

## ATTACHMENT D

### REQUIRED FINDINGS FOR AMENDMENTS OF THE CITY OF SOUTH LAKE TAHOE'S TOURIST CORE AREA PLAN

This document contains required findings per Chapter 3, 4, and 13 of the TRPA Code of Ordinances for amendments to the City of South Lake Tahoe's Tourist Core Area Plan (TCAP):

Chapter 3 Findings: The following finding must be made prior to amending the TCAP:

1. Finding: The proposed amendments could not have a significant effect on the environment with the incorporation of mitigation and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: Based on the completed Initial Environmental Checklist/Mitigated Finding of No Significant Effect (IEC/FONSE), no significant environmental impacts have been identified as a result of the proposed amendments. The IEC was prepared to evaluate the potential environmental impacts of the amendments and tiers from and incorporates by reference specific analyses contained in the following environmental review documents:

- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
- TRPA, *Tourist Core Area Plan IEC/FONSE*, certified by the TRPA Governing Board on November 11, 2013 (TCAP IEC).
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *Transportation Plan/Sustainable Communities Strategy IS/MND/IEC/FONSE*, certified by the TMPO Board and the TRPA Governing Board on April 25, 2017 (RTP IS/IEC)

These program-level environmental documents include a regional and county-wide cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an Area Plan level. Because the amendments are consistent with the Regional Plan, Regional Transportation Plan (RTP), and General Plan, which have approved program-level EISs/EIRs, the TCAP amendment is within the scope of these program-level EISs/EIRs.

The proposed project evaluated by the IEC are the amendments of the TCAP as summarized in this packet.

This IEC is tiered from the TRPA 2012 Regional Plan Update EIS in accordance with Section 6.12 of the TRPA Rules of Procedures. The 2012 RPU EIS is a Program EIS that was prepared pursuant to Article VI of TRPA Rules of Procedures (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code of

Ordinances. The 2012 Regional Plan Update (RPU) is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The TCAP is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- issues that were evaluated in sufficient detail in the 2012 RPU EIS for which there is no significant new information or change in circumstances that would require further analysis; and
- assessment of cumulative impacts.

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section V of the IEC and based on the analysis contained in the IEC, it has been determined that the proposed project would not have significant effects on the environment. Therefore, a Finding of No Significant Effect will be prepared.

This IEC concludes that many potentially significant project impacts are addressed by the measures that have been adopted as part of the approval of the 2012 RPU. Therefore, those 2012 RPU EIS mitigation measures that are related to, and may reduce the impacts of, this project are identified in the IEC.

Nothing in this IEC in any way alters the obligations of the City or TRPA to implement the mitigation measures adopted as part of the RPU.

The amendments proposed include addition of land uses within the Tourist Core Area Plan Tourist Center Gateway District, Special Area #1; addition of a provision related to the restriction of these land uses; and the amendment and addition of land use definitions to align with the goals of the TCAP. These amendments, as described in this packet, will become part of the Regional Plan and will replace existing plans for this geographical area within the City of South Lake Tahoe.

The IEC assessed potential impacts to the affected physical environment from the amendments to design standards in Appendix C of the TCAP. It

did not evaluate project specific environmental impacts. Project level environmental analysis will be required based on the specific project design once submitted. Based on the review of the evidence, the analysis and conclusion in the IEC determined the amendments will not have a significant impact on the environment not otherwise evaluated in the RPU EIS and TCAP IEC and potential significant impacts will be mitigated or addressed through implementation of the RPU, RTP, and the City's General Plan.

Chapter 4 Findings: The following findings must be made prior to adopting the TCAP Amendments:

1. Finding: The proposed Area Plan Amendment is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: Land Use Policy 4.6 of TRPA's Goals and Policies encourages the development of Area Plans that improve upon existing Plan Area Statements and Community Plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of the various communities in the Tahoe Region. The amendments include all required elements identified in Land Use Policies 4.8, 4.9 and 4.10 as demonstrated in the Conformance Review Checklist.

The amendments were prepared in conformance with the substantive and procedural requirements of the Goals and Policies, as implemented through TRPA Code of Ordinances, Chapter 13, *Area Plans*. The TCAP is consistent with the Tahoe Regional Plan and TRPA Code of Ordinances, as shown in the Conformance Review Checklist and as demonstrated by the IEC. The amendments proposed include addition of land uses within the Tourist Core Area Plan Tourist Center Gateway District, Special Area #1; addition of a provision related to the restriction of these land uses; and the amendment and addition of land use definitions to align with the goals of the TCAP.

Pursuant to Code Section 4.4.2, TRPA considers, as background for making the Section 4.4.1.A through C findings, the proposed project's effects on compliance measures (those implementation actions necessary to achieve and maintain thresholds), supplemental compliance measures (actions TRPA could implement if the compliance measures prove inadequate to achieve and maintain thresholds), the threshold indicators (adopted measurable physical phenomena that relate to the status of threshold attainment or maintenance), additional factors (indirect measures of threshold status, such as funding levels for Environmental Improvement Program (EIP) projects), and interim and target dates for threshold achievement. TRPA identifies and reports on threshold compliance measures, indicators, factors and targets in the Threshold Evaluation Reports prepared pursuant to TRPA Code of Ordinances, Chapter 16, *Regional Plan and Environmental Threshold Review*.

TRPA relies upon the project's accompanying environmental documentation, Staff's professional analysis, and prior plan level documentation, including findings and EISs, to reach the fundamental conclusions regarding the project's consistency with the Regional Plan and thresholds. A project that is consistent with all aspects of the Regional Plan and that does not adversely affect any threshold is, by definition, consistent with compliance measures, indicators and targets. In order to increase its analytical transparency, TRPA has prepared worksheets related specifically to the 4.4.2 considerations, which set forth the 222 compliance and supplemental compliance measures, the 178 indicators and additional factors, and interim and final targets. Effects of the proposed project (here the amendments) on these items, if any, are identified and to the extent possible described. TRPA cannot identify some target dates, status and trend for some threshold indicators because of a lack of available information. TRPA may still determine whether the project will affect the 4.4.2 considerations (and ultimately consistency with the Regional Plan and impact on thresholds) based on the project's specific environmental impacts related to those threshold indicators.

Based on the IEC, the RPU EIS, the TCAP IEC, the RPU and RTP findings made by the TRPA Governing Board, and the Section 4.4.2 staff analysis, and using applicable measurement standards consistent with the available information, the amendments will not adversely affect applicable compliance and supplemental compliance measures, indicators, additional factors, and attainment of targets by the dates identified in the 2019 Threshold Evaluation. The TCAP incorporates and/or implements relevant compliance measures, and with the implementation of the measures with respect to development within the TCAP, the effects are not adverse, and with respect to some measures, are positive. (See Threshold Indicators and Compliance Measures Worksheets)

TRPA anticipates that implementation of the amendments will accelerate threshold gains by encouraging the redevelopment of an aging town center and as demonstrated below.

Section 4.4.2.B also requires TRPA to disclose the impact of the proposed project on

its cumulative accounting of units of use (e.g., residential allocations, commercial floor area). The TCAP Amendment does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed or allocated as part of these amendments. For any specific development project proposed within the TCAP, accounting for units of use, resource utilization and threshold attainment will occur as a part of the review and approval process.

Similarly, Section 4.4.2.C requires TRPA to confirm whether the proposed project is within the remaining capacity for development (e.g., water supply, sewage, etc.) identified in the environmental documentation for the Regional Plan. The amendments do not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The TCAP does not allocate capacity or authorize any particular development. To the extent the amendments enable the use of redevelopment incentives, those incentives are within the scope of the incentives analyzed by the RPU EIS.

TRPA therefore finds that the amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code or Ordinances, and other TRPA plans and programs.

2. Finding: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the Area Plan, as amended, is consistent with and will help to implement the Regional Plan.

TRPA reviewed the proposed amendment in conformance with the 222 compliance measures and supplemental compliance measures, the over 178 indicators and additional factors that measure threshold progress and threshold target, and interim attainment dates. The amendments will not adversely affect applicable compliance measures, indicators, additional factors and supplemental compliance measures and target dates as identified in the 2019 Threshold Evaluation indicator summaries. TRPA anticipates that implementation of the TCAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of implementation of the TCAP depend upon the number and size of redevelopment projects, the specific extent and timing or rate of effects of the TCAP cannot be determined at this time. However, pursuant to Chapter 13 of the TRPA Code of Ordinances, TRPA will monitor all development projects within the TCAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of the threshold every four years.

The amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Any allocations used as a result of these amendments would be taken from available pools held by the City of South Lake Tahoe or TRPA, transferred, or converted through the transfer of development rights program (TRPA Code Chapter 51). Accounting for units of use, resource utilization and threshold attainment will occur as a part of the project review and approval process.

The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments. TRPA therefore finds that the amendments will not cause the thresholds to be exceeded.

3. Finding: Wherever federal, state or local air and water quality standards applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: Based on the following: (1) TCAP Amendment IEC; (2) RPU EIS; (3) RTP EIR/EIS; and (4) 2019 Threshold Evaluation Report, adopted by the Governing Board, no applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not affect or change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the TCAP will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL) and County's Pollutant Load Reduction Plan (PLRP). Federal, State, and local air and water quality standards remain applicable for all parcels in the TCAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

4. Finding: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: **I. Introduction**

In 1980, Congress amended the Compact to accelerate the pace of environmental progress in the Tahoe Region by tasking TRPA with adopting a regional plan and implementing regulations that protect the unique national treasure that is Lake Tahoe. First, Article V(b) required that TRPA, in collaboration with Tahoe's other regulatory agencies, adopt "environmental threshold carrying capacities" ("thresholds" or "standards") establishing goals for a wide array of environmental criteria, including water quality, air quality, and wildlife. Second, Article V(c) directed TRPA to adopt a "regional plan" that "achieves and maintains" the

thresholds, and to “continuously review and maintain” implementation of the plan.

The 1980 Compact inaugurated an era of establishing and enforcing rigorous controls on new development. In 1982, TRPA adopted the necessary thresholds for the Tahoe Region. These thresholds are a mix of both long- and short-term goals for the Tahoe Region. The Region was “in attainment” of a number of these thresholds shortly after the adoption of the Regional Plan and remains in attainment today. Other thresholds address more intractable problems; for example, TRPA established numeric water quality standards that, even under best-case conditions, could not be attained for decades. *See, e.g., League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1265 (E.D. Cal. 2010).

The second phase in this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately “achieve and maintain” the thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 Regional Plan employed a three-pronged approach to achieve and maintain the adopted environmental thresholds. First, the plan established a ceiling on development in Tahoe and restricted the placement, timing, and extent of new development. Second, the plan sought to prevent new harm to the environment as well as repair the environmental damage caused by existing development, particularly for projects that pre-dated TRPA’s existence (i.e., correcting the “sins of the past”); to this end, the plan created incentives to redevelop urbanized sites under more protective regulations and to transfer development out of sensitive areas that would then be restored. Third, TRPA adopted a capital investment program that was largely but not exclusively publicly funded to achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with its “Environmental Improvement Program” (“EIP”). In subsequent years, TRPA generated investments of well over \$1 billion in public and private money to restore ecosystems and improve infrastructure under the EIP. Recent litigation confirmed that the Regional Plan as established in 1987 and subsequently amended over time will achieve and maintain the adopted environmental thresholds. *Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013) [Homewood litigation].

### **Regional Plan Update Process**

Even though implementation of the 1987 Regional Plan would achieve and maintain the thresholds, in 2004 TRPA began public outreach and analysis of the latest science and monitoring results to identify priority areas in which the Regional Plan could be comprehensively strengthened to accelerate the rate of threshold attainment. TRPA’s policymakers realized that the challenges facing the Region differed from those confronting the agency when it adopted its original Regional Plan in 1987. Uncontrolled new growth that had been the primary threat decades earlier had been brought into check by the strict growth limitations in the 1987 Regional Plan. Today’s problems differed, resulting from the continuing deterioration and lack of upgrades to existing “legacy” development. In essence, to make the greatest environmental difference, the Tahoe Region needed to fix what

was already in place. In addition, TRPA realized some existing land-use controls could be improved to remove barriers to redevelopment that would address ongoing environmental degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

Furthermore, TRPA recognized that the social and economic fabric of the Tahoe Region could not support the level of environmental investment needed. The economic foundation of gaming had fallen away, and the level of environmental investment needed could not be supported solely by an enclave of second homes for the wealthy. Businesses and the tourism sector were faltering. Affordable housing and year-round jobs were scarce. Local schools were closing, and unemployment was unusually high. In light of these realities, TRPA sponsored an ongoing outreach program to obtain input on how to advance TRPA's environmental goals. Between 2004 and 2010, TRPA conducted over 100 public meetings, workshops, and additional outreach. More than 5,000 people provided input regarding their "vision" for TRPA's updated Regional Plan. Based on this input, TRPA identified a number of priorities to be addressed by the updated Regional Plan, including:

1. Accelerating water quality restoration and other ecological benefits by supporting environmental redevelopment opportunities and EIP investments.
2. Changing land-use patterns by focusing development in compact, walkable communities with increased alternative transportation options.
3. Transitioning to more permitting by local governments to create "one-stop" and "one permit" for small to medium sized projects, where local government wanted to assume these duties.

On December 12, 2012, TRPA's nine-year effort culminated with the approval of the Regional Plan Update.

### **Regional Plan Update Amendments**

The Regional Plan Update ("RPU") uses multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, the RPU maintains both regulatory and implementation programs that have proven effective in protecting Lake Tahoe's environment. TRPA's regional growth control regulatory system, strict environmental development standards, and inter-agency partnerships for capital investment and implementation (e.g., EIP) remain in place.

Second, the RPU promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying, environmentally-sensitive areas into existing urbanized community

centers. The RPU provides incentives so that private capital can be deployed to speed this transformation.

Third, the RPU authorizes the Area Plan process for communities and land management agencies in the Tahoe Region in order to eliminate duplicative and unpredictable land use regulations that deterred improvement projects. Area Plans, created pursuant to Chapter 13 of the TRPA Code of Ordinances, also allows TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governments apply TRPA rules to proposed projects within the Tahoe Region. After approval of an Area Plan by TRPA, this process allows a single government entity to review, permit, and inspect projects in their jurisdiction. All project approvals delegated to other government entities may be appealed to the TRPA for final decision. In addition, the performance of any government receiving delegated authority will be monitored quarterly and audited annually to ensure proper application of TRPA rules and regulations.

As noted above, a variety of strategies in the Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards. Area Plans that include “Centers” play a key role in the Regional Plan’s overall strategy by activating environmental redevelopment incentives (e.g., increases in density and height) that also provide the receiving capacity for transfers of units from sensitive lands. The next section of this finding establishes how the City of South Lake Tahoe’s TCAP fulfills the role anticipated by the RPU and RTP and the expected threshold gain resulting from its implementation.

## **II. TCAP Amendments and Threshold Gain**

The TCAP Amendments accelerate threshold gain including water quality restoration, scenic quality improvement, and other ecological benefits, by supporting environmental redevelopment opportunities and Environmental Improvement Program (EIP) investments. The amendments will help to accelerate environmental redevelopment within an existing town center by allowing increased density and height provisions that serve as an incentive for private investment in redevelopment projects. These redevelopment incentives are intended to increase the rate of redevelopment and will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, scenic quality and recreational improvements to projects that wouldn’t otherwise be redeveloped absent TCAP provisions.

The TCAP’s Development and Design Standards represent a significant step forward in enhancing the aesthetics of the built environment and will result in improvements to the scenic threshold as projects are approved and built. Redevelopment of existing Town Centers and the Regional Center is identified in

the Regional Plan as a high priority.

As described in more specific detail below, the amendments beneficially affects multiple threshold areas.

#### A. Water Quality

The 2019 Threshold Evaluation found that the trend in reduced lake clarity has been slowed. The continued improvement is a strong indication that the actions of partners in the Region are contributing to improved clarity and helping TRPA attain one of its signature goals.

An accelerated rate of redevelopment within the TCAP will result in accelerated water quality benefits. Each redevelopment project is required to comply with strict development standards including water quality Best Management Practices (“BMP”) and coverage mitigation requirements and will provide additional opportunities for implementing area wide water quality systems.

#### B. Air Quality

The 2019 Threshold Evaluation found that the majority of air quality standards are in attainment and observed change suggests that conditions are improving or stable. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The U.S. Environmental Protection Agency and state agencies, such as the California Air Resources Board, have established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and to reduce vehicle idling by prohibiting the creation of new drive-through window establishments.

Facilitating projects within the approved Area Plans is an integral component in implementing regional air quality strategies and improvements at a community level. (TRPA Goals and Policies: Chapter 2, Land Use). Because the land use and transportation strategies identified in the TCAP lead to implementation of the Regional Plan, they directly contribute to achieving and maintaining the Air Quality threshold.

One of the main objectives of the TCAP is to encourage the redevelopment of the existing built environment and to provide access to recreational opportunities from walking and bike paths, as well as provide greater access to transit. Replacing older buildings with newer, more energy efficient buildings that take advantage of the City of South Lake Tahoe’s Green Building Program will also help to improve air quality and ensure the attainment of air quality standards.

TRPA’s 2020 *Regional Transportation Plan: Linking Tahoe (RTP)* includes an analysis of its conformity with the California State Implementation Plan to ensure that the

RTP remains consistent with State and local air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The proposed amendment does not propose substantial changes to land use assumptions for mixed-use assigned to the amendment area and the TCAP would continue to promote higher density residential uses within one-quarter mile of transit, commercial, and public service uses, and therefore would not change the conformity determination by state regulators.

The TCAP boundaries include an existing Town Center and with existing transit routes and a multi-use shared path. This indicates that redevelopment is in the appropriate location to potentially generate the shorter trip lengths and reduce vehicle-miles traveled needed to meet the air quality goals of the Regional Plan and the City's General Plan.

#### C. Soil Conservation

The 2019 Threshold Evaluation found negligible change in the total impervious cover in the Region over the last five years and the majority of soil conservation standards in attainment. While the permitting process of partners has been effective in focusing development on less sensitive lands and encouraging removal of impervious cover from sensitive areas, there is still much work to be done. Plans for large scale SEZ restoration, recent improvements in the Development Rights program, and implementation of the Area Plans will continue to help achieve SEZ restoration goals.

Today, most if not all developed commercial and tourist properties exceed the 50 percent maximum land coverage allowed in the Area Plan. Several commercial properties within the subject area average 90% coverage. This indicates that future redevelopment would be required to implement excess land coverage mitigation. Furthermore, redevelopment permitting would require these properties to come into modern site design standards including landscaping, BMPs, setbacks, etc. These standards would likely result in the removal of existing land coverage for properties that are severely overcovered. Therefore, the amendments will help to accelerate threshold gain through soil conservation.

#### D. Scenic Quality

The 2019 Threshold Evaluation found that scenic gains were achieved in developed areas along roadways and scenic resources along the lake's shoreline, the areas most in need of additional scenic improvement. Overall, 93% of the evaluated scenic resource units met the threshold standard and no decline in scenic quality was documented in any indicator category.

The subject area is located within Urban Roadway Scenic Corridor Units #33, which is not in attainment, Scenic Shoreline Unit #31, which is in attainment.

Future redevelopment within the subject area is likely to result in a significant improvement to scenic quality from the roadway and will not be allowed to

degrade the shoreline scenic attainment. Redevelopment will be required to comply with the following TCAP Goals and Policies:

**Goal NCR-1 Scenic Resources**

To protect and enhance the visual connection between South Lake Tahoe and the Lake Tahoe Region’s scenic resources.

**Policy NCR-1.1**

Improve the visual quality of the built environment consistent with the general recommendations for site planning found in the TRPA Scenic Quality Improvement Program (SQIP) to attain threshold attainment for Scenic Roadway Units # 32, 33 and 45.

**Policy NCR-1.2**

Maintain Stream Environment Zone (SEZ) restoration sites and stormwater drainage basins as view corridors and scenic resources to relieve the strip commercial character along US 50 within the Tourist Core.

**Policy NCR-1.3**

Adopt siting and building design standards and guidelines to protect, improve, and enhance the scenic quality of the natural and built environment and take full advantage of scenic resources through site orientation, building setbacks, preservation of viewsheds, and height limits.

Furthermore, Section 7.2 and Appendix C of the Area Plan includes specific scenic resources implementation strategies to achieve the goals and policies above.

E. Vegetation

The 2019 Threshold Evaluation found that vegetation in the Region continues to recover from the impacts of legacy land use. The majority of vegetation standards that are currently not in attainment relate to common vegetation in the Region. This finding is consistent with those of past threshold evaluations. As the landscape naturally recovers from the impacts of historic logging, grazing, and ground disturbance activities over the course of this century, many of the standards are expected to be attained.

The proposed amendment area is developed and overcovered with minimal native vegetation. The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, vegetation surrounding the construction site of a future redevelopment project would be required to comply with Section 33.6, Vegetation Protection During Construction, of the TRPA Code of Ordinances. Protective requirements include installation of temporary construction fencing, standards for

tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

Amending the land uses would not result in tree or vegetation removal. Future projects on the parcels in the amendment area would be subject to project-level environmental review and removal of any native, live, dead or dying trees would be required to be consistent with Chapter 61, Vegetation and Forest Health, of the TRPA Code of Ordinances. The area is not within TRPA's Conservation or Recreation land use classifications.

#### F. Recreation

The 2019 Threshold Evaluation found that land acquisition programs and the Lake Tahoe Environmental Improvement Program have contributed to improved access and visitor and resident satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing recreation facilities and created new ones, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Today's emerging concerns are transportation access to recreation sites and maintaining quality recreation experiences as demand grows, concerns that may require the Region to revisit policies and goals for the recreation threshold standards.

The City of South Lake Tahoe contains numerous recreational opportunities within its boundaries and in the immediate vicinity (i.e. Bonanza Park, Camp Richardson, Pope Beach, Baldwin Beach, Kiva Beach, Taylor Creek Day Use Area, Regan Beach, Ski Run Marina and Beach, Lakeside Marina, Heavenly Resort California base, Van Sickle Bi-State Park, Bijou Golf course, and other hiking and mountain bicycle trails).

The TCAP includes goals and policies regarding maintaining, improving and expanding recreation facilities and providing enhanced access through the construction of sidewalks and bike paths and improving public transit.

The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9 (Regulation of Additional Recreation Facilities) of the TRPA Code of Ordinances. No additional PAOTs are proposed by the amendment, nor are any changes to recreational land uses or policies.

#### G. Fisheries

While the 2019 Threshold Evaluation found standards for fisheries to generally be in attainment, the standards focus on physical habitat requirements that may not reflect the status of native fish populations. Recent population surveys in Lake Tahoe suggest significant declines in native fish species in parts of the nearshore. Declines are likely the result of impacts from the presence of aquatic invasive species in the lake. While efforts to prevent new invasive species from entering the

lake have been successful, mitigating the impact of previously introduced existing invasive species remains a high priority challenge. Invasive species control projects are guided by a science-based implementation plan. Ensuring native fish can persist in the Region and the restoration of the historic trophic structure to the lake will likely require partners to explore novel methods to control invasive species and abate the pressure they are placing on native species. Climate change driven shifts in the timing and form of precipitation in the Region pose a longer-term threat to native fish that may need to be monitored.

BMPs required for project development would improve water quality and thus could contribute to improved riparian and lake conditions in receiving water bodies. The TCAP Amendment will not alter the Resource Management and Protection Regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Chapter 63: Fish Resources includes the provisions to ensure the projection of fish habitat and provide for the enhancement of degraded habitat. Development within The TCAP could benefit the Fisheries Threshold through Goals and Policies aimed at the restoration of SEZs and implementation of BMPs.

#### H. Wildlife

The 2019 Threshold Evaluation found that twelve of the 16 wildlife standards are in attainment. Over 50 percent of the land area in the Tahoe Region is designated for protection of listed special status species. Populations of special interest species are either stable or increasing.

Future redevelopment projects in the amendment area would be subject to project-level environmental review and permitting at which time the proposals would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species. (Section 62.4 of the TRPA Code). At a project-level, potential effects on animal species would be determined based on the species' distribution and known occurrences relative to the project area and the presence of suitable habitat for the species in or near the project area. TRPA's existing policies and Code provisions address potential impacts to special-status species through site-specific environmental review, development and implementation of project-specific measures to minimize or avoid impacts through the design process, and compensatory or other mitigation for any adverse effects on special-status species as a condition of project approval (Sections 61.3.6 and 62.4 of the TRPA Code).

Implementation of the proposed amendments would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl. Future redevelopment projects would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances. While the boundary amendments allow for some different land uses or use densities and heights in the amendment area, they do not propose specific new development or amendments that threaten protection of listed species or

their habitat, and do not affect policies that protect biological resources.

#### I. Noise

The 2019 Threshold Evaluation found that Ambient noise levels in seven of nine land-use categories are in attainment with standards, but because of the proximity of existing development to roadways just two of seven transportation corridors are in attainment with ambient targets. Due to insufficient data, status determinations were not possible for nearly half of the single event noise standards. Limited noise monitoring resources were prioritized towards collecting more robust information to analyze ambient noise standards, which are more conducive to influential management actions than are single event sources. TRPA continues to update and evaluate its noise monitoring program to ensure standards are protective and realistically achievable.

As discussed in the IEC, the TCAP amendments would not alter noise policies and would reduce the existing maximum CNEL levels within the TCAP to meet the adopted TRPA CNEL threshold standards, and Regional Plan and General Plan noise policies would continue to be applied.

Noise increases associated with traffic under redevelopment buildout conditions would be similar to existing noise levels as traffic levels are relatively the same between existing and new allowed uses. Redevelopment projects would be required to implement project-specific noise reduction measures established in the Regional Plan EIS, General Plan EIR, and the TCAP. The amendments would not create a significant noise level increase. Implementation of the amendment to the CNEL limit would result in a beneficial impact. For these reasons, TCAP amendments would not contribute to an adverse cumulative increase in noise levels.

#### III. Conclusion

Based on the foregoing: the completion of the IEC; the previously certified RPU EIS, RTP IS/ND/IEC; and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the project achieves and maintains the thresholds. As described above in more detail, the amendments actively promotes threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of Best Management Practices improvements for all projects in the Area Plan, (3) requiring conformance with the Development and Design Standards that will result in improvements to scenic quality and water quality, (4) facilitating multi-use development in proximity to alternative modes of transportation in order to reduce vehicle miles traveled (VMT); and (5) incorporating projects identified in the City's Pollutant Load Reduction Plan (PLRP) to guarantee the assigned reductions necessary to meet water quality objectives. In addition, as found in Chapter 4 Findings 1 through 3 and the Chapter 13 Findings, no element of the amendments interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain

the thresholds.

Chapter 13 Findings: The following findings must be made prior to adopting amendments to the TCAP:

1. Finding: The proposed Area Plan Amendment is consistent with and furthers the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of communities. The proposed TCAP amendments were found to be consistent with the goals and policies of the Regional Plan, as described in the Area Plan Conformance Checklist (Attachment E to the staff summary), and as described in Chapter 4, Finding #1, above. The amendments provide the density and height necessary to facilitate redevelopment in the overcovered, aging town center and further the attainment of environmental thresholds.

The amended area will be subject to the TCAP General Review Standards, the Load Reduction Plans, and Additional Review Standards for Area Plans with Town Centers or Regional Centers.

The finding of no significant effect based on the initial environmental checklist can be found within Attachment B of this packet.