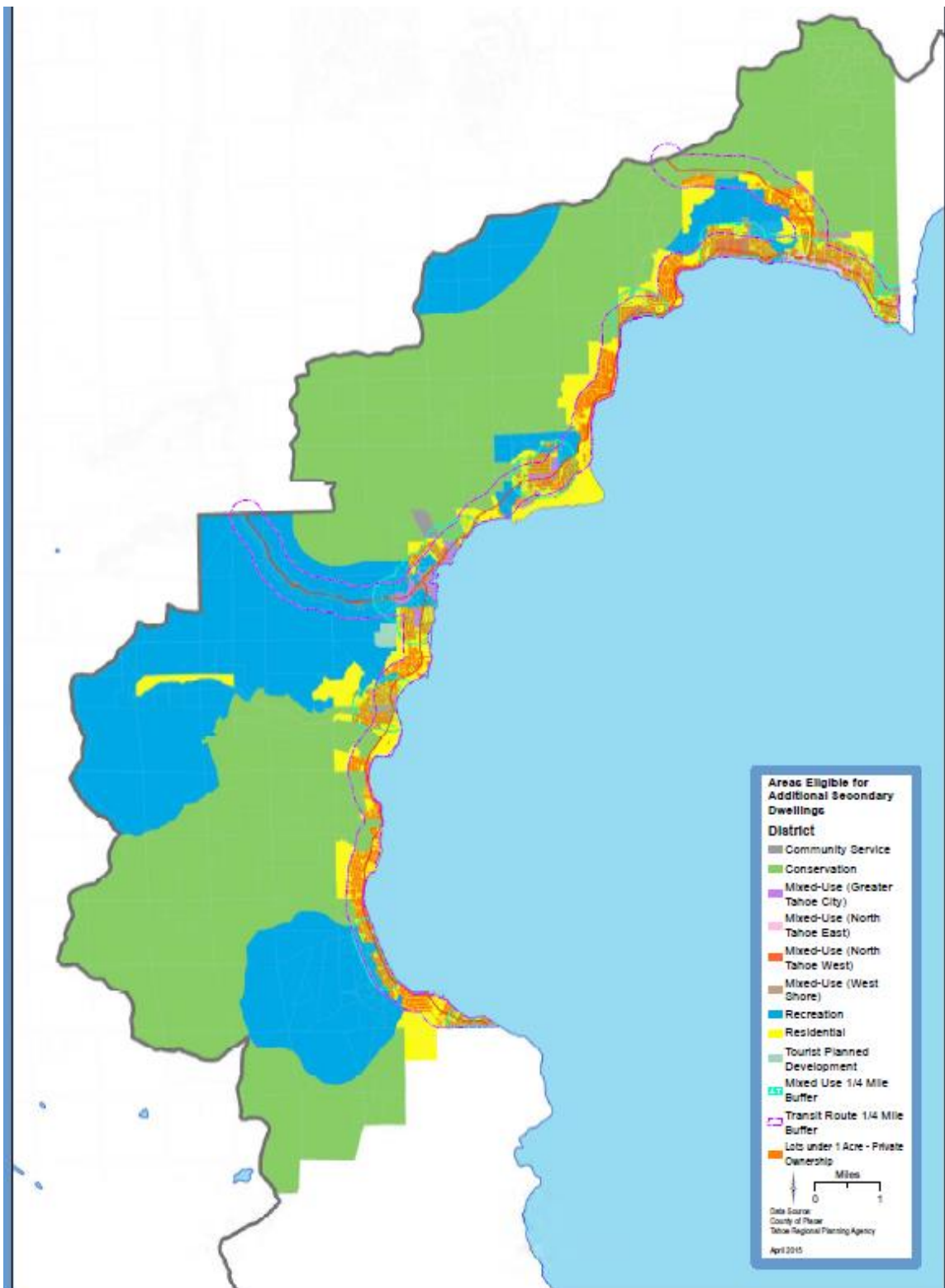
The EIR/S must identify how the program will be monitored, including how often, what parameters will be measured, how efficacy will be determined (including criteria), how adjustments will be made, and how Placer County and TRPA will monitor and adjust this program to ensure that environmental damage does not result from new TAUs before adjustments are made.

9. Program to allow secondary residences on certain parcels:

The TBAP includes a proposed program to allow market-rate secondary residences on certain residential parcels less than one acre in size.⁵⁴ As shown in Figure 4-8 in the TBAP: “Secondary units on lots under one acre, potentially eligible areas,” the number of properties that would potentially qualify for a secondary residence are substantial.

⁵³ “The program builds upon the conversion standards currently being developed for the TRPA bonus pool of CFA and TAUs.” NOP, p. 4.

⁵⁴ Draft TBAP, p. 90.



PLACER COUNTY
COMMUNITY DEVELOPMENT RESOURCE AGENCY
GEOGRAPHIC INFORMATION SYSTEM DIVISION

Tahoe Basin Area Plan

Figure 4-8
Secondary Units
on lots under 1 Acre
Potentially Eligible Areas

The impacts of these additional units, both individually and cumulatively, must be evaluated. For example, if all such properties were allowed to construct secondary units, and units contained two to four people, the EIR/S needs to examine the impacts of the new units on roadways (including VMT, LOS, coverage for buildings and parking, etc.). In another example, the EIR/S needs to assess the collective increase in water demand from full construction of these units.

TRPA’s Code Section 21.3.2.A.2 regarding secondary residences allows them only if a parcel is greater than one acre, or the secondary unit is restricted to affordable housing.⁵⁵ However, the proposed TBAP Implementing Regulations would conflict with both limitations, allowing secondary residences on lots less than one acre, and **not** requiring they be deed-restricted as affordable housing.⁵⁶ However, if units are restricted to affordable housing, a residential allocation is not required,⁵⁷ and therefore the increased number of units would not be subject to TRPA’s growth control regulations. Either scenario results in a substantial increased potential for additional units throughout the TBAP compared to what was analyzed in the RPU.

The RPU’s analysis is based on the assumptions for future growth made in Appendix E, Part 7. The EIR/S needs to compare the impacts of the proposed program to the assumptions made in the RPU EIS’ analysis of future residential growth distribution:

Residential allocations remaining from the 1987 plan:

The model assumed 86 residential allocations authorized in the 1987 regional plan were allocated to local jurisdictions, but not yet built. These remaining allocations were distributed in the same fashion for all alternatives. The remaining allocations were distributed proportionately between the counties based on the percent of development rights associated with developable parcels within each county. Table 1 shows the approximate number and percent of developable parcels with development rights within each county. Once the proportional distribution of allocations between each county was determined, individual allocations were randomly assigned to developable parcels within each county. (p. E.7-2).

⁵⁵ “**A. Residential Secondary Unit Parcel Size**

A secondary residence may be permitted as accessory to a single-family house if:

1. The parcel on which the residence is located is greater in size than one acre; or
2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable housing.”

⁵⁶ “**3.01 Permissible Uses**

Permissible Uses are defined in Chapter 21 of the TRPA Code of Ordinances. Permissible uses for each zoning subdistrict are outlined in Chapter 2 of these Area Plan Regulations. Additional provisions for secondary residences are outlined in Subsections A and B below.

A. Additional Secondary Residences Allowed. In addition to secondary residences permitted as an accessory use by Section 21.3.2 of the TRPA Code of Ordinances, secondary residences are also permitted as accessory to a single family residence if the parcel is located within 0.25 miles of a mixed use zoning subdistrict or primary transit route and the property is deed restricted to not allow either residence to be converted to a tourist use. A secondary residence shall be considered a Residential Unit subject to the residential allocation and transfer provisions of the TRPA Code of Ordinances.”

⁵⁷ “Affordable housing units are, however, exempt from acquiring residential allocations.” (RPU DEIR, p. 2.12-3).

The EIR/S needs to analyze the specific number of new units that could be constructed as a result of the proposed program to allow market-rate secondary residences on certain residential parcels less than one acre in size. The EIR/S needs to analyze the traffic-related impacts which may occur from allowing these homes. The EIR/S needs to also assess how this change may impact affordable housing, as the RPU's requirements aim to encourage secondary units to provide affordable housing. The EIR/S also needs to evaluate the increased demands on water supply from full implementation of this policy throughout the entire TBAP.

10. Population, Employment, and Housing

The proposed TBAP will increase both the residential and visitor population in the TBAP plan area. The TBAP also encourages larger, resort-type developments, which tend to involve low-wage, part-time, and/or seasonal employment.

The EIR/S must examine each alternative's impacts on the part-time and full-time residential population, as well as visitor population (including overnight and day-visitors). Impacts to housing must be examined, including the availability and cost of housing and how these changes will positively or negatively impact housing available for those who will take the resort-based, lower wage jobs associated with the types of developments incentivized by the TBAP and RPU. The EIR/S should also assess how the TBAP will ensure large employers (e.g. Squaw Valley, Homewood Mountain Resort, etc.) pay their fair share toward providing housing for their new employees.

The NOP states the proposed Area Plan will increase density in mixed-use districts.⁵⁸ However, it appears the only changes proposed for mixed-use districts that are not in Town Centers include the changes to allow secondary residences if a parcel is located within 0.25 miles of a mixed use zoning subdistrict,⁵⁹ and to allow residential uses in Homewood and Sunnyside. This needs to be clarified.

The EIR/S must examine and disclose the specific changes being made to all areas, including outside of Town Centers, compared to existing Community Plans and Plan Area Statements for those areas.

While the draft Implementing Regulations provide the proposed zoning for all areas in the TBAP, there are no tables allowing a direct comparison between the No Action Alternative (where Community Plans and Plan Area Statements still apply) to the proposed project.

⁵⁸ “The proposed Area Plan has the potential to influence water quality in several ways, including enhancing SEZ and water quality through implementation of environmental improvement projects, increased density in mixed-use districts, changes to the Tahoe City Town Center boundary, and influencing air quality and related atmospheric deposition.” (NOP, p. 16).

⁵⁹ “In addition to secondary residences permitted as an accessory use by Section 21.3.2 of the TRPA Code of Ordinances, secondary residences are also permitted as accessory to a single family residence if the parcel is located within 0.25 miles of a mixed use zoning subdistrict or primary transit route and the property is deed restricted to not allow either residence to be converted to a tourist use.” Imp. Regulations, p. 265.

The EIR/S must include detailed comparisons between the existing and proposed uses, densities, and other requirements, and highlight the changes clearly so the public and decision-makers can easily see the differences.

The NOP also states: “*The project-level analysis of the Tahoe City Lodge Pilot Project will assume that, because of the nature of the project as a hotel/lodge, project effects on employment levels will be minor and issues of population, employment, and housing can be dismissed with minimal discussion.*” (p. 15). A 120-unit hotel with several extra amenities, which aims to draw numerous overnight guests to the area, all of which requires additional employees, will have an impact on population, employment, and housing. In fact, the TC Lodge Project objectives specifically include: “*develop[ing] high quality tourist accommodations and amenities in the Tahoe City Town Center*” and “*...provid[ing] new jobs, increased property and transient occupancy taxes, and other economic benefits.*” (NOP, p. 7). As the objectives specifically call out increased tourist accommodations, jobs, and other economic benefits, the project will affect employment levels, population, traffic, and housing issues.

The EIR/S needs to comprehensively analyze and disclose the TC Lodge Project’s impacts on all of the above listed areas.

11. Adaptation to Climate Change

The NOP and draft Area Plan give very little attention to the need to **adapt** to the impacts of climate change. The document focuses solely on analyzing GHG emissions.⁶⁰ However, available climate change information has for years indicated that our precipitation patterns will shift, meaning we will see more rain, less snow, and heavy rains will often come in large, individual storms. This will result in a lot of rain in a short period of time, and, as noted by meteorologists,⁶¹ we need to prepare for larger episodic storms.⁶² In fact, meteorologists have continued to warn the public of the likelihood of increased 200- to 500-year Megaflood storm events as a result of climate change.⁶³ In terms of protecting our future Lake Tahoe environment, now is the time to plan for accommodating more flood water, especially in areas that have been previously mapped as SEZ.

⁶⁰ “The EIR/EIS will evaluate potential air quality impacts using the latest widely accepted air quality modeling tools. Projected air quality conditions and GHG emissions associated with the Area Plan and the Tahoe City Lodge Pilot Project will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed... With regards to Tahoe City Lodge Pilot Project impacts on GHGs and climate change, the EIR/EIS will quantify estimated operational carbon dioxide emissions from both stationary and mobile sources.” (NOP, p. 16)

⁶¹ http://www.waterboards.ca.gov/lahontan/board_info/agenda/2015/jan/item_13.pdf

⁶² Excerpt of Summary Point slide from referenced presentation to the Lahontan Regional Water Quality Control Board, January 2015 included below in document.

⁶³ http://tahoe.ca.gov/wp-content/uploads/2014/06/files/2013_VO/UTR_/Dettinger_Ingram_sciam13.pdf;
<http://www.tahoeculture.com/events/north-shore-events/arkstorm-impacts-at-lake-tahoe-at-terc-jan-31/>;
http://meteora.ucsd.edu/cap/pdffiles/ARKStorm_Summit_Handout_Final.pdf

SUMMARY POINTS

- California's climate is prone to year-to-year and longer term variation in precipitation—drought is an expected part of our climate—present and future.
- Climate warming will broadly affect California hydroclimate and impact water systems across-the-board, but heterogeneously. Expected impacts of climate change: longer “warm” season, loss of spring snow pack, greater winter flood risks.
- Climate changes in annual precipitation remain uncertain in northern California. However, climate change are currently projected to affect precipitation intensities—fewer overall wet days but more intense heavy events.
- Implications:
 - Less snow, more rain
 - Earlier run-off from traditionally snow-fed mountain watersheds
 - Larger floods
 - Potentially, less stored water
 - Water quality implications: warmer surface water, warmer dry spells, .

Logos: USGS (science for a changing world), Southwest Climate Science Center, CNAP (California Nevada Climate Applications Program), Center for Western Weather & Water Extremes (UCR/UCSD/UCI/UCM).

The EIR/S must examine the impacts that will result from 200- and 500-year storms, including where the water will go and how it will be managed, under each alternative.

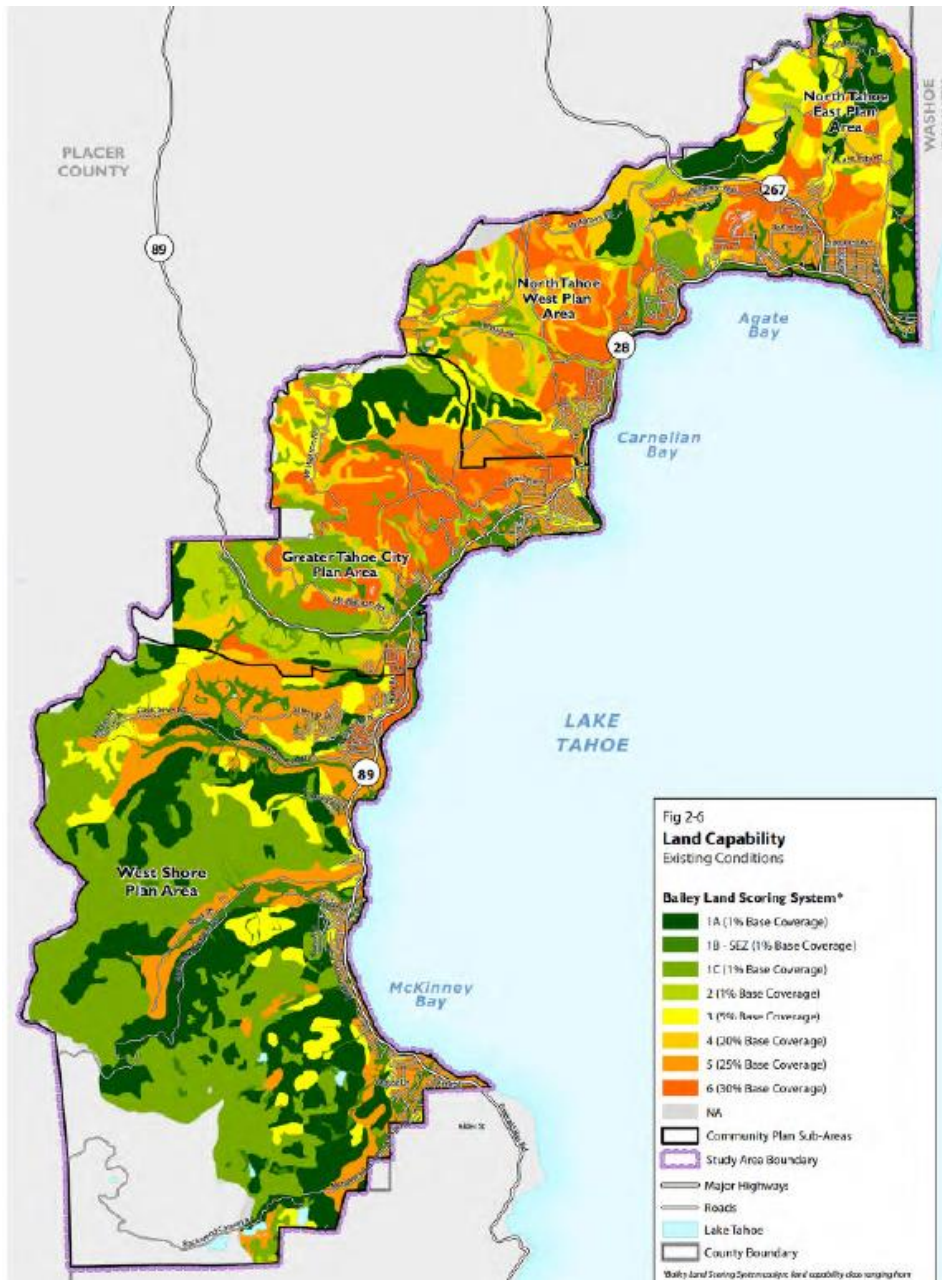
We request Placer County take the opportunity to plan for this now by designing an Area Plan with adequate flood plain protection that accounts for the best available science. The EIR/S must evaluate the impacts of flooding, and identify mechanisms and available land that will be used for flood attenuation.

12. Stream Environment Zones (SEZs)

a) SEZ land and capability changes:

The Tahoe City and Kings Beach Town Centers have been identified as areas with a large amount of SEZ land, as reflected in the following maps from the Existing Conditions Report:⁶⁴

⁶⁴ Existing Conditions Report, Figure 2.6. Land Capability: Existing Conditions and Figure 2.7: SEZ Existing Conditions.
<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/Ch-2-Conservation-Pages-21-41.pdf>





The Existing Conditions report notes that “[land classified as] “1b”(SEZ) is over covered by 193 acres.” (p. 2-33). Identified SEZ acreage is likely to be further covered by the addition of linear parking, bike trails, sidewalks, driveways, and road improvements, portions of which currently permit the land to function effectively as an SEZ. Despite the reality that the TRPA grants exemptions for coverage in SEZs from certain projects,⁶⁵ the fact remains that the natural treatment system provided by those lands for millennia as a protection for the lake’s waters is lost for all time by the exemption decisions that permit more asphalt and buildings. In addition, exempting the coverage from permitting

⁶⁵ TRPA Code Section 30.4.6. Exemptions and Partial Exemptions from Calculation of Land Coverage.

requirements does not negate the need to evaluate and disclose the impacts of the coverage in the EIR/S.

FOWS and TASC are also very concerned with the rapid and sequential changes to SEZ due to the successful land capability challenges to areas in Tahoe City that were once a meadow, and then became a golf course,⁶⁶ and the recent land capability challenge for the Tahoe City Lodge project, where even more SEZ lands were reclassified to LC 5.⁶⁷ Although the applicant and TRPA staff indicated during the 7/9/2015 Hearings Officer meeting that the challenge was not ‘project-driven,’ it is noteworthy that TRPA’s RPU relies on achieving environmental benefits from encouraging the transfer of existing development out of sensitive areas and on to *higher capability lands*.⁶⁸ Although it is unclear whether the Tahoe City Lodge Project would be eligible for TAU bonus units (if it remained classified as an SEZ), the idea of transferring development from SEZs to an SEZ (per the transfer of development rights program) would presumably conflict with the RPU’s approach. In addition, it appears that if the land were to have remained classified as SEZ, excess coverage mitigation would have applied.⁶⁹ This change in land capability appears to result in fewer requirements, and perhaps fewer TAU purchases. As noted during the July 9th Hearings Officer meeting, we are concerned with the piecemeal approach to reclassifying SEZ lands in Tahoe City to higher capability lands. In addition, a new, updated land capability map is needed, since changes have been made (e.g. Tahoe City Golf Course and Lodge land capability challenges) since the Existing Conditions Report was released.

Although some of the land in the TBAP boundaries has been reclassified as a higher capability than SEZ, the same amount of water that ran through the soil before it was reclassified will still run through the land in its new classification, but will present new, increased problems due to the construction disturbance to BMP effectiveness, TMDL stormwater treatment capacities, and likelihood of increased flooding down gradient, where existing buildings, parking lots, and roads lie. Other SEZ lands in the Town

⁶⁶ <http://www.trpa.org/hearings-officer-special-meeting-agenda-and-staff-summary-march-25-2014/>; (approved)

⁶⁷ <http://www.trpa.org/hearings-officer-meeting-agenda-and-staff-summary-july-9-2015/>; (approved)

⁶⁸ “[Alternative 3] would modify existing coverage transfer policies to incentivize to varying degrees the transfer of coverage out of low-capability lands (LCDs 1 through 3, including LCD 1b) to higher capability lands (LCDs 4 through 7). A key premise of the Bailey Land Capability system is that lower capability lands have a very low tolerance for development, where even small amounts of impervious coverage (e.g., greater than 1 percent) can impair the environmental balance of those lands. Conversely, high capability lands indicate increased tolerance for higher intensity use and increased coverage (Bailey 1974: pp. 22-24). Furthermore, the surface conditions of higher capability lands (e.g., relatively flat, high infiltration rates, low erosion rates) typically make it easier to mitigate the impacts of development through BMP implementation. Therefore, the analysis views the transfer of coverage out of low capability lands (where it is more difficult to mitigate impacts) to high capability lands (where it is easier to mitigate impacts) as a beneficial action for decreasing stormwater runoff and pollutant loading when transferred coverage meets all other existing water quality requirements.” (RPU DEIR, p. 3.8-33).

⁶⁹ TRPA Code Section 30.6 states: “This section applies to projects where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.”

Centers that have seen or will likely see ongoing SEZ degradation include portions of the 64 acre Tract⁷⁰ and to the Burton Creek drainage.

The Tahoe City and Kings Beach Town Centers are among those closest to Lake Tahoe, therefore the runoff from the excess existing and additional coverage allowed by the RPU in these Centers has a shorter distance to travel to reach Lake Tahoe.⁷¹ Installation of well-designed TMDL facilities, if operated successfully and maintained correctly, may attenuate a percentage of stormwater runoff problems to the lake; however, groundwater will continue to seep through the damaged soil under the pavement and buildings and into the lake, adding to contributions to the nearshore loss of clarity⁷² and impacting the “exceptional purity and clarity” that was championed in 1979 by the federal government.⁷³ In addition, since operations and maintenance of facilities closest to the lake are critical, the TBAP will need to emphasize an expedited construction schedule for BMPs throughout the area.

The EIR/S needs to examine and disclose how each alternative will achieve and maintain thresholds and/or negatively impact existing SEZs and sensitive lands in the Town Centers and throughout the TBAP. For example, for each alternative, the EIR/S should examine and disclose the acres of SEZ that will be restored to a fully functioning SEZ, acres of SEZ that will be reclassified as non-SEZ, acres that will be covered as a result of approved projects (e.g. Fanny Bridge SR 89 Realignment), and SEZ acres that will be developed with public service facilities and bike trails (in other words, coverage that is exempt per TRPA Code Section 30.4.6). The EIR/S needs to examine how the water runoff from the Tahoe City Golf Course and adjacent properties (e.g. the Tahoe City Lodge Project) will be treated. Although the land classification for these properties has recently been changed, the same amount of stormwater will run through these areas, regardless of the land capability. The EIR/S also needs to include a description of the extensive BMP installation program that will treat runoff from shorezone properties, both residential and commercial.

b) TMDL Projects:

The 2013 TMDL Report from Placer County lists the project areas, schedule, and whether the project has been completed, implemented, or not begun.⁷⁴

The EIR/S should discuss the progress that has been made on the PLRM projects for the Clarity Challenge, and specifically the schedule, costs, and source of funds for completion of the current 2013-2016 list. In addition, the results of the 2014 Report, which is not yet available, should be disclosed in the EIR/S.

⁷⁰ The recently approved Fanny Bridge SR 89 Realignment Project (Alternative 1) allows 0.6 acres of SEZ to be paved over for the new bypass and bridge. (Fanny Bridge DEIR, p. 4.5-25).

⁷¹ http://www.trpa.org/wp-content/uploads/12-12-2012_RPU_Final_Adopted_Map_Packet.pdf

⁷² From Nearshore Report (cited previously), p. 35: “Nutrient inputs from stormwater runoff, stream inputs and ground water may generate increased biomass of phytoplankton and benthic algae (periphyton and metaphyton).”

⁷³ “The exceptional purity and clarity of Lake Tahoe is due primarily to the very low concentrations of suspended sediment and algae cells in the Lake’s waters.” Western Federal Regional Council Lake Tahoe Environmental Assessment. Executive Summary. December 1979. Page 16.

⁷⁴ Lake Tahoe Pollutant Load Reduction Progress Report, Sept. 27, 2013. Placer County. “2004 – 2011 Catchment Registration and Modeled Load Reduction Status.” Page 7.

13. Stormwater Design:

Increased flooding as predicted in climate change scenarios will not only pose a threat to private property and public safety, but will also generate increased stormwater runoff, thus creating impacts to both mid-lake and nearshore clarity. As noted in our comments to TRPA on the RPU,⁷⁵ there is no evidence to support that planning to capture stormwater based on a 20-year storm design is sufficient.

In over-covered areas like Tahoe City, the 1-inch storm standard can be too little to protect downstream soils, or protect streams and the lake from excess runoff. It is important that an adequate performance/maintenance commitment be documented with a requirement to timely replace/rebuild non-functioning BMPs. Highly- and over-covered areas in catchments close to Lake Tahoe, such as Tahoe City and Kings Beach, increase the percentage of rain and snowmelt that would be discharged due to the excess impervious cover, and make it more difficult and costly for area-wide BMPs to infiltrate or fully treat pollutant loads.

The RPU EIS and RTP EIR/S did not analyze the adequacy of the 1-inch storm standard in relation to the increased coverage that the RPU allowed. Further, even if such analysis had been performed, it would have reflected only a broad, regional-level review. The design needs and runoff impacts associated with localized areas in the TBAP require this analysis. Factors that affect the volume and/or path of runoff include, but are not limited to, the amount and location of existing coverage, distance to streams and/or Lake Tahoe, angle of slope to the lake (which can increase runoff velocity), other topographic features, soil type, depth of water in the nearshore, level of ground saturation, and intensity and duration of storms. For example, studies associated with the TRPA-certified Boulder Bay Project EIS⁷⁶ evaluated various conditions and significant differences in runoff were noted under differing scenarios:

“It is important to note that when stormwater is allowed to run off of the project area, that runoff contains sediment (including fine sediment), nitrogen and phosphorus, the primary elements leading to loss of Lake clarity. It is also critical to understand that the 20yr/1hr storm and the 100yr/1hr storm are design specifications and are not representative of how precipitation and runoff actually occur. In reality, storms often occur in a series, which can result in nearly saturated soils or partially filled storm-water infiltration galleries, tanks or detention basins, thereby reducing conceptual design capacities of storm water management strategies. As a result, we could have a relatively dry year in terms of total moisture, which produces significant runoff because the storms that did occur were abnormally large or occurred in close succession. In order to truly understand the potential for runoff, and as a result the transport of fine sediment, nitrogen and phosphorus, we must model actual data to accommodate the following: • Multiple storms back-to-back; • Longer duration storms; • The timing of storm events (fall, winter, spring); and • The impact of periodic events such as El Nino years.” [Emphasis added].

The EIR/S should analyze what storm design standard will be adequate for ROS (rain-on-snow) events and other high runoff events in the Area Plan, with emphasis on the more

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http://www.trpa.org/documents/reisc/2_Other%20Organizations/League%20to%20Save%20Lake%20Tahoe,%20Friends%20Of%20West%20Shore,%20Tahoe%20Area%20Sierra%20Club%20-%20Joint%20Comments.pdf

⁷⁶ http://www.trpa.org/documents/CEP/Boulder_Bay/FEIS/Appendix_AB_Supplemental_WQ_Study.pdf

developed areas (e.g. Tahoe City and Kings Beach), especially in the face of projected 200-year storms. This assessment needs to be part of a more comprehensive analysis of the impacts of the Area Plan on nearshore areas. We also recommend that water quality treatment plans and projects be designed to accommodate water from 100- to 200-year storms.

14. Air Quality

a) Greenhouse Gas Emissions:

The NOP states: “A GHG emission inventory and projections for the Tahoe Region were prepared as part of the Lake Tahoe Sustainability Action Plan. The EIR/EIS will evaluate potential air quality impacts using the latest widely accepted air quality modeling tools. Projected air quality conditions and GHG emissions associated with the Area Plan and the Tahoe City Lodge Pilot Project will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed.” (p. 16).

The “envelope” that has been measured is not designed to measure the actual GHG emitted in the basin; it is a construct of a statewide regulation that is designed to register climate-changing GHGs from various sources. More specifically, California’s SB 375 requirements were developed to address sprawl in urban areas and are based on dividing GHG emissions from selected VMT⁷⁷ by the full time residential populations to obtain the GHG ‘per capita’ emissions. The Tahoe Basin, however, is a unique case, as a recreation area that attracts millions of visitors (and their GHGs).

As noted in comments on transportation (below), the GHG emissions estimates, which are measured as GHG emissions per capita, in the RPU EIS and RTP EIR/S are misleading because the total VMT (which includes visitor trip counts – see transportation comments) is divided by the full-time residential population,⁷⁸ not the actual population in the Basin (which would include visitors). The RPU/RTP estimates also exclude half of the internal-external trips and all of the external-external trips.⁷⁹ Although using this

⁷⁷ “This bill would also require the regional transportation plan for regions of the state with a metropolitan planning organization to adopt a sustainable communities strategy, as part of its regional transportation plan, as specified, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region.” (SB 375, p. 85). [Emphasis added].

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.pdf

⁷⁸ “After calculating the VMT attributable to the California side of the Tahoe Basin in accordance with RTAC procedures, the TMPO will use this VMT as an input to EMFAC. The resulting GHG emissions are then divided by the 2005, 2025, and 2035 residential populations to obtain GHG emissions per capita.” (p. 11) [Emphasis added]. TMPO Memo to CARB re: *Methodology for estimating greenhouse gas emissions reductions from the Sustainable Communities Strategy for the Lake Tahoe Region*. October 14, 2011.

http://www.arb.ca.gov/cc/sb375/mpo/tmpo/tmpo_tech_meth101411.pdf

⁷⁹ “To evaluate compliance with California SB 375, the amount of VMT that occurs on the California side of the Region must be determined. Using the method approved (i.e., 100% of X-X VMT excluded, and 50% of X-I and I-X by the California Regional Targets Advisory Committee (RTAC), approximately 62 percent of the resulting VMT is attributable to the California side of the Region, and 38 percent to the Nevada side. This calculation method assigns 50 percent of the VMT to a specific side of the Region, if one end of the trip begins/ends on that side of the Region, and the other end of the trip is external. For trips that

method may meet SB 375 requirements for GHG analysis, the EIR/S must still analyze and disclose the total GHG emissions associated with each alternative, which includes GHGs generated by all in-Basin VMT and trips (including visitors).

The EIR/S must examine the total GHG emissions, as well as GHG per capita, associated with the actual population of the Basin, including full- and part-time residents and visitors. Any proposed mitigation must be based on all of these factors, not just per capita emissions. The EIR/S must also disclose the total GHG emissions associated with each alternative, including emissions from all in-Basin driving, which clearly includes through trips.

b) Criteria Pollutants:

On-Road Mobile Sources:

For on-road mobile sources, air emissions are estimated by VMT and other factors (e.g. vehicle type, etc.). The RPU/RTP VMT estimates used for the GHG analysis exclude half of the internal-external trips and all of the external-external trips.⁸⁰ Estimated air quality impacts in the Lake Tahoe Air Basin will require analysis of emissions from *all* VMT in the Basin. For example, new TAUs in Tahoe City will draw more visitors to the area; almost half of surveyed visitors in the North Tahoe Region visit Emerald Bay.⁸¹ Emissions from these vehicle trips will occur within and outside of the TBAP boundaries, and will vary based on how many new overnight and day visitors are drawn to the area by the TBAP alternatives. Emissions from increased residents (both full- and part-time) must also be counted.

The EIR/S must estimate air pollution impacts from on-road mobile sources based on the total VMT associated with each alternative. Estimates must include all emissions created directly and indirectly in the Lake Tahoe Air Basin. Further, the increased pollution generated when larger TAUs draw more people per unit to the Basin must be assessed (including for transfers or conversions of use).

Off-road mobile sources:

As explained in our comments on the RPU EIS, the increased residential and visitor populations associated with the RPU (and TBAP) developments will increase emissions

begin and end on one side of the Region, 100 percent of the VMT are assigned to that side. VMT from through trips is excluded.” (RPU DEIR, p. 3.3-20).

⁸⁰ “To evaluate compliance with California SB 375, the amount of VMT that occurs on the California side of the Region must be determined. Using the method approved (i.e., 100% of X-X VMT excluded, and 50% of X-I and I-X by the California Regional Targets Advisory Committee (RTAC), approximately 62 percent of the resulting VMT is attributable to the California side of the Region, and 38 percent to the Nevada side. This calculation method assigns 50 percent of the VMT to a specific side of the Region, if one end of the trip begins/ends on that side of the Region, and the other end of the trip is external. For trips that begin and end on one side of the Region, 100 percent of the VMT are assigned to that side. VMT from through trips is excluded.” (RPU DEIR, p. 3.3-20).

⁸¹ “The most popular attraction was Emerald Bay, with 47 percent of survey respondents indicating spending time during their visit there.” North Lake Tahoe Resort Associate Visitor Research, p. 6.

from off-road sources as well.⁸² For example, some portion of the new visitors drawn to the Basin to stay overnight in the new, expanded tourist accommodations may bring watercraft. Others may bring Off Highway Vehicles (OHVs) or Over Snow Vehicles (OSVs). New residents may use leaf-blowers, lawnmowers, and other equipment which generates increased air pollution.

The EIR/S must assess the potential increases in air pollution associated with increases in the use of off-road mobile sources resulting from increased visitor and resident populations.

c) TAU impacts in the Area Plan and Tahoe City Lodge Pilot Project:

The NOP states the air quality emissions associated with the Area Plan and Tahoe City Lodge Pilot Project will be compared against existing conditions contemplated in the RPU EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine if they are within the envelope of what has already been analyzed.⁸³ However, as noted in our comments on TAU morphing, the RPU and RTP environmental documents did not analyze the increased visitor numbers (and vehicles) associated with larger TAUs. The proposed CFA to TAU conversion program was also not contemplated in the RPU/RTP documents.

The EIR/S must assess the increased air pollution associated with increased visitor population (including increased vehicle use and VMT) resulting from TAU morphing in the Area Plan, and the Tahoe City Lodge Pilot Project, as well as the additional TAUs that would be allowed as part of the CFA to TAU conversion program.

Additionally, a comprehensive air quality analysis must be completed for the Tahoe City Lodge Pilot Project, as would be required by any project. Exceptions and/or tiering from the RPU – a broad, regional, program-level review – are inappropriate.

15. Traffic and Transit impacts and benefits

a) Traffic Impacts from increased Residential and Visitor Populations:

The TBAP will draw more residents and day and night visitors to the West and North Shores of Lake Tahoe.⁸⁴ This will result in more vehicle traffic in the Basin, including down the

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http://www.trpa.org/documents/reisc/2_Other%20Organizations/League%20to%20Save%20Lake%20Tahoe,%20Friends%20of%20West%20Shore,%20Tahoe%20Area%20Sierra%20Club%20-%20Joint%20Comments.pdf; p. 226-230

⁸³ “The EIR/EIS will evaluate potential air quality impacts using the latest widely accepted air quality modeling tools. Projected air quality conditions and GHG emissions associated with the Area Plan and the Tahoe City Lodge Pilot Project will be compared against the conditions contemplated in the Regional Plan EIS, RTP/SCS EIR/EIS, and Lake Tahoe Sustainability Action Plan to determine whether they are within the envelope of what has already been analyzed. Additionally, the project-level analysis of air quality impacts from the Tahoe City Lodge Pilot Project will assess construction emissions, issues associated with nearby sensitive receptors, and the potential for particulate matter and sources of nitrogen or phosphorus to affect Lake Tahoe water quality.” (NOP, p. 16).

⁸⁴ “Implementation of the proposed Area Plan and redevelopment of the opportunity sites could influence population growth and housing availability in the Tahoe Region. Direct and indirect population growth will

West Shore’s 2-lane SR 89, especially given the popularity of viewing Emerald Bay.⁸⁵ The NOP notes the EIR/S will examine LOS impacts, however, does not include VMT.⁸⁶ Further, the RPU EIS did not analyze the VMT effects associated with individual Town Centers.⁸⁷

The NOP states the analysis will compare traffic impacts to those contemplated by the Regional Plan EIS and RTP/SCS EIR/EIS. However, new projects and plans have since shed more light on increased traffic along the North and West Shores. For example, more recent traffic information was collected for the Fanny Bridge EIS/EIR.⁸⁸ The DEIR for the proposed expansion of Squaw Valley has also been released, and forecasts additional traffic within the Tahoe Basin. Further, the Squaw Valley DEIR/S concludes “significant and unavoidable” traffic impacts to SR 28 east of SR 89.⁸⁹

In addition, issues related to traffic, including through travel (especially to recreation areas) along the West Shore, and travel in between/through small communities between Tahoe City and Kings Beach, need to be addressed separately. The proposed Project establishes a blanket approach to traffic and transit concerns, focusing most efforts within the Town Centers. However, these other areas along the West and North Shores are subjected to additional traffic from visitors and residents traveling to destinations in these areas (e.g. Emerald Bay).

The EIR/S needs to assess the individual and cumulative impacts of the increased residential and visitor populations on traffic and environmental conditions in individual areas of the West and North Shore that will result from changes in the Town Centers, as well as the provision allowing second homes (noted previously) and additional residential uses in the smaller commercial areas (e.g. Village Centers on West Shore, and the Mixed-Use subdistricts on North Shore).

The EIR/S also needs to examine the VMT generated by the proposed TBAP throughout the entire Area Plan and for individual Centers and Mixed-Use areas. The analysis needs

be analyzed in the EIR/EIS.” (NOP, p. 15); Also, see *Table 3.12-1. Population Totals for 2020 and 2035 for Project Alternatives*, RPU DEIS, p. 3.12-9.

⁸⁵ “The most popular attraction was Emerald Bay, with 47 percent of survey respondents indicating spending time during their visit there.” North Lake Tahoe Resort Associate Visitor Research, p. 6.

⁸⁶ “Transportation issues are important at both the regional and local levels. On the regional level, transportation systems are key generators of air pollution and water pollution that affect many of TRPA’s environmental thresholds. At the local level, transportation conditions affect the quality of life for residents and visitors as well as economic vitality. Traffic conditions will be evaluated for the proposed Area Plan, and compared against conditions contemplated in the Regional Plan EIS and RTP/SCS EIR/EIS. The EIR/EIS analysis will include analysis of regional VMT and traffic volume forecasts. These forecasts will be used to assess the Level of Service (LOS) that would occur at key roadway segments and intersections. In addition, conditions for other transportation modes—transit, water transit, bicycle, and pedestrian—will be assessed to determine the proposed project’s ability to reduce automobile dependency while enhancing mobility, a goal of the Regional Plan and RTP/SCS.” (NOP, p. 17).

⁸⁷ “Due to the policy-level environmental analysis, VMT effects associated with individual Town Centers were not analyzed.” (Final RPU EIS, Volume 1, p. 3-119).

⁸⁸ http://www.trpa.org/wp-content/uploads/Appendix-G_Traffic-Data.pdf

⁸⁹ “**Significance after Mitigation** Because there are no available mechanisms to provide an acceptable LOS on the SR 28 and SR 89 segments in question, this impact would be significant and unavoidable.” http://www.placer.ca.gov/~media/cdr/ECS/EIR/VSVSP/DEIR/9_VSVSP_DEIR_TransandCirc.pdf; Village at Squaw Valley Specific Plan EIR, p. 9-63.

to reflect the most recent information regarding transportation conditions and impacts, and the cumulative impacts of reasonably foreseeable projects.

b) Vehicles entering/leaving Lake Tahoe:

The County’s desire for increased tourist accommodations for overnight guests, as also reflected by the proposed Tahoe City Lodge Pilot Project,⁹⁰ will draw an estimated 175,200 new visitors per year from outside of the Basin.⁹¹ Most visitors to the area come from the drive-up markets of the Sacramento/Central Valley and San Francisco Bay Area.⁹² In fact, the project proponent stated that the idea is for new hotel guests to “come by car, park, then recreate.”⁹³ Even if visitors do “park once” then walk and bike around the area, there is still an increase in traffic from visitor ingress and egress as additional visitors come and stay overnight in the Basin.

The increased VMT and LOS impacts associated with the increase in visitors entering and exiting the Basin need to be adequately assessed in the EIR/S.

c) Shared Parking: Tahoe City Lodge and Golf Course:

We appreciate the TBAP’s aim to modify parking standards to reduce minimum parking requirements for some land uses and promote shared-use parking (NOP, p. 4). However, new uses such as the proposed Tahoe City Lodge Pilot Project will create a net increase in parking spaces (NOP, p. 8). Further, the NOP states the Pilot Project will include new shared parking with the golf course. The project proponent recently stated that hotel guests would use the parking lot at night, while golf course guests would use it during the day.⁹⁴ However, this would imply that hotel guests will not actually ‘park once’ if they are assumed to be driving somewhere else during the day and thus freeing up spaces for patrons of the golf course. If the shared parking results in increased demand elsewhere, there is no reduction attained and that result conflicts with the Area Plan’s (and RPU’s) aim to reduce driving and increase the walkability in Town Centers.

The EIR/S needs to examine and explain the impacts of providing new parking on the success of the use of transit. The EIR/S needs to also examine the trips and VMT generated by the additional guest vehicles, and how shared parking will be managed if guests truly do ‘park once.’ If Placer County aims to improve walkability, this would suggest that future projects, including the Tahoe City Lodge Pilot Project, should encourage the ‘park once’ approach, where guests arrive and then visit the beach, shop, patronize restaurants, and recreate by walking from their hotel room (and via

⁹⁰ Tahoe City Lodge Pilot Project objectives include: “develop high quality tourist accommodations and amenities in the Tahoe City Town Center;...provide new jobs, increased property and transient occupancy taxes, and other economic benefits;” (NOP, p. 7). Notably, the project aims to add a 120-unit Lodge to the area (NOP, p. 8). This will clearly draw additional overnight visitors to Tahoe City.

⁹¹ As noted in the ED Incentives Draft Hearing Report at <http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/DraftAreaPlan2015/Draft%20Hearing%20Report.PDF> (p. A-16), and in the NOP (p. 4), Placer County envisions an additional 400 new hotel units. The Hearing Report estimates this will result in 175,200 new visitors per year.

⁹² ED Incentives Draft Hearing Report, p. A-3.

⁹³ Stated during 6/16/2015 Placer County NOP Scoping Workshop.

⁹⁴ Stated during 6/16/2015 Placer County NOP Scoping Workshop.

transit). In this case, more parking would be needed to accommodate golf course customers and hotel guests who desire to leave their vehicle parked during the day (when golfer would also be parking). The impact of the additional parking needs also must be examined.

d) RPU/RTP Mitigation for VMT:

The RPU/RTP incorporated mitigation to conclude TRPA's VMT threshold would be achieved and maintained:

"To ensure that the VMT Threshold Standard is achieved, TRPA will develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. New CFA, TAUs, and residential allocations will be authorized for release by the TRPA Governing Board every four years, beginning with the approval of the Regional Plan. Approval of the release of allocations will be contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent four-year period." (RPU draft EIS, p. 3.3-49)

However, the mitigation only applies to *new* allocations of CFA, TAUs, and residential allocations. This does not apply to transfers and conversions of use. As outlined in FOWS' comments regarding TAU morphing, substantial increases in visitor numbers (and their vehicles) are likely to result from conversions and transfers of development. Because the RPU/RTP EIR/S documents did not analyze the increases from these policies, there is no mitigation offered to address VMT increases. With Placer County's proposal to allow more TAUs than were evaluated by the RPU/RTP EIR/S documents (through means which do not require a "new" TAU allocation), additional VMT and trips will be generated which have not been addressed in the RPU/RTP EIR/S documents, or the mitigation included in them.

The EIR/S needs to analyze the impacts of increased TAU numbers and sizes resulting from conversions and transfers of use, as well as the proposed conversion program (that would allow up to 400 new TAUs from 'conversion' of CFA). In addition, mitigation measures to address the VMT increases from these policies need to be identified.

e) Public Transit:

The NOP package does not include commitments to fund public transit, and, as noted in Mobility 2035, public funding is not assured.⁹⁵ Therefore, once the new structures (e.g. hotels, commercial areas, homes, parking areas, driveways, etc.) that rely upon transit to mitigate a portion of their impacts to local transportation are built, without adequate

⁹⁵ "Mobility 2035 proposes a set of transportation investments that will require both capital funds to build facilities, as well as ongoing operations and maintenance funds. Funding from federal, state (California and Nevada), and local sources will be pursued by the TMPO and local jurisdictions to develop the proposed projects. Total revenues estimated for Mobility 2035 are about \$1.7 billion (escalated to the year that dollars are expended). Local funds are anticipated to make up approximately one-half of the total revenue, with state and federal funds potentially each providing one-quarter of the revenues. However, federal funding is not certain; the Congressional Budget Office estimates that without adjustments to the 18.4 cent-per-gallon federal gas tax that provides the Trust Fund's revenue, it will be unable to meet its obligations beginning in 2012." Mobility 2035, April 2012 Draft. Page ES-8.

transit systems in place (including funding), the ability for public transit to serve as mitigation to these developments into the future is uncertain.

The EIR/S needs to analyze the impacts of the proposed alternatives based on variable levels of funding for transit service. Where transit is relied upon to mitigate new impacts and/or manage ongoing impacts from existing development, the EIR/S needs to disclose where the funding will come from and what mechanisms will be used to ensure transit is not reduced. The EIR/S should identify mechanisms to assure that those profiting from the new developments pay their fair share toward transit, including capital and ongoing costs. The portion of transit relying on taxpayer dollars should be clearly disclosed in the EIR/S.

f) Ridership and Transit Routes:

The RPU and RTP/SCS's primary philosophy is based on the concept that dependence upon the private automobile will be reduced through investing in mixed-use areas:

The Tahoe Regional Plan Update and the SCS aim to cluster population and employment in relatively compact central places that would be well served by transit, pedestrian, and bicycle infrastructure. It would achieve this goal by incentivizing transfers of development into central planning areas and by requiring all new commercial floor area to be in central places only. In these central places, the form, design, and positioning of buildings all help to create an environment where walking, biking, and transit are safe, convenient, and comfortable modes of transportation. An essential feature of these central places is that it is not a one-size fits all approach. Each community is different, and community design can help to meet each community's needs and promote the character of each place.

Clustering development in well-designed, mixed-use town centers would have a number of benefits, including enhanced community character, improved mobility choice, reduced household transportation expenses, improved community health through increased physical activity, and reduced air pollution and greenhouse gas emissions. Increased pedestrian travel could encourage economic development for local business and promote economic competitiveness. Accommodating development in existing community centers would also reduce the pressure for development in existing open spaces. (RTP/SCS DEIR/S, p. 2-19).

California's SCS strategy assumes that by clustering population and employment in relatively compact centers that are well served by transit, reliance on the automobile will be reduced.⁹⁶ However, as discussed later in these comments, both strategies are based on land use planning concepts that focus primarily on areas comprised mostly of full-time residents. There are several distinctions which make these approaches questionable in Tahoe's non-urban (and seasonally visitor-dominated) communities.

- 1) Large resorts such as Squaw Valley and Northstar provide many part-time/seasonal jobs. Many of their employees live in the Basin.⁹⁷ Providing mixed use areas in Tahoe communities will have limited impact on these commuting

⁹⁶ "The SCS proposes to cluster population and employment in relatively compact town centers that are well served by transit and other infrastructure to reduce reliance on the automobile." (Mobility 2035, p. ES-5).

⁹⁷ See Exhibit 9-6 Winter Employee Trip Distribution. Squaw Valley DEIR, p. 9-46.

http://www.placer.ca.gov/~media/cdr/ECS/EIR/VSVSP/DEIR/9_VSVSP_DEIR_TransandCirc.pdf

employees because ski slopes and lifts (and the jobs that go with them) cannot be relocated into the Basin.

- 2) Employed residents in Tahoe City and Kings Beach also primarily travel to other areas for work and will not be served by local transit.⁹⁸

Table 8
Tahoe Basin Community Plan Economic and Market Analysis
Inflow/ Outflow Commute Patterns in Tahoe City and Kings Beach

	2002	2011
Kings Beach		
Employed in Selection Area	458	409
Living in Selection Area	637	1,477
Net Job Inflow/ (Outflow)	(179)	(1,068)
Living and Employed in Selection Area	13%	5%
Living in Selection Area but Employed Outside	87%	95%
Tahoe City		
Employed in Selection Area	1,066	1,461
Living in Selection Area	335	547
Net Job Inflow/ (Outflow)	731	914
Living and Employed in Selection Area	10%	21%
Living in Selection Area but Employed Outside	90%	80%

^acommute'

Although the RPU and RTP/SCS aim to provide more jobs within these Town Centers, there is no information regarding how many of the jobs people commute to out of the Basin could be brought into the Basin, and the RPU's approaches, which draw more seasonal/tourism service jobs, are less likely to replace full-time jobs in areas like Truckee or Reno that Basin residents may commute to. Once again, this suggests that focusing on improved transit for employees will likely have the best chance of reducing the reliance of commuters on the private automobile.

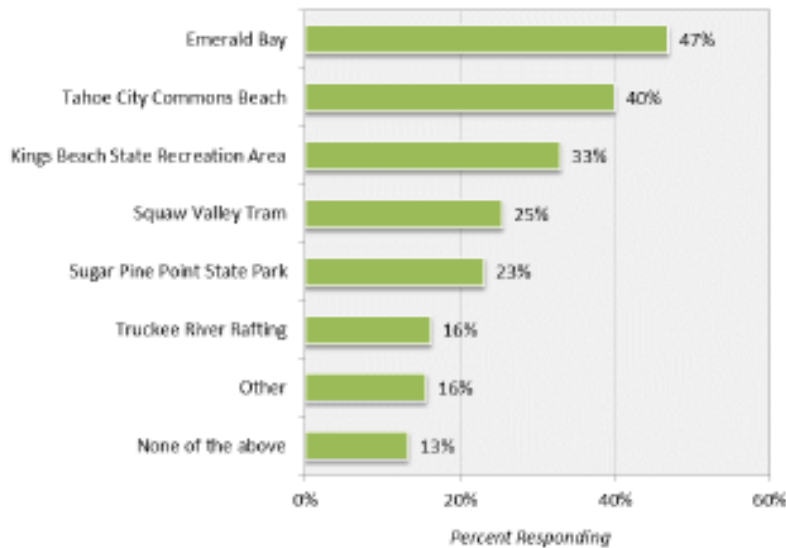
⁹⁸ "Table 8 below compares the number of employed residents and on-site employees in Kings Beach and Tahoe City. As shown, Kings Beach is a residential enclave that includes far more employed residents than it does employment opportunities, signifying that Kings Beach residents must travel to other areas to work. Tahoe City on the other hand is clearly an employment hub that attracts workers who live in other areas throughout the Lake Tahoe region. These dynamics in both Kings Beach and Tahoe City have become more pronounced in recent years.

Table 8 indicates that very few workers in the Community Plan actually live near their jobs and that many commute in from a multitude of areas, near and far. As shown, only five percent of Kings Beach employed residents work in Kings Beach, which is down from 13 in 2002. Tahoe City exhibits a slightly better balance, although only 80 percent of Tahoe City's employed residents actually work in Tahoe City, which is down from 90 percent in 2002." (Economic and Market Analysis of the Tahoe Basin Community Plan. Draft Report. July 8, 2013. Page 17.

<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/Appendix-F-Economic-Market-Analysis-Report.pdf>

- 3) With regards to both residents and visitors, providing more mixed-use areas does not address a key component of travel – the destination. In Lake Tahoe, residents and visitors frequently visit the many recreational and natural areas outside of “Town Centers.” For example, a recent survey of North Tahoe regional area visitors⁹⁹ indicated most visitors spent time at Emerald Bay, Tahoe City Commons Beach, Kings Beach State Recreation Area, and other recreation areas in the Basin:

Figure 7: Visited Attractions on Trip



Also, as noted previously, many residents commute to jobs outside of the Basin (or away from Town Centers), as many non-residents commute into the Basin. Mixed-use land changes alone will not resolve these issues. Reducing reliance on private automobiles will also involve a successful transit system that provides access to locations people would otherwise drive to. For example, the 2012 Article in City Lab “*What Really Matters for Increasing Ridership*”¹⁰⁰ reported a study in Broward County, Florida that found that bus transit is more effective if it takes riders where they need to go.

“What they found, in short, is further evidence in favor of multi-destination systems that get people from home to work rather than simply from home to downtown.”

“Simply put, the results of this study suggest that most US transit managers of bus-only transit systems and urban planners interested in transit are focusing on the wrong policy variables for improving transit ridership. More walkable, more mixed use environments are important amenities to encourage more transit use, but the most important consideration is easy access to employment...Before we try to change the built environment, we need to make sure transit takes riders where they need to go.”

⁹⁹ NLTRA Visitor Research, 2014. P. 2.

<http://nltra.org/documents/pdfs/RRC%20Summary%20NLTRA%20Summer%202014.pdf>

¹⁰⁰ <http://www.citylab.com/commute/2012/05/what-really-matters-increasing-transit-ridership/2059/>

In addition, the schedule, cost, funding sources (including the reliability [which affects the sustainability] of funding sources) and anticipated results of planned transit-related projects need to be assessed in the EIR/S. Further, the EIR/S should identify the design of the transit system that addresses Tahoe-specific transit issues including a minimal in-Basin commuter base, seasonal variations and peak periods, workforce subsidies (e.g. transit passes for resort employees), distance between destinations, and sufficient headways.

g) Parking:

Parking Supply and walkability:

We are concerned that the recently completed North Tahoe Parking Study¹⁰¹ recommends additional parking spaces in certain locations to accommodate demand,¹⁰² rather than examining alternative ways to reduce automobile use through other means than by adding more spaces.

The EIR/S needs to examine alternative options to reduce parking demand, rather than increase parking spaces, in order to achieve the RPU's aim to improve walkability and transit use. As noted below, additional parking spaces generally encourage additional driving and discourage transit use.

Coverage and Transportation Impacts:

Studies have found that parking availability and cost heavily influence the use of transit.¹⁰³ In addition to providing a disincentive to transit use, new parking spaces require new coverage.¹⁰⁴ We support reduced minimum parking in Town Centers in coordination with successful transit.¹⁰⁵ However, as the TBAP would allow additional developments outside of Town Centers, in 'mixed-use' areas, we request the TBAP include policies for reduced parking in these areas as well.

¹⁰¹

<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/Workshops/North%20Tahoe%20Parking%20Study.pdf>

¹⁰² “

¹⁰³ E.g. “Planning criteria say access to convenient and inexpensive parking can be a disincentive for people to choose transit when it is near their destinations.” <http://www.pamplinmedia.com/ht/117-hillsboro-tribune-news/155689-does-parking-hurt-transit-ridership>; “...parking availability, development, and employment had greater impacts on ridership than fares, although the array of variables considered in this study was considerably less comprehensive than those used in the studies by Kain and Liu.”

http://transweb.sjsu.edu/MTIportal/research/publications/documents/transitridership2/TransitRidership_7_16.htm; “...Perhaps no aspect of land use and urban design affects the relative utility of automobile use more than the availability and price of parking.” <http://www.uctc.net/papers/681.pdf>

¹⁰⁴ As noted in Section 3.06.A.9 of the Imp. Regulations, “The size of a standard parking space is nine feet in width and 20 feet in length. Length can be reduced by up to two feet where the space abuts a curb.”

¹⁰⁵ “*Town Center Parking*. Until a fee in-lieu of constructing all required parking spaces or other parking management program is in effect, the Placer County Design Review Committee may approve a 20-percent reduction in the amount of required parking for mixed-use, retail, transient lodging, and restaurant projects/uses within a Town Center.” (Imp. Regulations, Section 3.06.A.5.f).

The EIR/S needs to assess the disincentive to using transit or walking/biking that results from the addition of parking spaces. The EIR/S also needs to examine the extent of new coverage in individual areas that will result from the increased parking associated with the TBAP.¹⁰⁶ The EIR/S also needs to examine the impacts of the increased visitors, including estimates of the number of visitors who will choose to drive around the Lake (a popular scenic activity), and how transit services and transportation infrastructure (e.g. parking availability) will influence visitor trips.

Scenic Impacts Associated with Parking:

Parking lots impact the scenic quality of an area, whether cars are parked in them or not. We support the proposed regulations which encourage parking areas to be located to the rear or side of the building.¹⁰⁷ However, with regulations which simply “prefer” this location, it does not appear future projects will be required to locate parking lots to these areas. While we recognize it may not be feasible for every project, stronger regulations are needed to ensure that scenic views are a very high priority, rather than a preference.

The EIR/S will need to address scenic values through the Town Centers and along highway property.

16. Affordable/low-income housing

The proposed resort and tourist developments assert they will bring more jobs to the area.¹⁰⁸ However, as is common knowledge, most seasonal/resort industry jobs are often part-time and/or pay low/minimum wages. The draft Policy document contained eleven policies under Goal HS-G-3, which specifically called for encouraging the development of low- and very low-income housing and assistance.

HS-G-3 Encourage development of very low-, low-, and moderate-income housing throughout the entire Community Plan Area consistent with Placer County Housing Element’s Regional Housing Needs Allocation for the Tahoe Basin (p. 2-27 to 2-28).¹⁰⁹

However, in the draft TBAP, these policies have been removed and/or changed. The new language is more general in nature (with a focus on “affordable housing”), yet specifically calls attention to workforce and moderate-income housing only, not low-income housing.

HS.P-7

Future housing efforts should seek to remove identified barriers preventing the construction of necessary affordable housing in the region including, but not limited to, workforce and moderate - income housing, secondary residential units and long -term residency in motel units. (draft TBAP, p. 108)

¹⁰⁶ E.g. see Imp. Regulations, Table 3.07.A-1: PARKING SPACES REQUIRED

¹⁰⁷ “Parking areas should be easily accessed from the street. Location of the parking to the rear or side of the building is preferred, with the front setback used to create a landscape buffer between the building and the street.” (Imp. Regulations, Section 3.06.B.1.a).

¹⁰⁸ For example, the proposed Tahoe City Pilot Project objectives include: “provide new jobs.” (NOP, p. 7).

¹⁰⁹

Creating more low-income jobs while not including policies and incentives to provide low- and very low-income housing will serve to further widen the gap between income and cost of housing. Not only does this create social and economic impacts, but when employees cannot afford to live in the Basin, they are forced to commute from other areas, thereby creating additional VMT and vehicle trips. In addition, as developers have told TRPA at several public meetings, the RPU's incentive program is not expansive enough to support the redevelopment of high-end accommodations; the issue arises regarding how those incentives will ever support the re/development of low- and very low-income affordable housing.

The EIR/s needs to examine the number, duration (seasonal/year-round, full time/part time), and wages associated with the jobs that will be created by the new re/development promoted by the RPU and draft TBAP, as well as the Pilot Project. The EIR/S must evaluate this information in light of housing needs, and identify policies and regulations that will ensure adequate affordable housing is provided for the new jobs promoted by the TBAP. We also recommend the 2014 policies noted above (as were included in the housing policies in Placer County's Policy Document) be included in the TBAP.

Finally, as the draft TBAP has identified "Opportunity Sites" for development, we request the EIR/S identify potential locations for low- and very low-income housing. Further, the EIR/S should evaluate how policies and incentives will allow for the provision of such housing. Alternatives should include increased requirements for those generating the low- and very low-income jobs to provide adequate housing for the employees and on-site workforce housing.

17. Scenic impacts and viewsheds

As noted in the 1982 TRPA Environmental Impact Study for the establishment of the Environmental Threshold Carrying Capacities:

"L. Scenic: Scenic quality is perhaps the most often identified natural resource of the Lake Tahoe Basin. Visitors to the area enjoy views of a magnificent lake sitting within a forested mountainous environment under clear blue skies. The Tahoe Basin is unique in that it combines visual elements normally found in several different landscape settings into one clearly defined region exhibiting exceptionally high aesthetic values.

The high scenic quality of the Basin is the result of several factors. First, and probably most important, is the Lake itself, a dominant element that is the focal point in a single, large feature landscape type. The distinctive mountain landforms surround the flat plane of the Lake, creating an enclosed landscape type. The edges between sky and ridgetops, between water and shore, and between vegetation and rock all add interest to the scenic landscape. Finally, numerous smaller features such as streams, rock formations, sand beaches, and rocky shorelines each create small feature landscapes at a more intimate scale.

The majority of the visitors to Lake Tahoe experience the scenic qualities of the Basin while traveling on the major highways or from the Lake itself. Naturally, development and use occur along these roadways, often interrupting views of the natural landscape of the Basin. Buildings, signs, fences, and other features block views and also can add to visual pollution. Public land, the majority of which is managed by the U.S. Forest Service, is generally not as developed as the private lands within the Basin. The Forest Service manages these lands for a

full range of benefits including aesthetic values. These lands are the backdrop for the Basin and generally provide the majority of the natural scenic values so highly prized.” (Page 44).

It is imperative that the scenic values of the Lake Tahoe Basin be protected, as required by the TRPA Compact.¹¹⁰ The height, density, and location of new and redeveloped buildings can have a direct impact on the scenic resources of the Lake Tahoe Basin.

a) Building Heights:

We appreciate Placer County’s proposal to include “transition areas” where heights (three stories) would be lower than those allowed by the RPU (four stories) in certain areas of the Town Centers.¹¹¹ However, as noted elsewhere, TRPA anticipated additional review by Area Plans at a more local level. The potential scenic impacts of allowing the taller 3- to 4-story buildings in these areas have not been specifically examined. In addition, we note that public feedback on the Tahoe City Vision Plan has largely identified scenic quality as a value that needs to be protected, with one of the most common public comments opposed to buildings taller than roughly two stories.¹¹²

The EIR/S needs to include several careful and location-specific examples of how these buildings may impact ground-level and mountain-level views, and views of Tahoe City from Lake Tahoe and surrounding mountain tops (i.e. how views of the Lake and mountain backdrop as seen from the Tahoe Rim Trail may change as a result of the taller buildings).

b) Viewsheds:

The proposed TBAP includes a new approach related to viewsheds:

Implementing Regulations for this Area Plan expand upon the TRPA finding to require that any proposed four-story project on the Lake side of highways either maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing development does not comply, increase the width of open view corridors by ten percent or more. (TBAP, p. 97).

- ii. Four-story buildings in Town Centers located between Lake Tahoe and State Highways 28 or 89 shall maintain 35 percent of the site as open view corridors to Lake Tahoe, or if existing

¹¹⁰ Article I, (a): “(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural public health values provided by the Lake Tahoe Basin... (7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region... (10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region’s natural endowment and its manmade environment.”

¹¹¹ “Within each Town Center, the Area Plan would establish zoning overlay districts for two “Community Structure Areas” that include: Core Areas where the full range of Regional Plan incentives would apply; and... Transition Areas with requirements for transitional building heights (3 stories) and requirements to complete sidewalk (or multi-use trail) connections to core areas prior to or concurrent with projects utilizing the Regional Plan redevelopment incentives.” (NOP, p. 5).

¹¹² See meeting notes by Stephanie Grigsby, 9/4/2013, submitted to Crystal Jacobsen (Placer County), summarizing community feedback from 8/28/2013 “Tahoe City Revisioning Options – Revisited” meeting at Granlibakken, where height and scenic protection are the subject of fifteen unique public comments from the meeting.

development does not comply, increase the width of open view corridors by 10 percent or more. (2.09 Overlay Districts, A.1.a.ii).

The intent of this language is unclear. We asked staff about the new requirements during the 6/16/2015 public workshop. Staff responded that this results in additional protection of views, in that TRPA's current scenic standards, which do not allow for a 'net loss' in views,¹¹³ are based on "uphill views," while this new standard applies to ground-level views. This meaning is not clear in either the Area Plan or the Implementing Regulations. We are concerned that as written, it suggests only 35% of an existing view of the Lake needs to be preserved when a new 4-story building is constructed. It is questionable how allowing the loss of views in the Area Plan will help achieve and maintain scenic thresholds. Further, the Vision Plan for Tahoe City¹¹⁴ did not provide an example of the amount of Lake Tahoe that could be viewed by the walking public once projects are built. This has also never been exhibited in this planning process.

We request this regulation be amended to clearly define its applicability. Further, the EIR/S needs to examine how views from all levels, including ground-level and uphill, are impacted by the 3- and 4-story buildings that will be allowed in Town Centers. The EIR/S needs to assess and disclose the impact of the proposed scenic requirements on views seen by the walking public.

18. Natural Hazards

The Area Plan policies for Natural Hazards are very limited (TBAP, p. 58). We appreciate the inclusion of *Policy NH-P-3: "Pursue programs and incentives that encourage property owners to retrofit existing buildings to reduce ignitability,"* as recommended in our comments on the Policy document (comments, p. 25). However, the dangers from flooding (and the anticipated increases associated with climate change), earthquakes, tsunamis, and seiches are not well reflected in the TBAP policies. The TBAP aims to draw new residents and visitors to the area where such hazards exist. Further, several of these hazards are exacerbated by climate change, including wildfire risk and flooding, yet the TBAP section includes no mention of climate change.

a) **Flooding:**

The TBAP includes no information regarding the potential impacts of climate change as to flooding. Climate change will impact our weather, increasing the need for more natural areas to handle increases in flooding. FOWS' comments on the Policy document requested the TBAP include a policy stating that new development in areas where natural hazards exist or may exist, including flooding and fire danger, will be discouraged. The recommended changes to draft policies also included:

¹¹³ **37.7.9. Finding 9**

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss."

¹¹⁴

<http://www.placer.ca.gov/~media/cdr/Planning/CommPlans/TahoeBasinCPUpdate/DraftAreaPlan2015/TC%20visioning%20options.pdf>

NH-P-2 ~~Prohibit~~ Regulate development in identified avalanche or mass instability hazard areas.

NH-P-3 Prohibit additional development, grading, and filling of lands within the 100- year floodplain and in the area of wave run-up ~~except for public recreation facilities, public service facilities, necessary crossings, restoration facilities, and as otherwise necessary to implement these goals and policies.~~ Require all facilities located in the 100-year floodplain and area of wave run-up to be constructed and maintained to minimize impacts on the floodplain.

Unfortunately, the TBAP does not include FOWS' previously proposed policy, nor the original policies reflected above. We request the new policy, and amended policies as reflected above, be included in a conservation-based alternative as reflected by the Conservation Communities' 2010 Alternative to the RPU¹¹⁵ in order to provide full protection to both downstream properties, tributaries, and Lake Tahoe water quality.

b) Seismic Hazards:

A policy is needed which recognizes the potential threats associated with the Tahoe-Sierra frontal fault zone, including a major earthquake, a 30 foot tsunami, and earthquake-induced landslide hazards. As explained in the USGS document (5/23/2012): "LiDAR Technology Reveals Faults Near Lake Tahoe:"¹¹⁶

"CARNELIAN BAY, Calif. — Results of a new U.S. Geological Survey study conclude that faults west of Lake Tahoe, Calif., referred to as the Tahoe-Sierra frontal fault zone, pose a substantial increase in the seismic hazard assessment for the Lake Tahoe region of California and Nevada, and could potentially generate earthquakes with magnitudes ranging from 6.3 to 6.9. A close association of landslide deposits and active faults also suggests that there is an earthquake-induced landslide hazard along the steep fault-formed range front west of Lake Tahoe..."

The EIR/S needs to identify earthquake zones and tsunami and seiche run-up, and disclose the potential threats to people and property in the TBAP plan area from this fault zone. The TBAP should include policies to reduce the number of people and extent of property exposed to such threats in order to protect both public health and safety. TBAP policies need to direct future developments and redevelopments away from areas most threatened by the above named hazards.

c) Impacts to emergency response times and evacuation plans:

Given the limited two-lane highway accessing the West Shore, the ability to provide emergency services is limited. Policies which draw more people to the area (including Tahoe City and Kings Beach) will also result in more people driving to areas such as Emerald Bay (noted elsewhere in these comments). This will add more traffic to SR 89 on West Shore.

The EIR/S must evaluate the potential increases in residents and visitors in areas subject to these natural hazards. The EIR/S must also evaluate the emergency plans that will be in place to protect more people from such hazards and the potential increases in these threats associated with climate change. Finally, alternatives should include policies which do not allow development that places more people in harm's

¹¹⁵ <http://friendswestshore.org/2010-rpu-conservation-alternative-individual-chapters/>

¹¹⁶ This is one of several documents submitted with our 2014 NOP comments related to earthquakes and natural hazards.

way. The EIR/S must evaluate the impacts of increased traffic on the response time for emergency services on the West Shore as well as plans for evacuations.

19. Alternatives to examine in the DEIR

The EIR/S should include alternatives that provide a complete path toward threshold achievement and maintenance. The EIR/S should also examine and disclose *how* each alternative will achieve and maintain thresholds and/or negatively impact thresholds. For example, for each alternative, the EIR/S should examine and disclose the acres of SEZ that will be restored to a fully functioning SEZ, acres of SEZ that will be reclassified as non-SEZ, acres that will be covered as a result of approved projects (e.g. Fanny Bridge SR 89 Realignment), and SEZ acres that will be developed with public service facilities and bike trails (in other words, coverage that is exempt per TRPA's RPU, Code Section 30.4.6).

a) Conservation/Threshold-based Alternative:

The EIR/S should include an alternative based on our 2010 Conservation Community Alternative to the RPU (see earlier cite), which prioritizes the conservation and protection of Lake Tahoe's unique natural values by prioritizing the achievement and maintenance of TRPA's environmental thresholds. In this alternative, all development decisions would be tied to the impacts on the environment, as was anticipated by the TRPA Compact.¹¹⁷

“(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.” [Emphasis added].

¹¹⁷ http://www.trpa.org/wp-content/uploads/Bistate_Compact.pdf

b) Monitoring:

The only way to understand what the impacts are or could be is to have adequate on-the-ground environmental monitoring in place, as such information is necessary for assessing whether future decisions will have an impact on the environment.

We recommend Placer County includes very clear and comprehensive monitoring requirements, which define the monitoring schedule, milestones/interim targets, final targets, ongoing effectiveness monitoring, and implementation of programs and projects to achieve and maintain the thresholds, and strategies for ensuring appropriate adaptive management actions are taken in a timely manner if monitoring indicates anticipated environmental benefits are not being achieved.

c) Ridgeline Development:

All alternatives should retain existing Plan Area Statement regulations which do not allow for new development on Tahoe's forested ridgeline that would interfere with threshold achievement and maintenance, including scenic quality. Revisions to zoning on ridgelines were not disclosed or examined by the RPU EIS. In addition, any development that would be permissible on the ridgelines should be subject to rigorous environmental review, and prohibited if impacts to thresholds, including daytime and nighttime scenic quality, will result, as required by the Code. In addition, as noted in Dangerous Developments (Sierra Nevada Alliance, 2007),¹¹⁸ and as commonly understood, wildfires generally burn up slopes. Future development on ridgelines should not place more people or property in harm's way.

Although information was released on July 29, 2015 regarding the proposed Brockway Campground,¹¹⁹ we will reserve our comments until the appropriate review process has been formally undertaken.

d) Scenic Resources and Views:

As suggested above, Placer County need not adopt TRPA's maximum heights and densities in order to be compatible with the Regional Plan, as demonstrated by the Tahoe Valley Area Plan that has reduced heights in its commercial corridor.¹²⁰ The Tahoe Valley does not have the Lake in its viewshed, but the Tahoe Valley Area Plan does respect the wishes of its community regarding reduced height limits.¹²¹

TRPA's 1982 EIS for the Environmental Threshold Carrying Capacities states that: "*The majority of the visitors to Lake Tahoe experience the scenic qualities of the Basin while traveling on the major highways or from the lake itself.*" (p. 44). We urge Placer County to recognize that allowing four story buildings in many places along SR 89 and SR 28 and in the Town Centers may block *existing* scenic views. There is a clear contradiction between the RPU's new increased heights and densities and the Compact's emphasis on

¹¹⁸ <http://sierranevadaalliance.com/wp-content/uploads/dangerous-development.pdf>

¹¹⁹ <http://www.brockwaycampground.com/>

¹²⁰ http://www.trpa.org/wp-content/uploads/Attachment-A_Tahoe-Valley-Area-Plan.pdf

¹²¹ "City staff explained that the current height is limited to 42 feet based on community Input..." (GB Staff Packet, June 2015. Page 105).

the importance of Tahoe’s scenic views and the need to protect scenic resources, whether by TRPA or by Placer County.

e) **Night Sky:**

Alternatives should include regulations related to lighting to protect night sky from light pollution. For example, Douglas County’s South Shore Area Plan includes specific requirements and designs to attain a substantial night sky appearance and views of the stars.¹²²

f) **Baseline Conditions:**

The baseline/no action alternative must represent the land uses included in appropriate Plan Area Statements and Community Plans. Because the RPU’s Town Center and mixed-use zoning changes do not take effect unless and until an Area Plan is adopted, the baseline cannot contain these changes.

20. Density, Smart Growth, and Critical Mass

TRPA’s concept of ‘smart growth’ and walkable/bikeable communities assumes that with higher densities in mixed-use areas, per capita driving will decrease. We have expressed several concerns with this concept as applied to Lake Tahoe:

- The TRPA thresholds are not based on *per capita*. Rather, standards for VMT and other environmental resources are based on the total impacts from all people, vehicles, development, and activities to the Basin and/or a given area.¹²³
- As noted in our comments on the RPU EIS,¹²⁴ the approach the RPU relied on to estimate reductions in per capita driving is based on information involving substantial urban development in larger metropolitan areas, such as in Southern California and the San Joaquin Valley.

The RPU EIS did not ascertain or analyze the actual ‘critical mass’ needed for Tahoe’s individual communities to make the ‘smart growth’ approach succeed in reducing overall driving.¹²⁵ Further, as summarized in the *Paradox of Intensification* (Melia et. al.),¹²⁶

¹²² See *South Shore Design Standards and Guidelines: South Shore Area Plan*, Douglas County. 2013. Pages 29-31. <http://www.douglascountynv.gov/DocumentCenter/View/2483>

¹²³ http://www.trpa.org/wp-content/uploads/TEVAL2011_Ch3_Air-Quality_Oct2012_Final.pdf

¹²⁴ Other impacts of the population increases associated with the proposed alternatives will negatively impact other threshold standards. Note that meeting CA’s GHG regulations does not address achievement and maintenance of TRPA’s threshold standards. The RPU DEIS and RTP DEIR/S have also repeatedly relied on CA-based guidance documents, regulations, models, and other state-based tools that are not reflective of the Basin’s unique conditions or environment. Further, the entire concept that by increasing population we can decrease impacts only has the potential to work in areas experiencing major urban sprawl. The references used to support the assumed ‘benefits’ of the “smart growth concepts” in the Basin (e.g. *Niemeier, Bai, and Handy 2011; pp. 75-79; EPA 2001: p. 47*) are based on areas like Southern California and the San Joaquin Valley that do not in any way compare to the Lake Tahoe Basin. (Final RPU EIS, Volume 2, p. 3-402).

¹²⁵ As explained in our comments on TRPA on the Final RPU EIS, “Several public comments, including ours, asked whether the areas identified for coverage transfers have enough density or adequate configurations to achieve the purported VMT benefits associated with “densification.”⁵⁷ We also questioned the relevance of the studies referenced in the RTP EIR/S as they were based on locations with

even when the smart growth approach succeeds in reducing *per capita* impacts, it often “worsens local environmental conditions.” This is extremely important for Lake Tahoe, as the Compact requires unique protection of the Basin and identifies the need to adopt environmental threshold *carrying capacities*. While such localized impacts may be acceptable with smart growth approaches in large urban areas outside of the Lake Tahoe Basin as a tradeoff for reducing per capita impacts in the face of major population increases, the Compact does not allow for development to degrade local environmental conditions in the Lake Tahoe Basin.

Since the RPU EIS only provided a broad, programmatic regional policy-level review, and did not analyze the VMT impacts within Town Centers, nor the benefits and/or consequences associated with the specific densities proposed in the Town Centers, there remains no evidence upon which to conclude that the increased densification included in the RPU and proposed in the TBAP will reduce driving and driving-related impacts in the Lake Tahoe Basin. Instead, as noted by Melia et. al., evidence suggests it will worsen local conditions. If conditions worsen from these developments in larger urban areas outside the Basin, where most people are full time residents, then the issue of how conditions will be changed in our smaller seasonal communities must be addressed. Although GHG emissions are viewed on a larger, regional/statewide scale, TRPA’s thresholds for air quality, noise, water quality, VMT, and other natural resources are specifically based on the protection of Lake Tahoe’s environment. These impacts on the Basin must be examined and disclosed in the EIR/S.

The EIR/S must determine what the critical mass needs to be for the walkable/bikeable concepts to work as intended by the RPU, based on the specific features, developments, populations, and visitor trends in individual communities and Town Centers. Critical mass must be assessed at a local scale, and for each individual Town Center and Mixed-Use area that is intended to be served by a successful transit system.

21. Water Supply, Drought, and Climate Change

It is common knowledge that we are in our 4th year of drought. Most of California, including the Lake Tahoe Basin, is classified as “exceptional drought” (see below). This is the worst rating we could have. It is time to rethink how much water can be used for new developments (including large redevelopments). The water supply for the west and north shore comes primarily from Lake Tahoe itself, local streams, smaller nearby lakes,

completely different populations, configurations, and anticipated future growth when compared to the Tahoe Basin...In response, TRPA refers readers to Master Response 11, Effectiveness of Community Centers and Transportation Improvements in Reducing VMT, and Master Response 5, Effects of Concentrated Development on Water Quality. Both Master Responses fail to address the detailed comments and questions raised by the public on these topics.”

(http://www.trpa.org/documents/reisc/6_Comments%20Received%20Outside%20Comment%20Period/Comments%20received%20after%20release%20of%20Final%20Drafts/TASC_FOWS_8.pdf; p. 70).

¹²⁶ “Urban intensification as part of a smart growth strategy can facilitate low energy transport modes and reduce overall car use, with benefits to the global environment but evidence suggests the effect will be less than proportional. Hence, in locations where intensification occurs, greater concentrations of traffic tend to occur, and this worsens local environmental conditions. This phenomenon is defined below as the “paradox of intensification.” [Emphasis added]. (Melia, S.; Barton, H.; Parkhurst, G. ["The Paradox of Intensification"](http://eprints.uwe.ac.uk/10555/2/melia-barton-parkhurst_The_Paradox_of_Intensification.pdf) (PDF). *Transport Policy* 18 (1). http://eprints.uwe.ac.uk/10555/2/melia-barton-parkhurst_The_Paradox_of_Intensification.pdf)

and groundwater.¹²⁷

Truckee River Operating Agreement (TROA) 2008 Final EIR/S:

The water available from the Lake Tahoe Basin is already limited by the Truckee River Operating Agreement (TROA).¹²⁸ The RPU EIS relied on the 2008 TROA Final EIR/S document to evaluate available water supply.¹²⁹ However, the 2008 TROA analysis did not analyze impacts from climate change or drought, concluding no impacts at that time.¹³⁰ In fact, the document calls attention to the need to gather additional information to support future water management decisions.¹³¹ Given the impacts of climate change, as well as the impacts from four-years of drought (beginning in 2011 – *after* the 2008 TROA FEIR/S), and potential future drought, were not addressed in the 2012 RPU EIS (nor incorporated into the 2010 existing conditions/baseline used in the RPU EIS), there is currently no final assessment of water supply and demand issues for the Lake Tahoe Basin that addresses existing conditions - which have changed since the 2008 TROA FEIR/S. In addition, the increased development allowed by the RPU was not contemplated in 2008. Therefore, the TROA analysis could not have evaluated the impacts of increased residential, commercial, and tourist accommodations (including TAU morphing) in the Lake Tahoe Basin.

Groundwater Recharge:

As more land is covered (increasing nonpervious surfaces in the Basin), reductions in groundwater recharge result.¹³² The RPU EIS documented increases in coverage,¹³³ however did not analyze the potential changes to groundwater recharge resulting from the increased coverage in the Basin, let alone in Tahoe City or Kings Beach (Town Centers where increased coverage will be allowed).¹³⁴ As noted above, the RPU EIS relied on

¹²⁷ “Drinking water for the [Area Plan] comes primarily from Lake Tahoe itself, local streams, smaller nearby lakes, and groundwater. The two largest water providers in the Community Plan Area are NTPUD and TCPUD. Additionally, there are 13 small public and private water companies that provide drinking water to residents located outside of public utility district boundaries. See Figure 5-3 for the location of district service areas for water purveyors in the Community Plan Area.” (Policy Document, p. 5-16).

¹²⁸ <http://www.troa.net/>

¹²⁹ “Although the precise location of new development and redevelopment in the Basin cannot be known, on a Region-wide basis, surface water allocation to the Tahoe Region pursuant to the TROA is 34,000 afy, and current Region-wide water demand is approximately 28,079 afy (USBR and DWR 2008). Additional demand generated by the Regional Plan Update alternatives would range from a low of 637 afy for Alternative 1, to 2,308 afy for Alternative 5, at build-out of remaining and newly authorized allocations. Therefore, sufficient water supplies would be available for any of the alternatives.” (RPU DEIS, p. 3.13-11).

¹³⁰ “No cumulative effects from climate change are identified for the period of analysis.” (Conclusion for Surface Water analysis, p. 4-40 and groundwater analysis, p. 4-41).

http://www.usbr.gov/mp/troa/final_oa/index.html

¹³¹ “There is currently a gap in the understanding of the specific effects associated with global climate change on local water systems. Changes in the timing and distribution of precipitation and runoff can create greater uncertainty, potentially requiring changes to the management of the water system. There is a need for improved runoff prediction and other scientific information to support water management decisions.” (TROA Final EIR/S, p. 4-37). [Emphasis added].

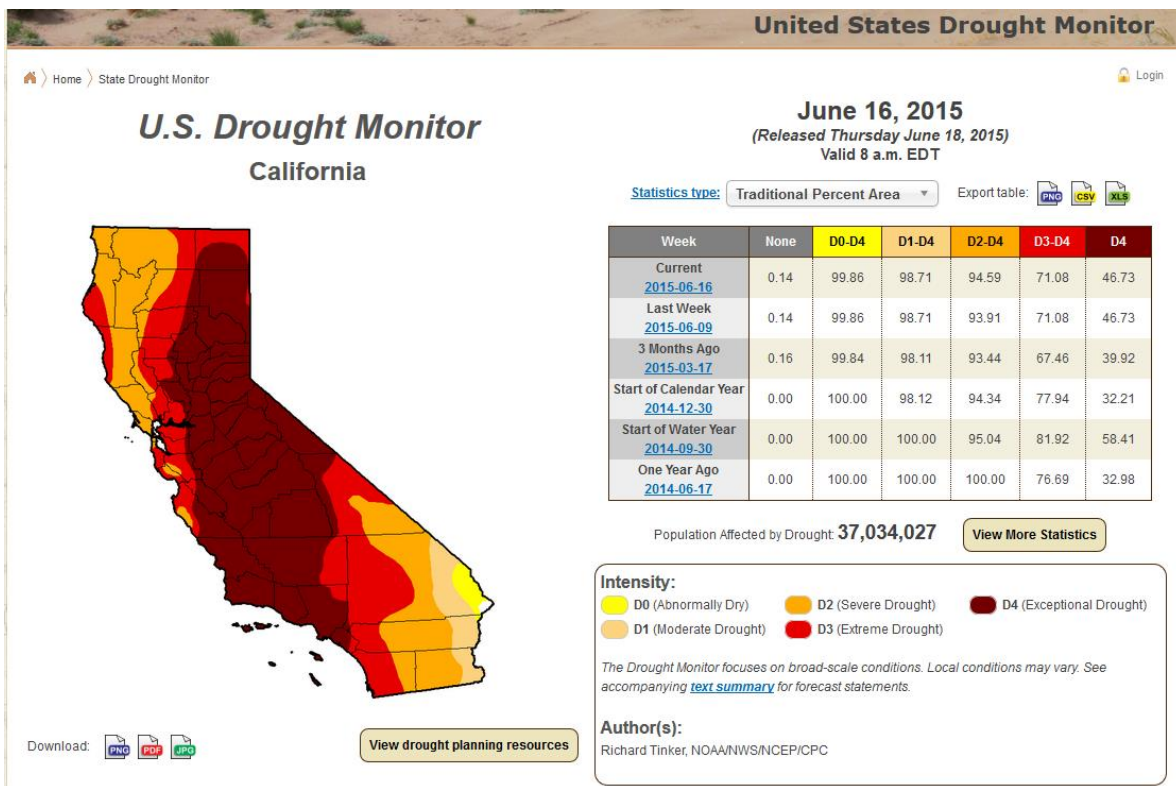
¹³² “Expansion of nonpermeable surfaces would reduce groundwater recharge potential in and increase stormwater runoff from developing urban areas.” (TROA FEIR/S, p. 4-36)

¹³³ See RPU DEIS, Tables 3.7-8 and 3.7-9 for estimated increases in coverage (p. 3.7-21).

¹³⁴ See water analysis in RPU DEIS, Chapter 3.13: Public Services and Utilities.

TROA’s 2008 analysis to conclude adequate water supply, yet the TROA analysis did not evaluate impacts to groundwater recharge from the increased coverage allowed by the RPU four years later.

In fact, there is currently no water entering the Truckee River from Lake Tahoe, and other reservoirs that supply the Truckee River as it flows from the Basin to Pyramid Lake are already drying up.¹³⁵ New developments, especially overnight tourist units and new residential developments, will increase the demand for water in the Basin. New construction also requires water. In addition, most existing homes in the Basin are second homes. At Lake Tahoe, we need to address the likelihood that as the rest of California becomes warmer and dryer, more people may choose to move to Tahoe’s relatively cooler climate. If more currently partly-used homes become full time homes, the demand for water will increase above present levels.

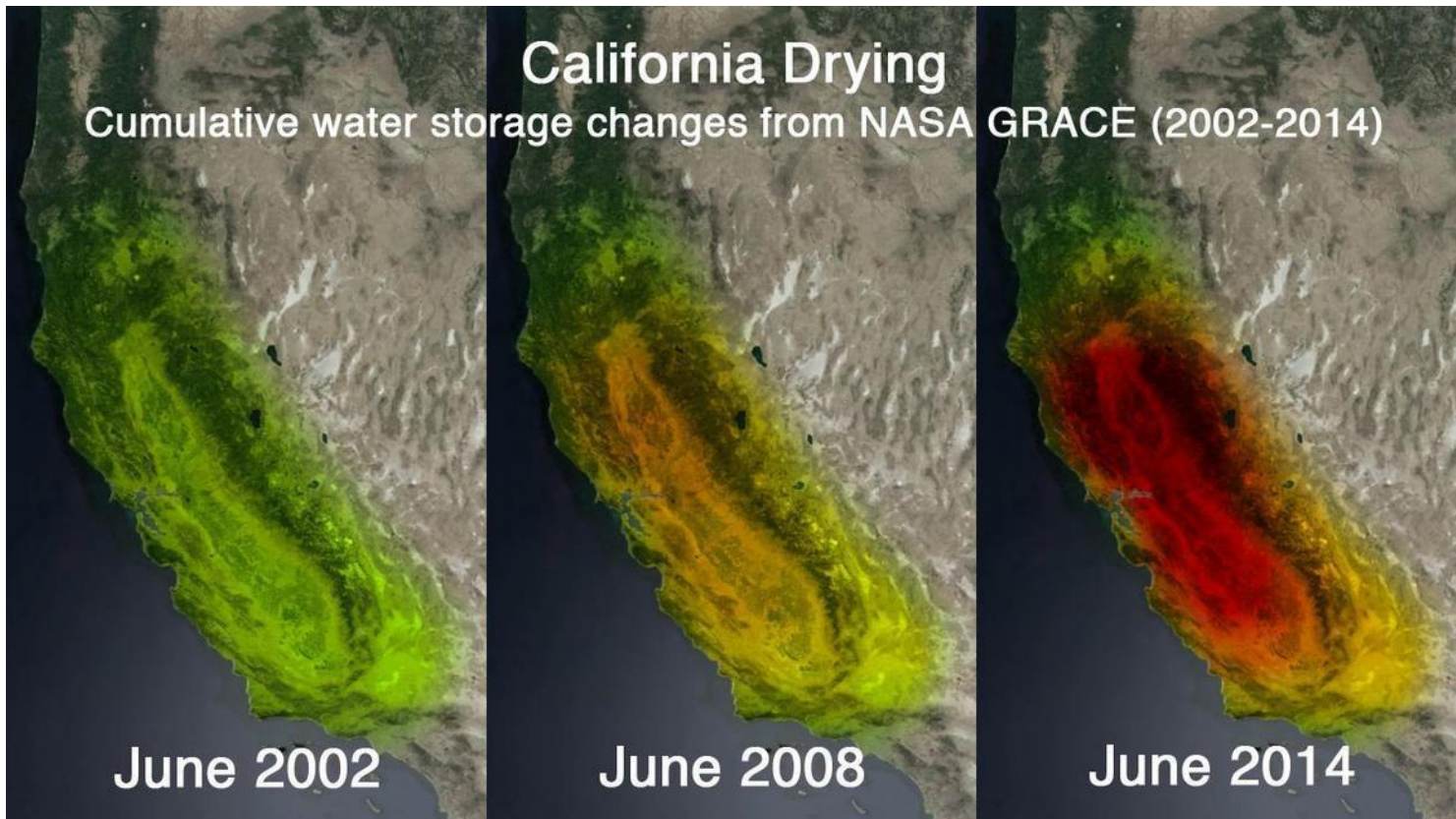


<http://droughtmonitor.unl.edu/Home/StateDroughtMonitor.aspx?CA>

Rating and assessment systems need to take into consideration tourist populations, and water supply providers must consider declining water availability due to the loss of our snow pack and drought. As our snowpack declines from climate change, this will mean less water storage and earlier runoff. We cannot assume we will have the same amount of groundwater, surface water, or water in Lake Tahoe that we currently have to use. In fact, available information indicates not only a reduction in ground water throughout

¹³⁵ <http://www.laketahoenews.net/2015/04/boca-reservoir-water-flow-cut-off/>

California (see images below),¹³⁶ and an anticipated reduction in ground water available on the West Shore,¹³⁷ but California's reservoir supplies are also dwindling.¹³⁸ The implementers of the TROA, which regulates water provisions from the Truckee River for Reno as well as other parts of both western Nevada and eastern California, could be forced to make tough decisions beyond their current allocation processes, and water for the Tahoe area could decrease in the same ratios as the rest of the TROA area's reservoirs and downstream users.



In light of the prospects of a potentially persistent drought and the increasing effects of climate change, a new analysis needs to be undertaken to determine whether water supplies will be adequate to provide service to this and other Area Plans provided for under the RPU. The EIR/S must assess the ability to provide sufficient water to support

¹³⁶ <http://www.latimes.com/science/sciencenow/la-sci-sn-california-drought-groundwater-satellite-20141002-story.html>

¹³⁷ See: *DRAFT PROJECT DESCRIPTION: West Lake Tahoe Regional Water Treatment Plant*. TCPUD. April 2015. <https://westlaketahoeregionalwatertreatmentplant.files.wordpress.com/2015/03/15-wltrwtp-draft-projt-desc-4-28-15.pdf>

“From the time the well was put into service, it began showing a steady decline in static and dynamic groundwater levels due to over-withdrawal... (p. 3).”

“Climate change will impact the recharge of groundwater sources, especially hard rock wells such as those found on the west shore of Lake Tahoe and continue to diminish the long term reliability and resiliency of these wells.” (p. 6).

¹³⁸ <http://www.newsweek.com/nasa-california-has-one-year-water-left-313647>

existing and new uses under each alternative, in light of existing and anticipated water supply conditions and drought. Water demand associated with new developments in each alternative must also be assessed (e.g. what is the water demand from adding more tourists accommodations compared to adding multi-family residential or commercial uses in the same location). This assessment must also evaluate the increased water demand that would result if existing infrastructure were filled to capacity; in other words, if existing second homes in the Basin became full-time residences, and all existing tourist accommodations and vacation rentals were occupied. The analysis also needs to address how water demand from new and expanded uses may impact existing wells in the Basin, and identify who will be responsible for paying for upgraded/increased water supply facilities. We believe new developments requiring upgrades/modifications to existing systems should be paid for by those benefitting, not existing ratepayers.

22. Public Services and Facilities

Public service providers associated with providing adequate water (covered in a previous section), law enforcement, and emergency services will be affected by increased tourism, more development in fire prone areas, increases in water demand for fire-fighting, and reductions in water supply. As noted below, it does not appear that existing conditions and the RPU's increases in development have been considered in light of dwindling environmental and financial resources. Further, the impacts of drawing more visitors to the Basin on all of our utilities and public services will be significant.

Fire Protection:

The Policy document suggested that existing fire stations were adequate to accommodate projected growth in demand for services over the next 15 years.¹³⁹ However, as identified in FOWS' comments on the Policy Document, existing fire departments are operating at maximum capacity, and additional equipment would be necessary to serve new constituents.¹⁴⁰ In addition, the report utilized by the Policy document to suggest existing services are adequate is outdated; the increases allowed by the RPU and the proposed

¹³⁹ "Currently there are six fire stations located in the Community Plan Area. Most of the NTPFD's fire stations were constructed in the 1960s and 1970s and have been maintained to a high standard. In July 2012 NTPFD relocated Station 51 from 300 North Lake Boulevard to 222 Fairway Drive in Tahoe City, across from TCPUD. Station 51 serves as the district's headquarters and is expected to accommodate projected growth in demand for services over the next 15 years." Figure 5-2 maps the location of the fire stations located in the Community Plan Area." (Policy Document, p. 5-12) [Emphasis added].

¹⁴⁰ From referenced LAFCO report in Policy Document footnote: *Fire/Emergency Protection Services, Municipal Service Review, Placer LAFCO*: "...North Tahoe FPD anticipates that the construction of the new fire department headquarters will be sufficient to provide necessary office and storage space to accommodate projected growth in demand for services over the next 15 years. A construction schedule has not yet been set for this project. The Department is currently considering locations and potential funding sources. Once constructed and operational, this structure will satisfy projected infrastructure needs related to capital facilities for the District..."

"...There are no facilities and/or buildings being underutilized by the District. All fire department resources are utilized to the fullest extent possible, and the District does not maintain excess capacity. The fire department has the ability to serve additional populations, but this would require new developments to pay fees in order for the District to purchase additional equipment required to serve new constituents..." [Emphasis added].

additional development contemplated in the draft TBAP were not considered in the report, which appears to be over ten years old.¹⁴¹

Placer County needs to complete an updated assessment of the capacity and response times associated with existing emergency services (including fire protection and emergency medical services), and the impacts to services associated with the increased residents and visitors stemming from the new RPU and proposed Placer County TBAP, as well as cumulative increases in visitors from adjacent projects and resort expansions, including Northstar and Squaw Valley resorts.

23. Reasonably Foreseeable Projects and Plans and Cumulative Impacts

Proposed, approved and not-yet-built, and reasonably foreseeable projects include, but are not limited to:

- The Martis Valley West Area Plan¹⁴²
- The Village at Squaw Valley Specific Plan¹⁴³
 - Notably, the draft EIR for the Squaw Valley expansion project has already disclosed substantial and “significant and unavoidable” impacts on Tahoe City,¹⁴⁴ and increased vehicle trips along the west shore and north shore.¹⁴⁵
- The Martis Valley West Specific Plan¹⁴⁶
- The Homewood Mountain Resort¹⁴⁷
- Potential expansions at Diamond Peak Resort;¹⁴⁸
- Boulder Bay;¹⁴⁹
- Alpine Meadows;¹⁵⁰
- Expansions in Northstar;¹⁵¹ and

¹⁴¹ The referenced MSR document appears to be a 2005 review:

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCQOFjAB&url=http%3A%2F%2F98.129.89.114%2Ftahoe%2F478%2Fsite%2Fgraphics%2Fpdf%2FFireServices.pdf&ei=azGmU7nzKcz0oATk5oFA&usq=AFOjCNHwVlp7Zx0CjJfPWLlkkEmrQ3wOhQ&sig2=ytx2oVA5w0fqFpuErnhg5w&bvm=bv.69411363.d.cGU&cad=rja>

¹⁴² This Area Plan was suspended, but the application has not been terminated or rescinded by the applicant, and the applicant has stated future intentions to reconsider the proposed Area Plan.

<http://www.tahoedailytribune.com/news/15304708-113/developer-residential-units-still-possible-above-north-tahoe>

¹⁴³

<http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/villageatsquawvalley/draft%20eir>

¹⁴⁴ http://www.placer.ca.gov/~media/cdr/ECS/EIR/VSVSP/DEIR/9_VSVSP_DEIR_TransandCirc.pdf; p. 9-63.

¹⁴⁵ In addition to the finding of significant and unavoidable impacts to SR 28 east of the intersection with SR 89, the Squaw Valley DEIR’s comparison between the “Cumulative No Project” and “Cumulative Plus Project” Traffic Volumes (p. 8-18 through 8-22) indicates that in the summer, the project will increase summer peak traffic volumes driving south on SR 89 (toward the West Shore) by 45 vehicles, or roughly 10%, and driving north on SR 89 (from the West Shore) toward Squaw Valley by 41 vehicles, or roughly 15%. Increased traffic during the winter months will also occur.

¹⁴⁶ <http://www.placer.ca.gov/departments/communitydevelopment/envcoordsvcs/eir/martisvalleywestparcel>

¹⁴⁷ <http://www.skihomewood.com/masterplan>

¹⁴⁸ <http://www.tahoedailytribune.com/news/opinion/12584438-113/amusement-diamond-ivgid-park>

¹⁴⁹ <http://www.trpa.org/document/projects-plans/>

¹⁵⁰ <http://www.moonshineink.com/news/alpine-meadows-could-get-first-new-subdivision-30-years>

- Other projects in the Truckee/Northstar/Squaw Valley area, including those listed in the Squaw Valley DEIR.¹⁵²

The EIR/S needs to examine the cumulative impacts of the proposed project in addition to other proposed, approved and not-yet-built, and reasonably foreseeable projects. The EIR/S needs also needs to assess the carrying capacity of roads and recreation facilities, including but not limited to beaches, trails, and marinas. For example, as more residents and visitors are brought into Town Centers, demand for beach space in these areas will increase, and potentially impact existing recreation areas. In addition, the EIR/S needs to disclose the amount of CFA that will remain after conversions to TAU are allowed under each alternative.

24. Tahoe City Lodge Pilot Project and Kings Beach Design Concept

We are concerned that the inclusion of the Tahoe City Lodge Pilot Project and Kings Beach Design Concepts in the Area Plan EIR/S may preclude equal consideration of feasible alternatives for these locations. It is unclear how the EIR/S will address alternatives for the Tahoe City area where the Tahoe City Lodge Pilot Project is proposed at the Area Plan level. We are also concerned that the open-ended nature of the Kings Beach Design Project makes it impossible to suggest EIR/S comments.

We request that the Tahoe City Lodge Pilot Project and Kings Beach Design Concept proposals be removed from the TBAP and evaluated separately. Regarding the Tahoe City Lodge Project, the TBAP EIR/S should first clearly identify and analyze the TRPA criteria for pilot programs and projects, how they will be monitored, how adjustments will be made if environmental benefits are not being realized, and how results will be used to guide future planning processes.

Although from a land use planning and environmental analysis point-of-view, it appears to be inappropriate to include the Tahoe City Lodge Pilot Program in the TBAP EIR/S, if Placer County and TRPA choose to retain it, the EIR/S needs to clearly analyze the potential impacts of the proposed Pilot Program, including negative impacts that may result, and actions that will be taken to mitigate them, if the to-be-defined anticipated benefits are not realized.

Issues “Scoped out” or “Addressed by regulations:”

The NOP lists issues requiring project-specific analysis for the Tahoe City Lodge Pilot Project, but fails to include all resource areas or thresholds in this list.¹⁵³ Instead, the NOP

¹⁵¹ For example, <http://ewpartners.com/development-projects/lake-tahoe/the-highlands-northstar/>.

¹⁵² See “Table 18-2: Cumulative Project List” in the Squaw Valley DEIR, p. 18-3.

http://www.placer.ca.gov/~media/cdr/ECS/EIR/VSVSP/DEIR/18_VSVSP_DEIR_OtherCEQA.pdf

¹⁵³ “The EIR/EIS will include project-level analysis of potential impacts of the Tahoe City Lodge Pilot Project in relevant sections. Issues requiring project-specific analysis for the Tahoe City Lodge Pilot Project will include: traffic, air quality, greenhouse gases (GHGs) and climate change, noise, scenic resources, water quality, soils/coverage, and cultural resources as described in more detail below.” (NOP, p. 15).

states that other issues are assumed to be scoped out of the analysis, addressed through requirements, or dismissed with minimal discussion.¹⁵⁴ Only the latter reason will be explained in the EIR/S.¹⁵⁵

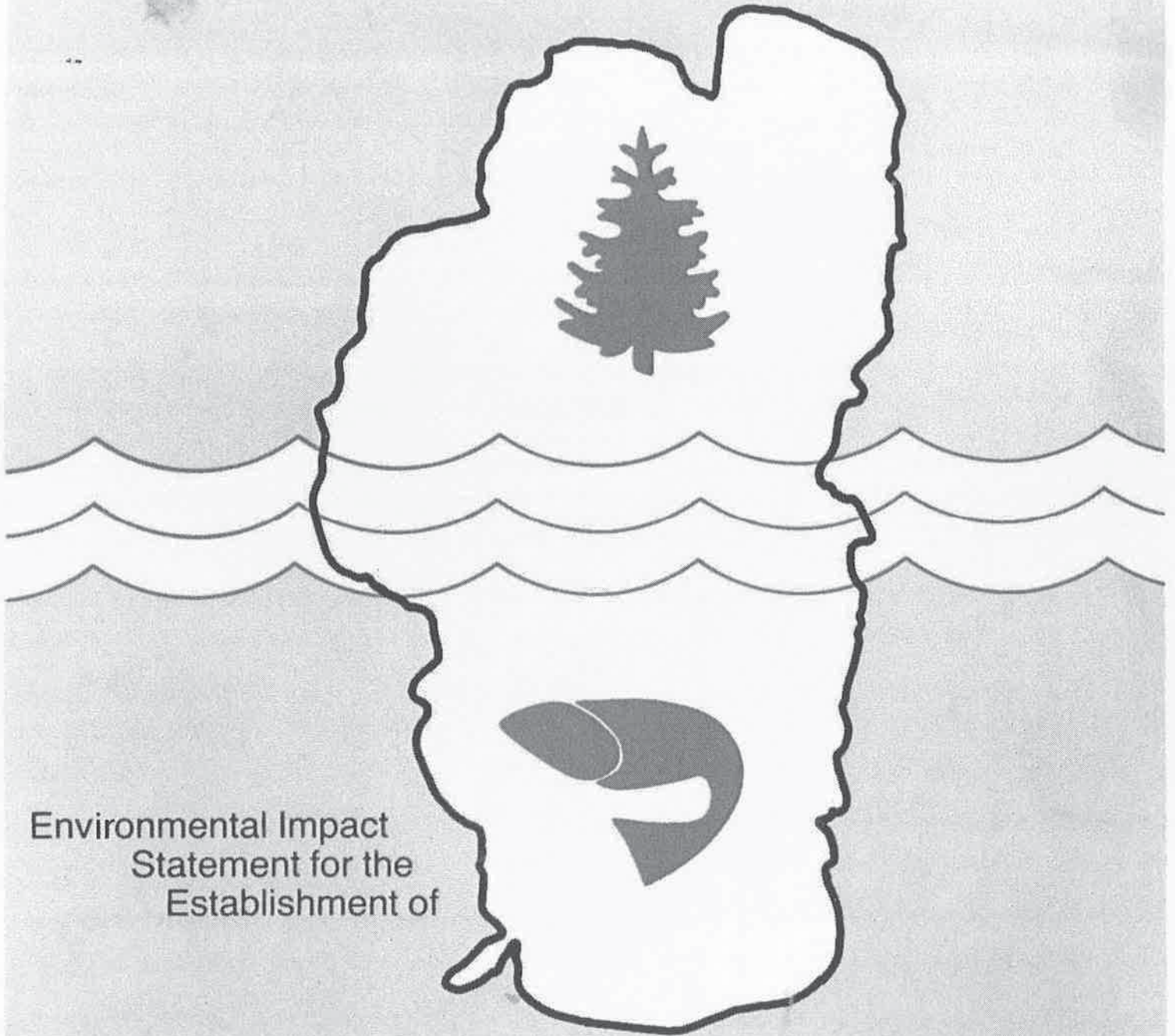
As discussed earlier in these comments, an EIR/S must clearly identify any and all potential direct, indirect, and cumulative impacts of the project. Once impacts are examined, if the application of existing regulations and/or mitigation measures can reduce the impacts, this will then be disclosed in the EIR/S. However, the suggestion that some issues will not even be discussed in the EIR/S for having been ‘scoped out’ or ‘addressed through requirements’ is inappropriate, and fails to meet the intent of TRPA’s and CEQA’s requirements to fully analyze and disclose a project’s impacts on the environment for the public and decision-makers. In addition, as no Initial Study or Checklist has been provided for the Tahoe City Lodge Pilot Project, there is no evidence presented elsewhere that may identify which issues will not be addressed and why such a decision is not likely to be seen as arbitrary by the public.

The EIR/S must clearly identify and examine all potential impacts of the Tahoe City Lodge Pilot Project. Where impacts are scoped out or addressed through regulations, this must be clearly identified and thoroughly explained in the document.

¹⁵⁴ “All other issues are assumed to be scoped out of the analysis, addressed through application of County and TRPA Code requirements, and/or dismissed with minimal discussion.” (NOP, p. 15).

¹⁵⁵ “Issues dismissed from detailed consideration for the Tahoe City Lodge Pilot Project, and the rationale for dismissal, will be included in the EIR/EIS.” (NOP, p. 15).

LRPD ARCHIVE COPY



Environmental Impact
Statement for the
Establishment of

Environmental Threshold Carrying Capacities

Standards: Water quantity limits for consumptive use are set by the California-Nevada Interstate Water Compact ratified by the state legislatures in 1971. The Compact provides for California to allocate 23,000 acre feet/year and Nevada 11,000 acre feet/year. These volumes include all diversions within the Basin, including groundwater. In Nevada, the State Engineer allocates the rights to use all waters, since both ground and surface waters are public property. The California Water Resources Control Board Water Rights Division regulates only appropriative water rights. Use of riparian waters and groundwater in California is not subject to state water law when the water is put to beneficial use on the property from which it is diverted. The Agency may regulate development of riparian or groundwater sources in California to insure compliance with the Compact allocations through the Agency's permit process. Maintenance of instream flows essential for recreation, fisheries, and aesthetics may also be regulated by the Agency's permit process. Federal regulations, in addition to state nondegradation policies, require existing instream water uses to be maintained and protected.

Historical Trends: Natural Lake Tahoe was dammed as early as 1870 to regulate the outlet flow of the Lake. The first dams were made of wood with the present outlet dam being completed in 1916 (Scott, 1973). The outlet dam raises the surface level of the Lake 6.1 feet when full. This accounts for 720,000 acre feet of additional water storage which is less than one-half of a percentage of the total volume of Lake Tahoe. The consumptive use of Lake Tahoe is guided by the bi-state Compact allowing specific diversions to be legally permitted within each state and sets the minimum outflow of Lake Tahoe.

The California State Water Resources Control Board (1979) identified problems with capacity of distribution on the California side and concluded that if existing subdivisions were completely built out, water use would exceed the quantity legally available. The report also estimates there will probably not be enough water available in Nevada to support development beyond buildout of existing subdivisions. Incline Village and the Round Hill area are currently facing the problem of potential allocation shortages based on present water rights.

E. Soil: Soil within the Lake Tahoe Basin is an integral part of the structure and function of the natural ecosystem. Soil is a formation of organic and mineral material on the surface of the earth. Tahoe soils are products of weathering of either volcanic or granitic parent material. Soils are essential for supporting vegetation by providing a medium to anchor roots, store nutrients, and store water for growth. The physical, chemical, and microbiological composition of soils have substantial affect on the quality of water moving over or through the soil system.

Soil formation is a very slow process of both weathering and movement or deposition of the existing soils in the Tahoe Basin. Freezing winters and relatively dry summers experienced in the Sierras do not form soil as rapidly as warm, moist conditions of other areas of the country. As soils form and throughout their existence, they are subjected to wind and water erosion. If the forming process is more rapid than the erosional process, soil will form in place. People can alter the soil formation process as a result of their land use activities. It is important to attain or maintain a balance between soil formation and soil loss to provide the soil essential for continued plant growth. It is also important to prevent delivery of eroded soils containing nutrients and chemical elements into the streams and lake.

The Soil Conservation Service of the U.S. Department of Agriculture describes the soils of the Basin in a 1974 publication. This document with accompanying maps is incorporated by reference and is suggested reading if more information is desired. The soil survey identified and mapped various soil types within the Basin. These soils have been grouped into 10 soil associations. A soil association normally consists of one or more major soils and at least one minor soil. Soils in one association may occur in another but in a different pattern. The soil associations have been placed in one of three major groups depicted on the accompanying map. These groups are useful as guides in understanding the ability of the land base to accommodate various uses on a very broad scale. Site specific detail can only be obtained using a more intensive soil survey. The following describes the three major groups depicted.

1. Nearly Level to Gently Sloping Soils Along Streams, on Fans, and in Meadows. This soil group is poorly drained, normally associated with water, and subject to occasional flooding. It is found at an elevation from about 6,200 feet to 6,500 feet and makes up 5 percent of the surveyed area. The soil association making up this group is suitable for recreation, grazing, homesites, and related uses.

2. Nearly Level to Steep Soils on Moraines, Glacial Outwash Terraces, and Fans. The soils in this group are excessively drained to moderately well drained and are formed of water deposited sediment from granitic and metamorphic rock. Three soil associations make up this group normally found at elevations of 6,200 to 8,600 feet. This group makes up about 24 percent of the Basin. The soil associations within this group are favorable for homesites, timber, and limited grazing.

3. Gently Sloping to Very Steep Soils of the Mountains. The soils in this group are somewhat excessively drained to moderately well drained as they are formed in material weathered from granitic, fine grained volcanic, and metamorphic rock. These soils are in the mountains surrounding the Basin up to an elevation of over 10,000 feet. Six soil association make up this group, accounting for 71 percent of the Basin. The soil associations in this group are suitable for wildlife, recreation, timber, limited grazing, and homesites on the most gentle slopes.

Subcomponents: Soils will be evaluated in terms of three subcomponents for establishment of thresholds. The subcomponents include impervious coverage and surface disturbance, soil displacement, and stream environment zones. Each of these subcomponents is important to the soil resource from the standpoint of maintaining the productivity of the soil and preventing undue delivery of soil into the streams and lakes. These subcomponents have an important relationship with other environmental components such as vegetative cover and water quality.

Impervious coverage and surface disturbance affect the soils ability to function naturally as a medium for vegetative growth and storage of nutrients and water. Impervious coverage prevents any infiltration of precipitation and its associated nutrient load, resulting in near total runoff onto adjacent soils. The increased runoff volume provides added energy to the erosional capacity of the water. Similarly, the alteration of the soil due to compaction, removal of the vegetative cover, or alteration of the vegetative type will alter the runoff characteristics of the land surface, generally increasing the runoff volume and erosion

potential. Cover and surface disturbance also reduce the ability of the soil to store nutrients associated with precipitation and decomposition of organic matter such as leaves, needles, or vegetation. These sources of nutrients enter the soils by leaching or infiltration.

Within the Tahoe Basin, development of impervious coverage results in associated surface disturbance. Field studies indicate that for the various types of land use, there is a corresponding amount of surface disturbance which varies depending on the type of land use. As an example, for residential development, the amount of surface disturbance increases as the density of development increases. Analysis of data from subdivisions throughout the Basin indicate the natural vegetation decreases and is virtually eliminated as density approaches 50-60% (50-60% of the lots in the subdivision are developed) (Litton, 1981). Surface disturbance associated with commercial development is more intensive with the natural vegetation eliminated at 40% buildout. Alteration or removal of the natural vegetation which alters surface conditions will result in changes in the runoff, erosional capacity, and infiltration. These changes impact the soils of the area and ultimately the watershed.

Erosion of soil is a natural process which is accelerated by land uses which cause surface disturbance. Surface disturbance is a direct cause of soil displacement and loss above and beyond the natural erosional loss due to wind and water. Vegetation and the soil texture and structure play a major role in soil stability. If the surface is disturbed such that soil structure or surface is altered, or if the vegetative cover is removed, soil will be more susceptible to erosion. The severity of the disturbance, soil type, and exposure to precipitation and runoff will influence the amount of soil that will be displaced or lost.

Soils are displaced from one site to another within a watershed due to erosion. Some of the displaced soils are lost from the watershed when they are delivered into a drainage system and transported to a receiving body of water. When more soil is displaced from an area or watershed than is formed, the productivity, or the ability of the soil to support vegetation, is decreased. Decreased productivity will result in reduction of vegetative cover and is associated with reduction of nutrient and water storage capacity of the soil. Deposition of soils in suitable areas can increase productivity and establish vegetative cover within that area. It is important to maintain a balance of soil movement, deposition, and loss on a site or within the watershed to prevent loss of soil productivity and reduce soil delivery sedimentation into a drainage system.

Both surface disturbance and development of impervious cover remove vegetation from the Basin. This vegetation is extremely important as it is a part of a total system that is responsible for removing nutrients, particularly nitrogen, from precipitation which is stored in the soil. The nutrient removal process or nutrient uptake is extremely important in the nutrient balance in the entire aquatic system as discussed under Water Quality.

Stream environment zones (SEZ's) are not necessarily a product of the soil resource but are instead a combination of soil, vegetation, and streams knit together in a close, ecological relationship. SEZ's are areas influenced by and including the presence of streams, high water table, marshes, meadows, drainage ways, and floodplains.



Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

May 25, 2015

Subject: Update on the Commercial Floor Area/Tourist Bonus Unit Conversion Pilot Program

Dear Members of the Regional Plan Implementation Committee:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments regarding the proposed Commercial Floor Area (CFA)/Tourist Accommodation Unit (TAU) Bonus Unit pilot program. We first thank the RPIC and staff for not recommending the Pilot Project 2, as discussed at the April GB hearing. However, we remain concerned the proposed Pilot Program 1 (Pilot Program) will lead to substantially more growth in the Basin which was not analyzed by the RPU EIS.

Increases in people, number of vehicles, coverage/floor area, and parking spaces (which increases pavement and vehicle use) may range from 400-2400% (see detailed review below).

Further, during the March 2015 RPIC discussion, TRPA staff indicated an environmental analysis would be performed.¹ This should be provided to RPIC and the public along with the staff report, but we did not locate this in the packet.

I. Environmental Impacts of Proposed Project:

Trip generation is only one of the environmental impacts that will occur from the proposed Pilot Program. The use of Bonus Units increases the total number of people in the Basin. In addition, there are numerous environmental impacts associated with the conversions of Bonus Units that were not considered by the staff report (including impacts from TAU morphing; see evaluation below).

Impacts include, but are not limited to:

- Increased coverage;
- Increased vehicle trips/VMT;
- Increased demand for water (total demand by all overnight guests may be greater than the demand by commercial uses);
- Increased demand on utilities, including water companies, power providers, sewer systems and infrastructure, natural gas providers, and other utilities;
- Increased demand for public services, including emergency care, fire departments, law-enforcement officers, and other public services;
- Increased water, air, and noise pollution from the increased vehicle trips and VMT; and
- Increased demand on nearby recreational lands from more overnight guests.

TRPA must consider the full capacity of the Lake Tahoe Basin, for residents, day, and overnight visitors. This point was reiterated by Board member Bill Yeates during the March 25th discussion (RPIC minutes, p. 18):

“[Mr. Yeates] does not want to reduce access to Lake Tahoe, but at the same time these are evolving things and as a regulatory agency dealing with the number of people we want to have around the Lake and their impact on the Lake, how we are going to accommodate all of that in trying to address the commodities.”

The full impacts of the proposed Pilot Program must be comprehensively addressed, including the potential impacts to TRPA’s environmental thresholds, before such amendments are approved.

¹ <http://www.trpa.org/wp-content/uploads/May-27-2015-Governing-Board-Packet.pdf>; RPIC Minutes, p. 16.

Available information is not adequate to support the threshold findings (Code Chapter 4) TRPA will be required to make because there has been no adequate environmental analysis.

II. Impacts from TAU “morphing:”

A conversion formula based on a simple comparison of estimated vehicle trips from an average trip number derived by averaging all commercial uses in the Basin does not adequately analyze the variety of other impacts that will result from the proposed Pilot Program. As noted in our previous comments and reiterated by Board Member Hal Cole, the proposed transfer ratio incentivizes conversion of CFA to TAU, but not the other way.² We are most concerned about the impacts of conversion of CFA to TAUs. The morphing of TAUs allowed by the RPU allows significant increases in development – even before Bonus Units are awarded. The following information evaluates the impacts of TAU morphing, first without Bonus Units, then with Bonus Units. *The difficulty of reading through the numbers in this assessment exemplifies why a simple trip generation analysis will not suffice, and why the TAU morphing issue must be considered by TRPA.*

A. New development as a result of TAU morphing:

As noted in our previous detailed comments, even before bonus units and other incentives are applied to a situation involving the transfer of existing TAU units, the maximum potential increased growth due to the morphing allowed by the RPU is as follows:

	Existing TAUs		New TAUs			
	Existing TAU	Total: 30 existing TAUs	New TAU – people/unit	# with 30 new TAUs	# with 60 new TAUs	# with 90 new TAUs
People/unit	1-2	30-60	6-8	180-240	360-480	540-720
Total size (sq. ft.)	300	9,000	1,200 (80%) ^a 1,800 (20%)	39,600 ^b	79,200 ^c	118,800 ^d
No. Vehicles	1	30	3-4	90-120	180-240	270-360

a. Code 51.5.2.K.2. Note: Table has been updated from previous versions in order to account for the 80/20% split in this Code section.

b. 80% (24) of the units can be 1200 sq. ft. = 28,800 sq. ft. and 20% (6) can be 1800 sq. ft. = 10,800 sq. ft. for a total of 39,600 sq. ft. *Compared to 9,000 sq. ft., this is a 440% increase in floor area.*

c. 80% (48) new units at 1200 sq. ft. = 57,600 sq. ft. and 20% (12) at 1800 sq. ft. = 21,600 sq. ft. for a total of 79,200. *Compared to 9,000 sq. ft., this is an 880% increase in floor area.*

d. 80% (72) new units at 1200 sq. ft. = 86,400 sq. ft. and 20% (18) new units at 1800 sq. ft. = 32,400 sq. ft. for a total of 118,800 sq. ft. *Compared to 9,000 sq. ft., this is a 1320% increase in floor area.*

This table illustrates that if 30 units are torn down in one location and merely used to build 30 new TAU units elsewhere, the following increases may occur under existing rules:³

- i. **800%** increase in total number of people in the accommodation;
- ii. **440%** increase in floor area for the accommodation;

² RPIC minutes, p. 16.

³ 800% in people: from 30-60 people to 180-240 people; 600% in floor area: from 9,000 sq. ft. to 54,000 sq. ft.; and 400% increase in number of vehicles: from 30 to 120 vehicles.

- iii. **400%** increase in total number of vehicles associated with guests of the accommodation.

Although the new units may be built ‘up,’ thereby the increase in coverage may be less than the increase in floor area, some portion of the increased floor area may require more coverage on the land. The need for additional parking spaces to accommodate larger numbers of people and their vehicles, however, will also require additional coverage.

B. New development as a result of TAU morphing *plus* TAU Bonus Units:

When the Bonus Units are applied to this 30-unit transfer, the developer may build up to 90 new units in the new location. With the TAU morphing noted above, impacts are now increased yet again. The net increase from tearing down an old 30-unit motel room to building 90 new tourist units to the sizes allowed by the TRPA RPU may result in the following:⁴

- i. **2400%** increase in total number of people in the accommodation;
- ii. **1320%** increase in floor area for the accommodation;
- iii. **1200%** in total number of vehicles associated with guests of the accommodation.

Meanwhile, the RPU’s existing conversions associated with CFA are based on converting one square foot to one square foot. There is no morphing potential. At most, with incentives that may award three times the CFA for transfers, there could be a net increase in CFA of 300%. This is a far cry from the 1320% increase in floor area that may result from TAU morphing combined with the Bonus Unit programs.

In addition, the proposed conversion ratio of 454 sq. ft. CFA to one TAU does not change. In other words, the conversion of 80,000 sq. ft. of CFA into TAUs from the Bonus Unit pool, as proposed in staff’s recommendation, would equate to roughly 176 TAUs (p. 441 in packet). The total floor area of the new TAUs could be as high as 232,000 sq. ft.⁵ - **three times the floor area** that would have been converted (80,000 sq. ft.). There is clearly a net increase in development potential from these transfers.

III. Use of Commercial Trip Generation to develop Ratio:

We appreciate the efforts taken by staff to accumulate information regarding the numbers and types of commercial establishments throughout the Basin (p. 447-449), however, there is clearly a wide range of trip generation associated with different uses. For example, while commercial uses such as drinking places, high-turnover sit down restaurants, or supermarkets may generate over 100 trips per 1,000 GFA, other uses such as furniture stores, light industrial uses, or wholesale market generate only 5-7 trips per 1,000 GFA. It is impossible to ‘compare’ the change in trips from conversion of CFA into TAUs, or vice versa, without looking at the type of commercial use that is being transferred or constructed. There is simply too much variation to account for. It is inappropriate to derive one transfer ratio from adding up these uses and developing one averaged value. These impacts would need to be examined on a project-by-project basis.

⁴ 2400% in people: from 30-60 people to 540-720 people; 1320% in floor area: from 9,000 sq. ft. to 118,800 sq. ft.; and 1200% increase in number of vehicles: from 30 to 360 vehicles.

⁵ At 1200 sq. ft. for 80% (141) of the new units converting to 169,200 sq. ft. in TAUs, and 1800 sq. ft. for 20% (35) converting to 63,000 sq. ft. in TAUs, this would result in a total new floor area of 232,200 sq. ft. associated with the TAUs.

In addition, Table B-3 on page 450, titled: “Conversion Ratio Approach,” notes that the conversion formula is based on generation of a one-room TAU. As noted in our comments on TAU morphing, new TAU accommodations can be much larger and are apt to have more than one room (which means more guests and more trips). Any comparisons must be based on the type of TAU units that will be constructed, not those that will be torn down.

IV. Moving Target for “Build-out:”

We are very concerned with the ongoing proposals to amend the RPU. First, the RPU has been in effect for barely over two years. Second, changes are being considered without the benefit of the full, comprehensive review promised during RPU deliberations (more information in attached comments) and required by the Goals and Policies (Policy DP-2.1⁶). Third, with so many efforts to amend the RPU underway, it is becoming impossible for the public, let alone TRPA, to figure out what the maximum development potential actually will be.

A. Insufficient implementation period:

The RPU has been in effect since February 2013 – just over two years. The first Area Plan was not adopted until the summer of 2013 (the South Shore Area Plan in Douglas County), and the second, the fall of 2013 (the Tourist Core Area Plan in the City of South Lake Tahoe). Other Area Plans are still under development. As a result, the RPU’s presumed benefits of the transfer program – which heavily rely on the adoption of Area Plans in order for the new ‘incentives’ in Town Centers to apply – have not been adopted in most “Centers” identified in the RPU. Those that have been approved have been in effect for less than two years. There has simply not been adequate time to assess whether the transfer program will work as intended.

B. Lack of full assessment of all information as intended upon RPU adoption:

Prior to the RPU’s adoption in December 2012, numerous discussions with the Board and public occurred regarding TRPA’s target to evaluate the thresholds and consider needed policy amendments every four years. This process would allow information regarding threshold status and trends to guide policy changes that may be necessary in order to achieve and maintain the environmental thresholds. However, changes to the commodity limits, bonus unit program, coverage transfers across hydrologically-related areas, excess coverage mitigation program, BMP compliance, and other RPU amendments have been made and/or proposed in the two years since the RPU took effect. We believe changes should not be made without the benefit of the next environmental threshold report, which will also include the tracking information necessary to compare policies to outcomes.

C. Rushed and ongoing list of amendments and maximum build-out potential:

As noted above, ongoing amendments to the RPU have been underway since the RPU’s adoption. These changes, acted on separately and without the benefit of any comprehensive environmental analysis, have created a situation where due to conversions, transfers, morphing, relaxed coverage standards, relaxed compliance standards, and other changes, it is virtually impossible to know what the maximum development of the Basin will be. TRPA should be examining the Basin’s maximum capacity and assessing how these changes fit within that

⁶ DP-2.1 EVERY FOUR YEARS, TRPA SHALL CONDUCT AN IN DEPTH EVALUATION OF THE REGIONAL PLAN IN COMPARISON WITH PROGRESS TOWARD MEETING THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES.

capacity. Prior to the RPU, staff indicated a desire to consider changes at the four-year intervals;⁷ yet in the period since, there appears to be an open door policy to amend the RPU. This begs two questions: *What is the rush? Why can TRPA not wait until 2016 to consider RPU amendments, as was originally intended?*

We have attached our previous comments on the Pilot Program, which we note include many of the details and references associated with our comments herein.

V. Changes regarding current vs. historical SEZs

Although we strongly support increased restoration of all SEZs, and have previously raised concerns regarding actions which have reclassified historical SEZs to non-SEZ land capabilities,⁸ we are concerned about the proposed ‘re-interpretation’ of how the Bonus Unit/Transfer of Existing Development Programs will apply to SEZs. On its face, the proposed change in how TRPA considers which parcels are eligible for transfer incentives would appear to result in more restoration of historical SEZs; we certainly support the restoration of more SEZs. However, the language in the staff summary is unclear. It is also unclear whether staff has made this decision, or is seeking RPIC’s advice. We believe more information is needed to assess this change, and have the following questions:

- What SEZ lands existing today that were historically SEZs have been reclassified as non-SEZs? Why were they reclassified?
- What are the amounts and locations of such lands both within and outside of Centers?
- What is meant by “currently verified SEZ” versus “restored SEZ?” Will this new interpretation only apply to areas historically classified as SEZ, but currently ‘verified’ as non-SEZ, that have already been restored? If so, as of what date?
- What is meant by “verified prior to or after restoration?”
- If historical SEZ lands (now verified as non-SEZ lands) have already been restored (we presume this would be “after restoration”), how would providing incentives after the fact encourage more restoration? It would already have been completed.
- As TRPA’s RPU also relies on the *rate* of growth,⁹ and the implementation of other improvements (e.g. EIP projects) in order to approve more development (for example, through the IPES program and residential allocation system¹⁰), would the timing of restoration no longer matter, as suggested

⁷ “The performance benchmark reporting system is something that we have started a conversation with the California Legislative staff. There are more requirements and needs for regular annual reporting than only the Threshold indicators, here are all the different types of regional plan performance benchmarks; four of the five categories are new requirements under the regional plan update. In addition to our Threshold monitoring all five of these annual reports will roll up into the Agency’s four-year Threshold Evaluation and will be the basis of consideration when reprioritizing our annual budgets, as well as making changes to the policies and strategies of the Regional Plan.” (Nov. 2012 GB minutes, p. 26) [Emphasis added].

⁸ May 2009, TRPA Hearings Officer Hearing. See: Objections of Friends of the West Shore and Homewood Residents James & Susan Gearhart to Request for Land Capability Challenge of Homewood Village Resorts, LLC, APN 097-130-05, 5145 West Lake Blvd., Placer County, California.

⁹ “[Alternative 3] combines a reduced rate of development with strong incentives for redevelopment, along with other regulatory changes.” (RPU DEIS, p. S-8)

¹⁰ “The IPES system is similar to the Bailey system, except that it permits additional development in some sensitive areas in conjunction with retirement of sensitive parcels and other water quality improvements in the vicinity... TRPA awards residential allocations to local jurisdictions annually. The number awarded is based on the performance of each jurisdiction in implementing EIP projects, achieving compliance with Best Management Practice (BMP) retrofit requirements, monitoring project permit conditions, and increasing transit levels of service. The current program for distributing and allocating residential development is an interim system that began on

in the staff summary?

- If incentives will be awarded for the restoration of lands no longer verified as SEZ, but which were SEZs historically, will new development on lands historically classified on SEZs now be limited to 1% coverage as defined by the Bailey limits - a possible outcome if the same logic is applied?
- The dilemma of picking which science is desirable in terms of development interests is a new element in TRPA planning, and should be clearly described and analyzed for beneficial impacts on the contributions of SEZ processes to water quality.

In conclusion, we request the RPIC recommend the Pilot Program be set aside for now until the bigger questions are answered. We appreciate staff's efforts with the comparison of trip generation, but the project as a whole needs serious work. It can be reconsidered in 2016 or later, after complete information (including the threshold evaluation report) is available. We also believe staff's new interpretation regarding the application of the alternate incentives to historical SEZs be thoroughly discussed and carefully thought out in a public process.

Thank you for your consideration. Please feel free to contact Jennifer Quashnick at jqtahoe@sbcglobal.net if you have any questions.



Susan Gearhart,
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