

December 13, 2022

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

Re: Comments on the Latitude 39 Project

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

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

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

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

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

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

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

Sincerely,



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

November 30, 2022

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

Re: Comments on Proposed Tahoe Area Basin Plan Amendments

Dear NTRAC Members and County Planning Staff,

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

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

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

### **Height**

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

The League provides two suggestions under height:

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

## Cumulative Impacts

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

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

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

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

### **Transportation and Parking**

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

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

### **Affordable Housing and Mixed-Use Development**

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

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

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

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

### **Developing a Guide for allocation and conversion of commodities**

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

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

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

#### **Other Suggestions**

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

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

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

Sincerely,



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