

**ATTACHMENT D: REQUIRED FINDINGS FOR
AMENDMENT OF THE CITY OF SOUTH LAKE TAHOE’S TAHOE VALLEY AREA PLAN,
BONANZA PLAN AREA STATEMENT 114 AND TAHOE ISLAND PLAN AREA
STATEMENT 111 BOUNDARY LINE AMENDMENT**

Required Findings: The following Chapter 3, 4, 11, and 13 findings must be made prior to amending the Tahoe Valley Area Plan (TVAP) and Plan Area Statements PAS 114 and 111:

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

1. Finding 3.3.2: The proposed TCAP amendment could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.

Rationale: The City has prepared an Initial Study using CEQA and TRPA checklist questions, responses, and supporting narrative that found the proposed amendments will have no significant effect on the environment with project-level mitigation as needed. This analysis is a program-level environmental document. No specific development projects are proposed at this time or analyzed herein. All future projects within the Tahoe Valley area would be subject to project-level environmental review and permitting by City and/or TRPA, with the permitting agency determined based on the size, nature, and location of the project (Section 13.7.3 of the TRPA Code). Project-level environmental documents would identify and describe mitigation for any potentially significant environmental impacts.

The IEC analysis was tiered 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/Rincon Consultants, Inc., *2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy IS/ND/IEC/FONSE*, April 2021.
- CSLT, *General Plan Update EIR*, certified by the City Council on May 17, 2011 (CSLT EIR).
- City of South Lake Tahoe, *Tahoe Valley Area Plan IS/MND/IEC/FONSE*, certified by the City Council on June 2, 2015 and adopted by the TRPA on July 22, 2015.

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

1. Finding 4.4.1.A: 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:

The proposed amendments to the Tahoe Valley Area Plan Land Use Map and Zoning Map, and TRPA Conceptual Land Use Map were carefully reviewed. The adopted 2015 land use and zoning map are consistent with the TRPA Conceptual Land Use Map adopted as part of the 2012 Regional Plan and the City General Plan which was adopted in 2011. Proposed additions to the town center boundary (Town Center Gateway and Town Center Neighborhood Professional Districts) in these amendments would expand town center areas envisioned in TRPA's Regional Plan Conceptual Land Use Map which classifies Tahoe Valley as mixed-use. As a result, amendments to expand the Town Center and the TRPA regional plan maps will need to comply with TRPA Code Section 13.5.3.G (Modification to Centers) and be adopted by the TRPA Governing Board following City adoption of the Area Plan amendments.

Consistent with the Regional Plan and the General Plan, the Area Plan seeks to accommodate the expected growth in a way that improves traffic flow and mobility of residents and visitors to the Tahoe Valley area and reduces localized traffic congestion and related CO concentrations. Based on the traffic analysis in the Regional Plan (TRPA 2012a, p. 3.4-22 through 3.4-26) and the General Plan (CSLT 2010, p. 4.5-42 through 4.5-43), estimated mobile-source CO emissions associated with the Regional Plan and the General Plan would not conflict with or obstruct regional CO maintenance efforts. Similarly, because the Tahoe Valley Area Plan expected growth and estimated mobile-source CO emission falls within that estimated for the General Plan and the Regional Plan, it too would not impede CO maintenance efforts. TRPA has also implemented Mitigation Measure 3.4-2 of the TRPA Regional Plan Update EIS implementing construction best practices for air quality to reduce construction related GHG emission. Construction best practices are incorporated as standard conditions of approval for project permitting.

The Tahoe Valley Area Plan amendments would not alter or revise any regulations that adversely affect any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Additionally, the development standards have been modified to further reduce conflicts between development and stream environment zones. Transfer of development incentives remain in place to encourage the transfer of development out of stream environment zones.

All modifications to permissible uses are consistent with the uses envisioned in the Regional Plan. The plan area does not contain direct lake access, shore zone, or backshore; therefore, the amendments would not affect TRPA regulations over these areas.

All projects in the Tahoe Valley plan area are reviewed in accordance with TRPA Code of Ordinance Chapter 60 to ensure they are infiltrating water onsite and reducing sediment runoff.

2. Finding 4.4.1.B: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: The Tahoe Valley Area Plan helps to realize the community’s vision, assist in achieving and maintaining TRPA’s Environmental Threshold Carrying Capacities, implement the City of South Lake Tahoe Sustainability Plan, implement the Tahoe Metropolitan Planning Organization’s Sustainable Communities Strategy, and implement the TRPA Regional Plan and City’s General Plan. The City developed the Area Plan to integrate these plans to the extent practical, while providing more detailed direction, in order to simplify compliance with local and regional requirements, and improve the efficiency of plan administration.

The Tahoe Valley Area Plan, as amended, is consistent with the TRPA Code of Ordinances Chapter 13.5.3.G concerning modification to Town Center boundaries. As analyzed herein, TRPA and the City have determined that implementation of the updated Tahoe Valley Area Plan, including all elements of the plan, existing environmental protection requirements, and adopted mitigation, would achieve and maintain TRPA’s environmental threshold carrying capacities and result in environmental improvement.

The amendments do not propose changes to TRPA’s growth managements system or standards regulating the conversion or transfer of development rights. All new developments shall obtain the necessary development rights.

3. Finding 4.4.1.C: 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: The Tahoe Valley Area Plan would continue to promote and implement existing policies related to (1) construction of best management practices and permitting requirements; (2) reducing land coverage impacts in low capability lands by transferring coverage to high capability lands and installing BMPs; (3) promoting retrofit of existing development with BMPs through existing and proposed Tahoe Valley Area Plan policies; and (4) implementing area-wide treatment systems. Application of existing transfer and restoration provisions of the TRPA Code, and proposed Tahoe Valley Area Plan policies for SEZ restoration, BMP implementation, and area-wide treatment would allow continued compliance with water quality standards and waste discharge requirements. Moreover, as discussed in the Initial Study, Water Quality Impacts of Concentrated Coverage, and results of pollutant load modeling, implementation of the Tahoe Valley Plan would result in a net

reduction of pollutant loads to Lake Tahoe when compared to the baseline conditions.

The El Dorado County Air Quality Management District (AQMD) is the agency primarily responsible for ensuring that national and state air quality standards are not exceeded and that air quality conditions are maintained through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the AQMD includes, but is not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the federal Clean Air Act and the California Clean Air Act. The Tahoe Valley Area Plan Amendments would not alter, conflict or obstruct implementation of the AQMD rules, regulations, or permitting requirements.

The Tahoe Valley Area Plan Amendments would not alter or revise the regulations pertaining to air quality. Consistent with existing conditions, subsequent projects that could occur under the Tahoe Valley Area Plan would be subject to subsequent environmental review and permitting and would comply with Chapter 65 of the TRPA Code. Chapter 65 includes provisions that apply to direct sources of air pollution in the Tahoe region, including certain motor vehicles registered in the region, combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

The Lake Tahoe Air Basin is in attainment or designated unclassified for all National Ambient Air Quality Standards (NAAQS) and is in attainment or designated unclassified for all California ambient air quality standards (CAAQS) except ozone and PM10 (See Table 15 of Initial Study).

4. Finding 4.5: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: The Tahoe Valley Area Plan helps to realize the community’s vision, assist in achieving and maintaining TRPA’s Environmental Threshold Carrying Capacities, implement the City of South Lake Tahoe Sustainability Plan, implement the Tahoe Metropolitan Planning Organization’s Sustainable Communities Strategy, and implement the TRPA Regional Plan and City’s General Plan.

As noted in the TRPA 2019 Thresholds Report, the Tahoe Valley plan area has been improved by new curbs, sidewalks, and bike paths, resulting in a score increase of one point for Roadway Unit 1’s road structure. Roadway Unit 35 (US 50 south and east of the “Y”) also increased by one point due to new sidewalks, natural rock walls, building upgrades, and redevelopment. Improvements in the visual character and quality of this Area Plan have been documented in numerous TRPA Threshold

Evaluations as projects implemented many of the design standards that are incorporated in this Area Plan.

The 2015 Tahoe Valley Area Plan is consistent with the Regional Plan and analysis of VMT contained in the Regional Plan EIS. The City of South Lake Tahoe is also subject to the residential allocation procedures established by the TRPA Code that phases the release of land use allocations contingent upon VMT Threshold being maintained. As shown in Table 42 of the Initial Study, the 2015 Tahoe Valley Area Plan is forecast to result in a reduction in region-wide VMT of 10,702 or 0.55 percent below the baseline region-wide modeled total of 1,932,441. This includes consideration of proposed VMT reduction measures and environmental improvements in the Tahoe Valley Area Plan. To the degree that adoption of the Area Plan results in expanded implementation, this is a beneficial impact. The addition of approximately 11.5 acres to the Area Plan Town Center in the Gateway and Neighborhood Professional Districts and establishment of the new Emerald Bay Connection Corridor District (17.5 acres) would not adversely affect the projected benefits to VMT, as the land uses and densities are consistent with the existing goals of the Area Plan to concentrate development within close proximity to services and transit facilities.

All projects are required to implement temporary best management practices (BMPs) in accordance with the Handbook of Best Management Practices and maintained throughout the construction period until winterization and installation of permanent BMPs once construction has been finalized. Likewise, projects that are not exempt from TRPA review are required to install and maintain BMP treatments.

Consistent with existing requirements, permit applicants would be required to demonstrate that any proposed grading would occur consistent with TRPA Code and City Code provisions that are protective of topography and ground surface relief features and are intended to retain natural conditions.

Chapter 11 Findings: The following findings must be made prior to amending the boundary of the Plan Area Statement Amendments 114 and 111:

1. Finding: The amendment is substantially consistent with the plan area designation criteria in subsections 11.6.2 and 11.6.3

Rationale: With adoption of the 2012 Regional Plan, new policies encouraged local jurisdictions to develop area plans that would supersede plan area statements and realize a unique community vision. The Tahoe Valley Area Plan was created with extensive community input with priorities to build a strong business presence, create employment opportunities, include design standards that emphasize a mountain identity, and provide open spaces and walkable neighborhoods. All

elements of the plan are consistent with and further the goals and policies of the Regional Plan.

The proposed amendment to add the Emerald Bay Connection Corridor to the Tahoe Valley Area Plan (TVAP) would not alter or conflict with the policies in the TRPA Regional Plan or City General Plan. However, the amendment would result in changes to the boundaries of the TVAP, PAS 114, and PAS Special Area #3 but would not change the land use designation within the amendment area. The City's General Plan designates the amendment area as "High-Density Residential" and "Low-Density Residential". The TRPA Regional Plan identifies the amendment area as "Residential." Although the Emerald Bay Connection Corridor will be included as part of the TVAP and the underlying PAS 114 is superseded, it does not result in inconsistencies, since the TVAP will maintain the underlying residential zoning and current uses permissible in PAS 114 would continue to be permissible in the TVAP.

2. Finding: If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, TRPA shall find that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

1. The amendment corrects an error that occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or
2. The amendment enables TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 16: *Regional Plan and Environmental Threshold Review*, indicators; or
3. The amendment is needed to protect public health and safety and there is no reasonable alternative.

Rationale: Because the parcels would be removed from Tahoe Island Plan Area Statement (111) and Bonanza Plan Area Statement (114) and incorporated into the TVAP, the subject parcels would now be required to be consistent with the TVAP. The amendment does not add any uses to the Plan Area Statement, and therefore is not required to be consistent with the plan area statement findings criteria. The amendment does not impact a non-urban plan area, nor does it add a residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area.

3. Finding: Addition of Multiple-Family as Permissible Use

1. If the amendment proposes to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in

subparagraph 3 below, the plan area or affected parcel shall be found suitable for transit-oriented development (TOD). When determining TOD suitability, TRPA shall find that the site contains the following features, or functional equivalents, that facilitate TOD in a manner that is equal or superior to the listed features:

- a. Access to operational transit within a ten-minute walk;
- b. Neighborhood services within a ten-minute walk, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);
- c. Good pedestrian and bike connections;
- d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and
- e. Adequate public facilities, (e.g., public schools, urban or developed recreation sites, government services, and post offices).

Rationale: The amendments would not add multi-family as a permissible use to a plan area for one or more parcels. This finding is not applicable.

Chapter 13 Findings: Modifications to Centers boundary (Town Centers, Regional Center and High-Density Tourist District)

1. Finding: When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:
 1. Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard.
 2. Properties included in a Center shall be less than 1/4 mile from existing Commercial and Public Service uses.
 3. Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

Rationale: A total of seven parcels along Melba Avenue are proposed for incorporation into the TVAP Town Center (TC-Gateway District). The parcels are primarily developed with a mix of high-density housing with two vacant parcels. Both vacant parcels are surrounded on three sides by developed parcels and thus meet the criteria for

incorporation in the TVAP Town Center. However, it should be noted one of the parcels is owned by the California Tahoe Conservancy and is designated a “Residential Land Coverage Parcel,” and is not developable. The intent of the incorporation is to incentivize higher-density housing in the Town Center.

The amendment area is located directly adjacent to existing commercial and public service uses located along Emerald Bay Road. A transit route and transit stop is located along South Avenue, which is approximately 0.4 miles from the amendment area and approximately 0.2 miles from the transit route and transit stop along D Street.

A total of fifteen parcels bounded by James Avenue and Eloise Avenue are proposed for incorporation into the TVAP Town Center (TC-Neighborhood Professional). The parcels are primarily developed with a mix of high-density, single-family dwellings, and commercial uses, with one vacant parcel. The vacant parcel is surrounded on all four sides by developed parcels and thus meets the criteria for incorporation in the TVAP Town Center.

The James Avenue and Eloise Avenue amendment area are located directly adjacent to existing commercial and public service uses fronting Lake Tahoe Boulevard. A transit route runs directly along Lake Tahoe Boulevard, and the nearest transit stop is 0.6 miles from the amendment area.

One parcel located at 1220 Emerald Bay Road (APN 032-151-002) is proposed for incorporation into the TVAP Town Center (TC-Gateway). The parcel is currently developed with a tourist accommodation use. The parcel is located directly adjacent to existing commercial and public service uses fronting on Lake Tahoe Boulevard. A transit route runs along D Street with a transit stop located approximately 0.13 miles from the parcel. The intent of incorporating this parcel is to incentivize the redevelopment of an aging tourist accommodation product or encourage the redevelopment of the site for high-density housing.

