

October 13, 2023

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

Re: Agenda Item 3.A Tahoe Basin Area Plan – Economic Sustainability and Housing Amendments

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

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

The League was a key stakeholder in the years leading up to the 2016 TBAP adoption and has tracked progress and amendments since. We have been closely following the proposed Amendments through meetings with County Planning staff, meetings with members of the public, as well as public meetings.

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

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

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

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

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

Our comments are summarized here and detailed below.

What we like – summary

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

Our concerns – summary

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

Our continued requests

1. Provide a review and report on progress toward mitigation and achieving goals and policies from the original 2016 TBAP, the 2021 amendments, and the 2020 Resort Triangle Transportation Plan (RTTP), which is tasked with mitigating many of the traffic impacts related to growth in the TBAP area and beyond, including Palisades and Truckee. We very much appreciate the County creating the "2023 Placer County Area Plan Implementation Report" that we have been asking for since last year, there was very little time to review it and providing it at this stage in the Amendment process means that it is not being used to inform the proposed Amendments. Details on this can be found under "Demonstrated Need" and "Cumulative Impacts" below.
2. Create visual aids. Create some examples of how the proposed Amendments will allow certain types of parcels to be developed and how height and length will look from the street view. These images would show the need for some of the Amendments, such as parking, height, and setbacks and what future conditions would look like. These could be based on or similar to the "pro formas" created for the TRPA Tahoe Living working group. These should include parcel-level examples.
3. Consider including transition zones. To reduce scenic impacts and drive more orderly development, create transition zones in zoning and allowances for height/length/density, lot sizes and setbacks. The allowances and zoning would start with large buildings in Town Centers and transition down as you reach the edge of the Town Centers into mixed-use and residential zones.

4. Consider including adaptive zoning/trigger zoning. This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, lot sizes and setbacks based on achieving goals and offsetting impacts, as the proposed Amendments aim to do. The idea is to start small and increase the amount and extent of zoning changes and allowances if the County is meeting performance measures.

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

1. Given the Village at Palisades Tahoe Specific Plan (VPTSP) Revised Environmental Impact Report (REIR) release, and the new vehicle miles traveled (VMT) threshold adopted by TRPA in 2021, the TBAP needs to address the impacts from that project on the TBAP plan area. Impacts that will change, and need to be mitigated, with the approval of the VPTSP include VMT, GHGs, and cumulative impacts on water and climate, and TRPA's new VMT threshold.
2. These impacts are reasonably foreseeable and significant.

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

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

There are three issues we need to see specifically addressed:

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

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

What we like – details

Affordable Housing and Mixed-Use Development

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

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

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

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

Transportation and Parking

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

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

Our concerns – details

Demonstrated Need for the Amendments

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

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

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

Cumulative Impacts

The League understands that the overall growth in the TBAP plan area is controlled by TRPA's 2012 RPU. The development allowed under the RPU is going to go somewhere in the Tahoe portion of the County and we prefer to see it in Town and Village Centers. The cumulative environmental impacts are contemplated in the RPU and the 2018 Development Rights update, but regional mitigation measures are not being fully implemented and RPU benchmarks and performance measures are not being met. It's not the use of allowed or transferred commodities which bring in more people that is the issue, but the ineffective or unimplemented mitigation measures. This puts a larger burden on Placer County to reduce environmental impacts from development within the County. There is an argument that new or updated plans or projects should not be approved until regional and local mitigation measures are in place and goals and policies are being met to offset the impacts of recent development. Considering the largest environmental impacts from the Amendments will come from transportation, it is also important to note that there are two transportation plans adopted in 2020 that, if implemented, will help to mitigate those impacts – TRPA's 2020 RTP and Placer County's 2020 RTTP. While the "2023 Placer County Area Plan Implementation Report" (Attachment K to the agenda packet for the October 16 Board of Supervisors meeting) is a good overview of progress, and we appreciate the County preparing it and applaud the progress in general terms, a new EIR must address the ability for the County to offset the environmental impacts of development. Specifically:

- *Is there anything in the proposed Amendments that is not contemplated in TRPA's RPU or Development Rights Initiative (e.g., height, scenic implications, density, carrying capacity, cumulative impacts)?*
- *How will the proposed Amendments help achieve TRPA's Threshold Standards, RPU Performance Measures and Benchmarks, and Environmental Improvement Program (EIP) Performance Measures?*

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

- *How is Placer progressing on implementing mitigation measures and achieving goals and policies from the original 2016 TBAP? For example:*
 - *Mitigation Measure 9-1: Limit visible mass near Lake Tahoe within non-contiguous project areas. Are there examples of this being implemented, and will the proposed Amendments affect the County's ability to continue implementing?*
 - *Mitigation Measure 10-1a: Construct pedestrian crossing improvements at the Grove Street/SR 28 intersection within 3 years of adopting the plan. Is this completed and did it produce the desired results?*
 - *Mitigation Measure 10-1b: Establish a County Service Area Zone of Benefit to fund expansion of transit capacity. This was supposed to be done within two years of adoption, by the end of 2018. Has this been done? If so, what are the results to date (fund balances and projects completed/supported with funds to date)? Based on that information, is there a need for enhanced language in these Amendments?*

Developing a Guide for allocation and conversion of commodities

This general idea could be really helpful for affordable housing, somewhat, not at all, or even negative. There are no details provided about what this Guide will look like or what it will entail – it seems to be left up to a future process (likely mostly internal by County staff). We have a few questions and suggestions at this early stage and would like to see more details around this idea:

- *What types of projects is the current system (first come, first served) resulting in, and is there a waiting list?*
- *Ideally, multi-family and deed-restricted would jump to top of the allocation list.*

- *The Guide needs to align with Area Plan policies, so, for example, mixed-use lodging in a Town Center (or even just lodging) would get allocation and conversion priority.*
- *Do not allow multi-family conversion to single-family unless it will result in a 100% deed-restricted development.*

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

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

Sincerely,

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

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