

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m. on Wednesday, March 9, 2022, via Zoom**. Pursuant to the State of California's Executive Order No. N-29-20, and Assembly Bill 361, the TRPA meeting will not be physically open to the public and all Advisory Planning Commission Members will be participating remotely via Zoom. TRPA sincerely appreciates the patience and understanding of everyone concerned as we make accommodations to conduct business using best practices to protect public health. The agenda is attached hereto and made part of this notice.

To participate in any TRPA Advisory Planning Commission meeting please go to the Calendar on the [www.trpa.gov](http://www.trpa.gov) homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website.

March 2, 2022



Joanne Marchetta  
Executive Director

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Via Zoom

March 9, 2022  
9:30 a.m.

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AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Members of the public may email written public comments to the Clerk to the APC, [tcampbell@trpa.gov](mailto:tcampbell@trpa.gov). All public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. All written comments will be included as part of the public record.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to participate in the meeting. Please contact Tracy Campbell at (775) 589-5257 if you would like to participate in the meeting and are in need of assistance.

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS

- A. California Department of Parks and Recreation and TRPA Notice of Preparation for joint Environmental Impact Report/ Environmental Impact Statement for the Upper Truckee River Floodplain Restoration and Golf Course Reconfiguration Project. Environmental Improvement Program Number 01.02.01.0010, TRPA file number EIPC2022-0001

**Discussion and Page 43  
Public Comment**

<p>B. Discussion and possible recommendation of the Bijou/Al Tahoe Community Plan Amendment: Allowable height for public service buildings on parcels owned by the County/City (56-acre Recreation Center Site)</p>	<p><b>Discussion and Possible Action (Recommendation)</b> <u>Page 51</u></p>
<p>VI. PLANNING MATTERS</p>	
<p>A. Measuring What Matters: Thresholds and Monitoring Update Strategic Initiative</p>	
<p>1) Update on Initiative workplan</p>	<p><b>Informational Only</b> <u>Page 198</u></p>
<p>2) Nominations to serve on the Threshold Update Initiative Stakeholders Working Group</p>	<p><b>Possible Action (Recommendation)</b> <u>Page 198</u></p>
<p>VII. REPORTS</p>	
<p>A. Executive Director</p>	<p><b>Informational Only</b></p>
<p>1) 2021 Annual Report</p>	<p><b>Informational Only</b> <u>Page 209</u></p>
<p>2) Upcoming Topics</p>	<p><b>Informational Only</b></p>
<p>B. General Counsel</p>	<p><b>Informational Only</b></p>
<p>C. APC Members</p>	<p><b>Informational Only</b></p>
<p>VIII. PUBLIC COMMENT</p>	
<p>IX. ADJOURNMENT</p>	

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

GoToWebinar

January 18, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ferry called the meeting to order at 9:30 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew, Mr. Ferry, Ms. Ferris, Mr. Hill, Ms. Jacobsen, Ms. Roverud, Ms. Simon, Ms. Stahler, Mr. Teshara, Mr. Young

Members absent: Mr. Booth, Mr. Drake, Mr. Guevin, Mr. Smokey

Mr. Letton joined after roll call

II. APPROVAL OF AGENDA

Chair Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Teshara moved approval of the December 8, 2021, minutes, with the following corrections:

Page 12; Final paragraph: City of South Lake Tahoe

Page 14; Paragraph 5: and separate plan

Ms. Carr seconded the motion.

Ms. Stahler and Mr. Alling abstained.

Motion passed unanimously.

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V. PLANNING MATTERS

- A. Discussion and Possible Action on the Tourist Core Area Plan (TCAP) Amendment: Artesian small scale manufacturing and industrial use in the Gateway district

[Agenda Item No. V.A. Tourist Core Area Plan \(TCAP\) Amendment](#)

Ms. Jennifer Self, Tahoe Regional Planning Agency (TRPA) and Mr. John Hitchcock (City of South Lake Tahoe), presented this item.

Ms. Self began by providing the context for this item, and explained that staff were seeking Advisory Planning Commission (APC) recommendation to the TRPA Governing Board to adopt amendments to the Tourist Core Area Plan, as provided in the January 2022 APC Packet.

Ms. Self explained that the City of South Lake Tahoe and TRPA adopted the Tourist Core Area Plan (TCAP) in 2013. The TCAP runs through the City's major tourist corridor, along Highway 50 from the Bijou Marketplace, and continues along Highway 50 to the casino corridor. It also runs up Ski Run Boulevard. The area includes a mix of primarily commercial, retail, and tourist uses, which cater to both local residents and visitors.

Procedurally, area plans and area plan amendments are first adopted by the local jurisdiction, and then they are adopted by the TRPA Governing Board. Upon TRPA approval and adoption of the area plan, the plan will become a component of Lake Tahoe Regional Plan. So, in bringing these amendments forward, staff must demonstrate that the local plan is in keeping with the Regional Plan. TRPA staff also has annual reviews with local jurisdictions to ensure that local plans are meeting the goals and policies set forth within them. So, in the development of this and other local plans, local jurisdictions engage with TRPA staff early and often throughout the planning process. With the proposed amendments, TRPA staff have been working closely with John Hitchcock and others at the City of South Lake Tahoe.

The City Planning Commission and the City Council have reviewed and approved these amendments, and the City Council adopted the amendments on November 16, 2021. The TRPA Regional Plan Implementation Committee (RPIC) unanimously recommended approval of the amendments to the TRPA Governing Board on December 15, 2021.

If the APC recommends adoption today, TRPA staff anticipate that the amendments will come forward for final consideration to the TRPA Governing Board in January 2022.

Mr. John Hitchcock presented more detail on the amendments.

Referring to the slide 2 (location map) of the presentation, Mr. Hitchcock explained that the proposed amendment is applicable to the Tourist Core Area Plan Gateway District Special Area #1 (north of Safeway and westward to Lakeland Village).

The Tourist Core Area Plan (TCAP) was adopted by TRPA and the City of South Lake Tahoe in 2013. It

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provides land use guidance for the whole area plan, and specifically to the Gateway District. The Area Plan vision is to provide an attractive mixed use, commercial, and tourist accommodation corridor, that provides a gateway to the tourist core area.

Currently, the district provides an array of uses, including tourist accommodation, residential, commercial, retail restaurants, and recreation uses, that cater to locals, as well as visitors.

To continue to promote the expansion of tourist-related uses, the Tahoe Wellness Center submitted an application to the City of South Lake Tahoe, to amend the TCAP to add small scale manufacturing, industrial services, and wholesale distribution, as part of retail commercial use.

The proposed amendment will continue implementation of TCAP objectives to develop, and redevelop a wide range of tourist-related uses, to enhance the user experience and the tourist core. The intent of the amendment is to allow the production and manufacturing of goods for on-site sale, as well as off-site retail sales.

Mr. Hitchcock said that the best way to think about this is that it is very similar to the 'farm to fork' movement. There is a current trend in retail business, where people are interested in the user/retail experience - not simply just buying a product from a retailer, but an interest in knowing how the products are manufactured/produced, where they come from, and having them for sale on site. The proposed amendment, amends the definition of industrial services, and wholesale distribution, and is tied to retail use.

Slide 4 illustrates some examples of the types of businesses that the City of South Lake Tahoe envision could take advantage of the proposed amendment, such as confectionary shops, leather goods, metal working businesses, woodworking, handcrafted goods, chocolatiers, and coffee shops - where the business would produce and sell items on-site, as well as being able to sell off-site for wholesale distribution. Mr. Hitchcock said that City thinks this an interesting concept that would expand retail uses within the tourist core, for both visitors and locals.

The proposed amendment is only connected to primary retail commercial use, so, it would not be possible to create a wholesale, or industrial primary use - it has to be tied to retail. Wholesale/industrial use would be limited 30% of the retail space, and will also require a special use permit from the City of South Lake Tahoe, and from TRPA, to ensure that any proposed use is desirable in the proposed location, and that all potential project impacts will be inadequately addressed. There are no changes to current design and development standards - current TCAP standards would still apply to any future projects.

Mr. Hitchcock summarized that the proposed amendment will facilitate the implementation of TCAP objectives, to encourage tourist-related retail commercial use on-site, as well as production on-site, and facilitate opportunities to enhance the retail experience, through demonstration and education opportunities as part of any retail expansion.

### Commission Comments and Questions

Vice Chair Carr asked for clarification on the area shown as Special Area #1 on the map (slide 2). Mr. Hitchcock responded that the amendment applies to the Gateway District Special Area #1, north of Safeway, and not to Special Area # 1.

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Using coffee roasting as an example, Ms. Carr asked if potential odors, noise, and/or parking issues, would be addressed, and mitigated at the project level when actual development/redevelopment permit applications come to the City of South of Lake Tahoe.

Mr. Hitchcock responded that the proposed amendment is for 'special use', so they would have to make those special use findings. Any potential impacts such as odor, parking, or noise will have to be mitigated to a less than significant level. Also, the special use findings will require the City of South Lake Tahoe to make the specific finding that the use is desirable in that location, and will not be injurious to the neighborhood.

Mr. John Marshall (TRPA) added that the City may need to take a look at the location map, and possibly create a new special area designation, to avoid confusion before the item is taken before the Governing Board.

Ms. Susan Chandler questioned the source of the proposal – was it only from the Wellness Center or is there a consortium of businesses that are also interested in taking advantage of the proposed change?

Mr. Hitchcock responded that the source of the amendment is the Tahoe Wellness Center. Other retail uses were not part of the amendment, but the City of South Lake Tahoe are hoping that when the amendment occurs, other retail uses in the area will take the opportunity to expand, and include educational opportunities with on-site manufacturing as part of their retail experience.

Ms. Chandler added that the Bijou Center is the one area in town that is due for major renovation. She asked if it was also in the works for that area to be upgraded. Mr. Hitchcock said they had not heard from the property owners, but the City would definitely encourage redevelopment of the Bijou Center. He said that the Bijou Center is a designated historic resource, but they would work through as part of the planning process. Mr. Hitchcock added that the concept is to create flexibility in the system, and to encourage property owners to redevelop older sites that need BMPs and/or improvements as part of the redevelopment efforts.

Mr. Teshara said that he had followed the process through the City Planning Commission, and the City Council, and recalled that Mr. Nick Exline advocated for the proposed amendments on behalf of at least one client. He does not think the client was the Tahoe Wellness Center. Mr. Hitchcock responded that he would defer to Mr. Exline, but believes that he was representing the Tahoe Wellness Center in the application. Mr. Teshara added that he believes there were other clients that were similarly interested in the proposed amendment.

Mr. Drake said he thinks the proposed amendment is entirely appropriate, and that he is a fan of flexibility in zoning, particularly in regard to commercial use. He believes there is a blurry line between commercial and industrial activities, and in the Tahoe Basin it can be very challenging to find land that is zoned for any sort of manufacturing, even light manufacturing. Mr. Drake said he thinks this is a unique case that will stimulate investment. There is a huge trend of people doing small-scale, making of things, whether that be wood or coffee. Mr. Drake said he is that category, and that it is currently difficult to navigate the zoning code when you are trying to manufacture, and sell on-site. He thinks the location is appropriate, and that the process is perfect to address any concerns, and believes it is a smart move.

Mr. Drew asked that, since the Tahoe Wellness Center was the initial applicant, have they specifically

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stated what they would like to do under the proposed amendment. Mr. Hitchcock responded that if the amendment passed it would allow Tahoe Wellness Center to manufacture cannabis onsite. Mr. Drew asked why that was not an example given in any of the documents through the City of South Lake Tahoe, the Planning Commission, the Council, and now with the APC. Mr. Hitchcock responded that when the application was submitted it was focused on the cannabis business itself. Following his discussions with Mr. Exline, and internally with the City of South Lake Tahoe, they determined that the concept made a lot of sense, and wanted to be more inclusive for other of retail uses. Cannabis is just one business that could take an opportunity of these changes, but I they want to encourage it for all other retail uses – whether that be roasting coffee, or chocolate shops or a confectioner.

Mr. Drew said that cannabis should be included as a specific example as this moves forward to the Governing Board, because the reality is, that is the applicant who brought it forward. Mr. Drew added that he was on the City Planning Commission when the Area Plan was approved, and the use being talked about today, is not precluded under the existing Area Plan. He said he can understand the desire to clarify further, and is generally supportive of clarifying these kinds of uses, because we are not seeing redevelopment occur at the rate anticipated by the Regional Plan and subsequent area plans. However, cannabis is a really controversial issue, and he thinks it should be made clear that is the intent of the applicant. Mr. Drew does realize that the even if the amendment is approved, the applicant will still need to submit a specific application for review, but he would like to avoid the public being able to say, “that’s not what we were thinking was being approved”. He recommends that, as the process moves forward, staff need to be very clear about who the applicant was, and include their specific use in the examples.

Mr. Drew also informed that the owner of the original applicant business sits on the City of South Lake Tahoe Council, and asked for confirmation that he (the owner) has recused himself throughout the entire process. Mr. Hitchcock confirmed that the owner had recused himself throughout the process.

Regarding the Initial Environmental Checklist (IEC), Mr. Drew noted that for the air quality and lighting sections, ‘no’ was checked. He said he could understand that conclusion at the programmatic level, but asked Ms. Self if applicants would have to provide evidence that their specific projects would not have significant impacts on air quality or quality of lighting. Ms. Self affirmed that the IEC included in the packet today is a programmatic level document. When projects come forward, they will be reviewed for findings and compliance at the project level.

In reference to Ms. Chandlers statement that these amendments are targeting an aging town center, Ms. Self said the area was an existing town center, and the gateway district boundaries were moved to include this area for redevelopment a couple of years ago. In the development of these particular amendments, to spur and support local businesses, staff took a nod to existing land uses that were already evaluated and allowed along Ski Run Boulevard, to encourage similar types of maker spaces. So, that use was evaluated in the 2013 TCAP Amendment, and staff have now done the evaluation at a programmatic level for adding these uses in the Gateway District. When a particular business or project comes forward, they will be further evaluated for impacts to air quality, water quality, and similar. As Mr. Hitchcock said in his presentation, these uses would be permitted as a special use, and would therefore require approval by the TRPA Hearing Officer, and approval by the City of South Lake Tahoe Planning Commission.

Referring to the Special Use Area #1 at the Bijou site (Slide 2, Location Map) Mr. Drew asked if there was a reason that there is such a constrained footprint. He said that the map intimates that the footprint of

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the area is very small and located in the area of the applicant, the Tahoe Wellness Center. He asked if there was a reason staff did not look at a bigger footprint, because there are many places along Highway 50 that could take advantage of this amendment. Mr. Hitchcock responded that when the amendment was submitted, they were concerned about adding industrial & wholesale distribution to a Tourist Core Area Plan, and staff wanted to keep the amendment focused at this point in time. Mr. Hitchcock added that from his perspective, if it does become successful, the model could be expanded to other areas of the Tourist Core Area Plan.

Mr. Drew said that on page 82 of the Findings, it mentions that implementation of the proposed amendment anticipates an acceleration in threshold gains, but it does not say why. Given some of the nuances of the amendment, and what is in the existing area plan, Mr. Drew encouraged staff to include some additional narrative on how the proposed amendment will accelerate threshold gains, in the Governing Board packet and presentation.

Mr. Ferry asked Mr. Hitchcock to clarify what 'manufacturing of cannabis' means. Does it mean growing cannabis, or does it mean other things. Mr. Hitchcock said it means the ability to grow and sell cannabis on site.

Ms. Roverud pointed out that the amendment does require a demonstration and educational component, so is not just adding uses. The vision is to be tourist focused, but it really is intended to enhance the tourist experience and provide more experiential opportunities within the tourist core. The amendment is not allowing for those industrial to occur behind closed doors, and create the nuisances that we might think come along with that. The permit process will look closely to ensure that whatever is proposed is enhancing the experience for those in the tourist core, whether visitors or residents.

Mr. Drew said that this is a somewhat unique site within the area plan because there is a small, residential, contingent directly behind the site. He asked if there has been any feedback from the residential properties adjacent to the site. Mr. Hitchcock replied that they had not received any comments from any of the adjacent residents, but did receive questions from an individual who lived in Sierra Shores, and was supportive of the amendment. Staff notified all property owners within the Gateway District, as well as within 300 feet of the Gateway District boundary.

### Public Comments

Ms. Molly Armanino echoed Ms. Roverud's comments, and added that an exciting and important part of the amendment is the educational component that she hopes will be a condition upon permitting any businesses. In particular, she would like to see businesses educate the public on the sustainable benefits of more in-house manufacturing, be that less vehicle miles traveled, or sustainable renovations to their building.

Mr. Nick Exline said that what he first came into contact with the applicant, he was excited by their willingness to incorporate environmentalism, and particularly environmental education into the project approval process. He and his team work tirelessly with their clients to introduce environmental elements whenever, and wherever possible, and it's really challenging. He added that from a regulatory perspective, applicants really don't get any benefit from it - it really has to be at the desire of the applicant. So, the willingness and excitement of this applicant, to use this opportunity for an area plan amendment process to require some level of environmental education was really exciting.

In response to Mr. Drew's earlier question about the size of the location, Mr. Exline said he

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fundamentally agrees, and encourages APC members to use their voice and your opportunity to suggest that all future area plan amendment processes require some level of environmental education, and justifications for environmental improvement.

In response to Mr. Teshara's earlier comments, Mr. Exline said that the Tahoe Wellness Center is his client and the applicant, although many other clients that he works with, and members of the South Lake Tahoe community have expressed great interest.

In response to questions about cannabis, and how this proposed amendment has been presented, Mr. Exline said it was important to note that nothing is materially changing at the Tahoe Wellness Center as a result of this amendment. The only thing that will change at Tahoe Wellness Center, is that the current non-compliant uses will be legitimized through this process. The amendment will also provide the opportunity to other businesses, which is why the presentation cited other examples. Mr. Exline closed by encouraging members to recommend this amendment.

### Commission Member Comments

Mr. Drew said he is supportive of the concept. He has seen it in other areas, and it is desired. What he is struggling with, is some of the uses that are associated with cannabis and other light industrial activities. Regardless of whether it is happening now or not, he is struggling with those kinds of facilities, and that type of use, within the footprint of the Tourist Core Area Plan. Processing coffee, and cannabis operations are not the same thing, and cities and counties across the state are really struggling with some of the air quality and water quality issues from cannabis operations. He is supportive of the larger amendment, but is struggling with what can be allowed within it.

Mr. Teshara shared Mr. Drew's concerns, and particularly how this amendment came through the process. He has tremendous respect for Mr. Exline and his inspirational ability as an advocate to get people excited about the proposals that he brings forward to various legislative bodies. In witnessing the presentation to the Advisory Planning Commission and the City Council, Mr. Teshara said he was inspired by a broader application of this opportunity. He said he will likely support the recommendation, but the proposed amendment certainly came through the process without a lot of mention of cannabis specifically. He hopes the amendment will be applied more broadly the future.

Mr. Ferry said he agreed that being more forthcoming about the source of the amendment would be beneficial when going to the TRPA Government Board. Mr. Ferry highlighted Mr. Exline's comments that these activities are already occurring. Ms. Carr added that there is a note on page 33 of the packet that this is an existing non-conforming situation. She questioned whether, aside from just the land use designation, if there are other things about this particular non-conforming use that may need to be corrected via code enforcement or similar.

Mr. Guevin said there is a lot of concern with how marijuana products are processed and treated, and he thinks it is wise that the City of South Lake Tahoe will require a special use permit under this amendment. Because this is an existing operation, he is wondering how that has been addressed so far. He would encourage the requirement of special use permits under the new amendment, but would like to understand what happens with these types of industries that are already in place? How will they be incorporated into this new plan? There are big concerns with the processing of marijuana products specifically. The processing is much different, and much higher risk for marijuana, than for coffee or chocolate for example.

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Ms. Roverud offered a little more background on the Tahoe Wellness Center. She said that originally when the Center was established at the Bijou Center, they were allowed as a medicinal marijuana retail operation, and with that was a component of growing cannabis. That is what Mr. Exline refers to with the 'existing non-conforming situation'. So, while it is an existing non-conforming use within the zoning and land use categories of the Tourist Core Area Plan, the original medicinal marijuana operation was approved by the City. When the City moved to adopting an ordinance that allowed for retail of adult recreational cannabis, in line with the rest of State of California, the Council entered into an agreement that allowed the Wellness Center to engage in the adult use, recreational cannabis business as well. To use a familiar term, it was grandfathered in for a certain number of years, and within that timeframe, the Wellness Center needs to get the land use and zoning consistent, and approval of a special use permit, in order to continue operations.

Ms. Roverud explained that any City approvals associated with the Tahoe Wellness Center (and other cannabis related businesses) require safety inspections and detailed oversight. As part of the review of any Special Use Permit, they would revisit all of the safety issues, and address those through the Special Use Permit. The potential factors that might create incompatibility with neighboring uses are different with all the various uses that could take advantage of this amendment. Coffee has odors, cannabis has odors, there are safety issues associated with manufacturing and so on. This is why the requirement for a Special Use Permit review is so essential to this particular amendment. Ms. Roverud confirmed that the Tahoe Wellness Center are the applicant that submitted the request for the amendments to the City. However, the City believes this amendment could benefit the entire Tourist Core with other businesses creating these experiences for visitors and interested residents.

Mr. Drew said that the APC decision on this amendment today, is at the programmatic level. The individual uses that are proposed on any particular site as a part of any particular project will be left up to the purview of the City in approving any Special Use Permit. It is his understanding that it would be inappropriate for the APC to put any conditions on that approval, in terms of the types of uses that could be allowed. Mr. John Marshall (TRPA Legal Counsel) responded that by approving this amendment, the APC are not endorsing, or excluding, any particular use to come forward for a Special Use Permit. Mr. Marshall also noted that the in this instance, the City is acting both for its own code, as well as delegation permitting for TRPA, which could be appealed to TRPA.

Ms. Carr made a motion to recommend TRPA Governing Board approval of the required findings, including a finding of no significant effect, for adoption of the proposed Tourist Core Area Plan amendments as provided in Attachment B, with consideration given to renaming the Special Area #2.

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Guevin, Mr. Drew, Mr. Ferry, Ms. Ferris Ms. Stahler,

Absent: Mr. Smokey, Mr. Letton, Mr. Hill, Mr. Booth

**Motion carried.**

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Ms. Chandler made a motion to recommend adoption of Ordinance 2022-\_\_\_, amending Ordinance 2020-06, as previously amended, to amend the Tourist Core Area Plan to include the additions and revisions as provided in Attachment B.

Mr. Drake seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Mr. Teshara, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Ms. Roverud, Mr. Young, Ms. Simon, Mr. Guevin, Mr. Drew, Mr. Ferry, Ms. Ferris Ms. Stahler

Absent: Mr. Smokey, Mr. Letton, Mr. Hill, Mr. Booth, Mr. Drake

**Motion carried.**

## V. PLANNING MATTERS

B. Discussion and possible action on the Certifications of the Final Environmental Impact Statement for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test Project. Information can be found on pg. 147 of your packet.

### [Agenda Item No. V.B. Tahoe Keys Aquatic Weed Control Methods Test Project](#)

Mr. Hitchcock replaced Ms. Roverud as the City of South Lake Tahoe APC Representative for this item.

Ms. Marchetta introduced the presentation by stating that this item is the very important, number one, aquatic invasive species control threat to Lake Tahoe, and the role of the APC today, is to consider a recommendation to the Governing Board, certifying the technical adequacy of the Final Environmental Impact Statement (FEIS), for the applicant, who is the Tahoe Keys Property Owners Association (TKPOA), for the applicants proposed test of control methods for weeds in the Tahoe Keys.

Ms. Marchetta said that invasive weed control work in the Tahoe Keys has had a long history, and overall, there has been little success in getting ahead of the growing infestation in the Keys Lagoons. So, it is important to understand a little bit of the regulatory context for this proposal, a little context about the history of how this test proposal came about.

Ms. Marchetta said that aquatic invasive species (AIS) prevention and control has been a top priority initiative for Lake Tahoe for more than a decade, and the Tahoe partnership agrees that the invasive weeds that were introduced decades ago into the Tahoe Keys Lagoons, are the number one AIS control threat to the Keys, as well as to greater Lake Tahoe.

TRPA has been leading the work to combat AIS in the Tahoe region since 2007, after invasive quagga mussels were discovered at Lake Mead, and the AIS partnership agrees that the number one threat in AIS control is the Tahoe Keys Lagoons, where the aquatic weeds infestation is serious, growing, and is of increased concern, both to public health due to the growing risk of toxic cyanobacteria outbreaks, as well as being an actual threat of spread to other locations around the lake.

The Key's lagoons hold the largest aquatic invasive plant infestation within the Tahoe region, at 172 acres, it is greater in size and biomass than all other Tahoe Marina's combined. We have a very large, unprecedented, and growing problem on our hands.

The proposed test project does not come to us as a typical land use, or natural resource planning process, and many in the public have been confused as to who is making the proposal and why. The proposal arises from an application for a test project that was submitted by the Tahoe Keys Property Owners Association (TKPOA), who proposed the project on behalf of its approximately 1,500 private homeowner members.

The applicant's proposal is to test aquatic invasive plant treatment methods, and that proposal arises in a complex regulatory scheme under the Clean Water Act, that can be quite confusing to the public. There is a large and diverse group of private property owners who are being required by the Lahontan Regional Water Quality Control Board (LRWQCB), to control a pollutant of concern on their private property, in this case, aquatic invasive weeds, in the Keys Lagoons. And those roughly 1,500 private homeowners within TKPOA, own the lakebed of the lagoons that is needing treatment for the weeds. So, in response to the Lahontan Regulatory Order, TKPOA, as the applicant, is now required ultimately, to propose an acceptable, and legally sufficient plan, to control those invasive weeds in the Keys.

Five years ago, in 2017, TKPOA made its first attempt to respond to the Lahontan Waterboard Order, but TKPOA faced early opposition to the first response. It was a comprehensive control proposal, and would have included broadcast herbicide treatment. The agencies, stakeholders, and the public said, at that time, "you don't have enough information to go that route". So, the control project, stalled, as it had so many times before, and the applicant struggled to provide all of the information required, and to satisfy what were essentially public fears and concerns about what remedy to implement in Lake Tahoe.

What we know, from decades of experience, is that often what it takes to solve the Lake's toughest, most insoluble problems, like this one, is a much more collaborative approach to reach a solution. So, with that more shared problem-solving approach in mind, by 2018, we began working with the Keys property owners, and other key stakeholders. We convened a stakeholder committee, and an even broader stakeholder consultation circle, around an approach that engaged property owners with agencies, key stakeholders, and the public.

So as a new partner with the TKPOA, we secured funding to help seek a more supported solution, and now, in addition to the millions that TKPOA has spent over the years, to control and study the Keys weeds problem, partners other than TKPOA have contributed more than an additional \$2 million, over the last four years. We have supported the cost of a facilitator to help work with the stakeholders in public, we have funded technical studies, like this Final Environmental Impact Statement, and we have shared in the cost of different interim treatment methods, to gather valuable data.

So, for well over a year, we sat together at a collaborative consultation table to understand what information we have, what information we still need, and what questions did we still need to understand? So, when the diverse stakeholders came together, it was clear we had to lessen the unknowns and fears of broad scale treatment, before we would be able to move ahead to any final remedy.

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What arose out of that consultation, was an agreement to study a proposal to test different weed control methods. We realized that what we most needed to know, was a question of first impression, meaning, it had never been considered by others at any other water body, where similar invasive plants have been treated extensively a year over year. Here in Tahoe, we wanted to consider a different approach - could we effectively limit herbicide application to a one-time use, and only in the unique and controlled environment of the Keys Lagoons, and not in the open waters of Lake Tahoe. So, the question we designed the test around was, "what control methods independently, or in combination could effectively knock back a 172 acre infestation; and then, could we maintain that knock back, with only non-herbicide methods, year over year", and to test that in the unique and varied substrate, environments of the Keys Lagoons. No other water body, anywhere, has ever evaluated, tried, or tested this approach to herbicide use for aquatic weeds. And among the information from this test, will be the information we most need, when, as a group of collaborative partners and broad stakeholder interests, we have to sit together at a table several years from now, to work out the much harder question of how to design and implement a comprehensive remedy for the invasive plants in the Keys Lagoons.

Ms. Marchetta said that although APC members will likely hear comment asserting otherwise, the inclusion of herbicide in the test as one method, does not presuppose the use of herbicide in any final remedy.

Together, the stakeholders designed this combination of tests, that could help answer both the unique question, about the minimum use of herbicide, as well as other information gaps, about the efficacy of methods in combination. The design ensures that the test protocols are scientifically rigorous, statistically adequate, carefully controlled, and technically sound. So, the Final Environmental Impact Statement being considered for its technical adequacy today, is not for any kind of a final remedy.

What it does do, is evaluate a proposal, and alternatives to that proposal, to perform a carefully controlled test of different, aquatic invasive plant treatment options, on a small but representative scale, to help close information gaps, and address public fears about the effects of different treatments. Homeowners and stakeholders collaboratively chose this route to find a shared approach, if possible, to the complex and often confusing regulatory scheme the TKPOA it found itself in.

Ms. Marchetta said that today, they were presenting for recommended certification, the Final Environmental Impact Statement, that evaluates the test and alternatives to it. The FEIS analysis is comprehensive, and it discloses potential environmental effects, as is required. It shows that with carefully designed, resource protection measures, and multiple layers of fail-safe mitigations, the proposed test poses no threat to the environment of the Keys, or to the Lake itself.

It is on that basis, and the whole of the record, that they are recommending that APC recommend to the Governing Board to certify the EIS for the test project, under the compact. Ms. Marchetta noted that the Lahontan Regional Water Quality Control Board (LRWQCB) similarly reviewed the test project EIS, and that Board voted unanimously to certify the Final Environmental Impact Report under CEQA

Ms. Marchetta handed over to Mr. Marshall to explain the scope of APCs charge on this item.

Mr. Marshall said that like Ms. Marchetta, his role was to set context. Normally, the APC does not hear projects, since those are either handled at staff level, Hearings Officer, or go straight to the Governing Board. But, for projects that require certification of an EIS, the EIS comes to the APC for recommendation to the Governing Board on whether or not to certify the EIS. So, the project itself, or

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the merits of the project, are not before APC today, but the certification of the EIS is. Mr. Marshall said that the best way to think about that is that APC are not making a recommendation on the permit for this project, and they are not making a recommendation on the findings that go along with the approval of the project. Before the APC today, are the environmental considerations articulated in the EIS, and whether or not, the EIS technically addresses all the components that are required, and does so in a manner that is substantively reasonable. So that is the narrow view of the hearing today, and so for both APC and public, comments on the validity of the project, or the permit, are outside the scope of today's hearing – the focus is just on the adequacy of the environmental document.

Mr. Marshall handed over to Mr. Zabaglo for the main presentation.

Mr. Zabaglo reiterated that today, we are taking another step towards solving our biggest threat to Lake Tahoe, and are asking for APC recommendation to the TRPA Governing Board, to certify Environmental Impact Statement for the Tahoe Keys Lagoons Aquatic Weed Control Methods Test. The EIS is scientifically rigorous, it is comprehensive, and analysis of the tests of those different aquatic invasive species treatment methods will provide the missing information needed to design a complete treatment of the Tahoe Keys.

Mr. Zabaglo reiterated that this is a complex problem, that needs more information to solve. The AIS program has had a lot of success, but the Tahoe Keys is a whole new ballgame. It is exponentially bigger, extremely dense, and has difficult conditions to treat. It is the main source of spread, and our number-one priority for control. Assessment of all the tools really needed if we hope to find an ultimate solution.

TKPOA has been working for decades to address the issue, and in response to the waste discharge requirements they are under from Lahontan, they submitted an application to the two agencies to use aquatic herbicides to treat the infestation within the Lagoons. Aquatic herbicides have never been used in Tahoe before, which generated concern, and a lot of thoughtful discussion.

TRPA quickly engaged with partners to start a collaborative process, and to help develop a Stakeholder Committee, to ensure a broad range of perspectives and transparency, and have a forum for open discussion. TKPOA was very receptive, and fully supported the process, and the need to do that thorough analysis of a test. In addition to TRPA, Lahontan, and the TKPOA, the Stakeholder Committee consists of partners with diverse points of view, such as The League to Save Lake Tahoe, who provided an environmental non-profit organization perspective, the Tahoe Water Suppliers Association (drinking water suppliers from throughout the region), and the Tahoe Resource Conservation District, one of TRPA's main partners in both AIS prevention and control, and local experts on control in the basin. Perhaps the most important outcome of that collaborative process was the Stakeholder Committee's urging to take a more measured approach and collect more information to give the best chance for success, which was the impetus for a test. The test assesses multiple methods, both independently and combination, to implement a scientific experiment, and attain the best information possible to design a holistic treatment for the Tahoe Keys.

Once the test idea was put in place, an extensive public engagement process began. Scoping of the project started in the summer of 2019, and included multiple workshops and meetings to inform the public of the test project, and seek their input on a range of alternatives and issues to be included in the analysis. As a result, two action alternatives were developed, and one of the strongest recommendations heard, was that the No Action alternative really needed the same level of analysis as the proposed project. It was important to understand the risk of doing nothing.

Scoping also helped inform a massive data collection effort, and over a million and a half data points were collected over the summer of 2019 to understand baseline conditions, how nutrient cycling in the Keys works, and to provide a strong foundation for the detailed impact analysis.

One of the major outcomes of the data collection, was that the weeds themselves fuel the nutrient availability in the Keys. Each year, when plants die off, the nutrients in the stems and leaves, return to the water and ultimately settle back into the sediment, becoming readily available for the future weed growth. So, while controlling upland sources of nutrients is important, and is also being addressed by the TKPOA, controlling the weeds themselves is the best way to disrupt that cycle.

Following scoping, a complete analysis to reveal potential impacts on the proposed project and alternatives began. The proposed project is a test of multiple methods, both independent and combination, to gain a true comparison of how those different treatment methods work.

The test is broken down by a use of Group A methods, that includes herbicides, ultraviolet light treatment, and laminar flow aeration, in the first year to provide an initial knock back.

In years two and beyond, Group B methods, which are all non-herbicidal, would be used to maintain the infestation at manageable levels. The methods include diver assisted suction, hand pulling, bottom barriers, and ultraviolet light treatment.

As stated in the EIS, herbicides would only be used in a one-time treatment the first year, and that is innovative in and of itself. Tahoe's AIS Program has a history of being innovative, with the first time use of bubble curtains to control weeds, and the first time use of ultraviolet light to control weeds, so this just builds on that history.

Referring to slide 12, Mr. Zabaglo described the test locations, which total 41 acres. Slide 13 illustrates an example of how a combination approach might work, but utilizing ultraviolet light down the middle, of a channel, where it has the best chance of treating the weeds more effectively, and utilizing the herbicide treatments along the edges, to maximize effectiveness, while minimizing the amount of herbicide use.

Action Alternative Two, is similar to the Control Methods Test, but does not include herbicide use, so it removes the ability to learn how all tools perform, under the same conditions, at the same time.

The Dredge Alternative would remove the organic layer using a suction dredge type application, which has never been done in Tahoe, to remove the plants, roots, and turions, as well as the substrate that the weeds reside in, with all the nutrients in that loose, organic layer.

Finally, the No Action Alternative would be doing essentially nothing as far as treatment. There would be nothing gained, nothing learned, no ability to inform future, long term treatment of the keys, and the weeds would just continue to spread.

Mr. Zabaglo handed over to Mr. Jim Good to describe the analysis, the potential impacts, and how any potential impacts for the proposed project are mitigated to less than significant.

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Mr. Good introduced himself as an aquatic scientist with Environmental Science Associates, and explained that he would

- summarize the process for studying the environmental impacts of the proposed project, the action alternatives, and the no-action alternative
- describe the potential environmental issues that were identified, and the mitigation measures that were developed, for both the Control Methods Test, and the alternatives.

The environmental impact evaluation process began in 2017, with an initial study and an initial environmental checklist. They reviewed the existing information, identified potential impacts for the project, and concluded that for this project to go forward, an EIS and an EIR for CEQA would be required. So, in 2019, they undertook a very extensive, baseline data collection effort. They collected six months, growing season information, on all of the physical, chemical, and biological characteristics of the lagoon environment at the Tahoe Keys.

Mr. Good led a team of five PhD specialists in different areas of aquatic science, environmental toxicology, limnology, aquatic plants, fisheries, and hydrology. One important thing they used the data for, was to develop a conceptual model of nutrient loading, and nutrient cycling within the Tahoe Keys Lagoons. They used the baseline data, and other information and found two very important characteristics in Tahoe Keys. First, the aquatic weeds take their nitrogen and phosphorus primarily from the sediments. When they die back, they release some nutrients to the water column, and return some nutrients back to the sediments. And secondly, there's an inexhaustible supply of nutrients in the sediments, so while controlling non-point sources from the watershed is very important for limiting algal blooms and cyanobacteria, the source control will not reduce the acquired weed problem. You just have to deal with this inexhaustible supply of nutrients in the sediments.

So, with EIS and EIR, they identified 43 issues for the control methods test. Most of these issues are within the lagoons, where most activities occur on the project. These included issues for environmental health, hydrology, water quality and aquatic ecology. They also evaluated a lot of other resources, such as air quality, recreation, traffic, cultural resources, etc., and except for the No Action Alternative, they found that impacts can be mitigated to be less than significant for each issue.

First, for the project proposal, the Control Methods Test. In the way that the project was designed to be implemented, resource protection measures built into the project, addressed many of those 43 issues, and they were left with 10 issues that they found to be potentially significant without mitigation. These included the exposure and health risks to the workers who would be applying the herbicides, the potential for detectable concentrations of herbicide chemicals to persist in the lagoon water, short-term increases of aluminum in lagoon water, increased potential for harmful algal blooms, oxygen depletion in the lagoon water, increased phosphorus and nitrogen released by the decaying plants, and effects on non-target aquatic plants, including sensitive species, that would also result in changes in the aquatic plant communities. Again, for all of these issues, they found that they would be less than insignificant after mitigation.

Regarding the mitigation for the Control Methods Test, Mr. Good said that with the herbicides, applicator training and licensing would be required for all workers potentially exposed to the chemicals. Application rates would be less than the approved rates. There would be chemical breakdown, and other resource protection measures all led to the conclusion that there would be less than a significant risk of persistence of the herbicide chemicals in the lagoon water.

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Spill prevention and response plans would be important requirements to prevent excess concentrations of herbicides from entering the Lagoon, and aeration would be used, if needed to accelerate aerobic degradation.

For aluminum (that resides in the sediment), Best Management Practices to minimize sediment disturbance would prevent the aluminum from being released into the water, where it is potentially toxic to cold water fish and other aquatic life.

For the phosphorus, nitrogen, and the potential to increase harmful algal blooms, the timing and limited size of treatments is important in minimizing the amount of plant tissue that's decomposing.

There would be the use of lanthanum modified clay to remove phosphorous from the lagoon water if real-time monitoring, identifies the need for that. The lanthanum modified clay binds the phosphorus particles in the water, and settles to the bottom sediments, where they remain chemically bound and not available, essentially starving the cyanobacteria and phytoplankton of an essential nutrient.

If needed, aeration will be used to make conditions less favorable for harmful algal blooms by circulating the air.

Impacts of dissolved oxygen would be mitigated by the timing and limited size of treatments that limits the amount of plant tissue that is killed, and decomposing, limiting the oxygen demand from those decaying plants. Real-time monitoring of dissolved oxygen would be used to see if aeration is needed to maintain the water quality objectives.

Spring macrophyte surveys are an important mitigation to ensure that they are concentrating the weed control treatments on the target species, and avoiding impacts to non-target plants, including sensitive species - thereby avoiding adverse impacts to the aquatic plant community composition overall.

Action Alternative One, is the testing of all aquatic weed control methods that are part of the proposed project, except for herbicides. Most of the potentially significant issues and mitigations for Alternative One are the same as for the Control Methods Test.

Again, Best Management Practices would be used to minimize sediment disturbance, and the release of aluminum from the sediment into the water.

For phosphorus, nitrogen, and the potential for increased harmful algal blooms, the timing and limited size of treatments, minimizes the amount of decaying plants and release of nutrients.

Aeration, or lanthanum modified clay could be used to control cyanobacteria, if indicated by monitoring.

For dissolved oxygen, the timing, and limited size of the treatments, minimizes the amount of oxygen demand from decaying plants. Again, aeration would be used if dissolved oxygen concentrations begin to approach the minimum requirements of the water quality objectives.

Before implementing any of the weed control methods, the spring macrophyte surveys would be used to adjust the test site boundaries, focus on target plants, and avoid non-target plant species, and impacts to the plant communities, as best as possible.

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Action Alternative Two (the dredging alternative) is very different from the other alternatives. Here the potential significant impacts and mitigations are different.

First, there is a greater risk from aluminum in the sediments. There is a lot more sediment disturbance involved and that drives the need for more mitigation. Hydraulic dredging generates a lot of dredge spoils - essentially a slurry that has to be transported to a processing site, where it can be dewatered and prepared for disposal. Spill prevention is needed during the transport and handling

A lot of dewatering effluent is generated, and that requires treatment and testing. Leak prevention, spill control and containment plans must be followed to control the potential release of any dewatering effluent in preparation for transport.

At the dredge sites themselves, in the lagoons, turbidity curtain barriers would be used to contain any migration of the turbid water from outside of the actual test site.

As far as the potential contribution to flooding, from the discharge of dewatering effluent, that could be mitigated in two different ways. One would be, if the dewatering effluent could be discharged to the sanitary sewer system, or just by simply limiting discharge to Lake Tallac to when water levels are low.

The turbidity controls for dredging, substrate replacement, and dewatering are all important to the water quality requirements. For dissolved oxygen depletion, you could have oxygen demand from the organic sediments that are disturbed, so by the timing, and limited size of the treatments, turbidity, controls, and use of aeration if needed, they could minimize those effects to dissolved oxygen.

For increases in phosphorus and nitrogen, turbidity controls for dredging, substrate replacement and dewatering, are all important to prevent nutrients from leaving the sediment, and entering the water. Effluent treatment and testing would be required in testing before any release of dewatering effluent, to ensure that phosphorus and nitrogen levels were adequately reduced.

Spring macrophage surveys would be used in the dredge areas, and test site boundaries adjusted, to focus on the target species.

Effects on non-target, riparian and wetland habitats and species, could be eliminated by discharging the effluent to the sanitary sewer, or discharging in the summer and fall when the water levels are low.

They also took an in-depth look at what would happen under the No Action Alternative, which would be moving ahead with the limited amount of the weed control efforts that thus far have been unsuccessful, and the continued spread of aquatic weeds in Lake Tahoe.

Things that wouldn't change, are the ongoing risk of short term aluminum increases anytime the sediment is disturbed in the lagoons, and the ongoing potential risk from harmful algal blooms that have been observed the last several years in the lagoons.

The long term risks of water quality impacts from the growing aquatic invasive weed problem in Lake Tahoe are quite serious. These include increases in water temperature, increases in turbidity -which reduces clarity, increased floating weed fragments, more changes and fluctuation in pH, lower dissolved oxygen, and increases in phosphorus and nitrogen cycling from sediments into the water.

There are also a lot of concerning, increased long term impacts to aquatic ecology under this No Action Alternative:

- Displacement of native plant species with invasive species
- Shifts in aquatic plant communities
- Reduced health of benthic invertebrate community
- Increased risks to special status fish species
- Reduced suitability of habitat for native or recreationally important fish species
- Increased spread of aquatic invasive species overall

All these impacts would contribute to reducing the quality of recreational boating in Lake Tahoe, and the ability to meet TRPA recreation thresholds. There would also be concern long-term about impacts to water supplies in Lake Tahoe.

Mr. Good handed back to Mr. Zabaglo who continued describing the environmental review process. He explained that in July of 2020, the draft impact analysis was released to the public for a 60 day public comment period. In addition, a [project website](#) was established for the public to obtain information throughout the process, and multiple webinars and virtual meetings were held to ensure that the public had several opportunities to weigh in.

During the public comment period they received over 3000 comments, with the large majority as form letters, essentially expressing opinion on herbicide use. While there is certainly opposition to herbicide use, others stated that they really need to be tried in order to have any chance of success at solving the problem.

Other common themes included the nutrients, harmful algal blooms, blocking off the Keys during the test, and concerns about impacts to drinking water. Regarding the nutrients, the analysis revealed that the weeds themselves are the primary source of nutrients in the Tahoe Keys, and in order to change that pattern of returning nutrients to the system, actions to control the weeds are needed.

There were several comments on harmful algal blooms, and the cyanotoxins that they may be able to produce. As Mr. Good mentioned earlier, they are already occurring, and any method of treatment, herbicidal or not, could contribute to increases in their occurrences. The analysis identifies mitigation such as aeration, making this impact less significant, and treating early when the biomass is low, and when water is filling in as snow melts, to prevent some of those harmful algal bloom formations.

Comments were also received about putting a barrier between the Keys and the rest of the lake during the test. That idea was analyzed, and would do nothing to mitigate any of the potential impacts that were identified, but was also likely to result in increased occurrences of harmful algal blooms, as fresh water would be prevented from entering the lagoons.

Protection of drinking water was a concern for commenters. The analysis concludes that impacts to drinking water are less than significant, even before mitigation. Mitigations and protective measures include double turbidity curtains at all herbicide test locations, which would remain in place as long as herbicides can be detected.

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Treating in the spring utilizes the fresh water filling in the Keys. There are no other tributaries going into the Keys, so when the snow is melting, it prevents any water movement out of the Keys.

TKPOA will also be implementing a continuous monitoring program, routinely testing outside the turbidity curtains in the main lagoon and the lake proper, to ensure that herbicides have not escaped the curtains. It is also expected that the herbicides will degrade quickly.

The Tahoe Science Advisory Council provided input on the analysis, and their review concluded that the EIS is comprehensive and thorough.

The final EIS was released on December 29, 2021, and includes agency responses to every comment timely received. Responses are in the form of master responses to provide information on recurring themes, and also individual responses with more details needed. The final EIS also documents the changes that were made to the draft, most of which are minor corrections or providing additional clarification on an issue.

Attachment A of the staff report in the APC packet, discusses the findings required to certify the Environmental Impact Statement and the Rationale to support those findings. The EIS is technically adequate, it includes a reasonable range of alternatives, and response to all comments timely received. Most importantly, the analysis addresses a broad range of issues, and demonstrates that all impacts can be mitigated successfully. Only the non-project alternative has significant, and unavoidable impacts.

Mr. Zabaglo said that any chance they have of controlling weeds lake wide, hinges on their ability to do so in the Tahoe Keys.

Mr. Scott Ferguson of Lahontan Regional Water Quality Control Board, provided a summary of the hearing and action from the Lahontan Board meeting. He explained that the Board considered four actions, with the primary action related to the hearing today - certifying the Environmental Impact Report. The Lahontan Board hearing consisted of Lahontan staff making their presentation, followed by TKPOA, and was then opened up to over 50 interested parties. The TKPOA were given the opportunity to make closing statements and Lahontan made minor changes to the actions going before the Board. The Lahontan Board deliberated and unanimously approved the items; they adopted a resolution to certify the Environmental Impact Report, and adopted a resolution to grant an exemption to a Basin Plan waste discharge prohibition, regarding the use of aquatic pesticides in surface waters. They also unanimously approved a National Pollutant Discharge Elimination System Permit, that will regulate the residual herbicides, and the use of lanthanum modified clay. Finally, the Board approved an order establishing a mitigation, monitoring, and reporting program for the Environmental Impact Report.

### Commission Member Comments

Referring to Mr. Marshall's earlier instructions to APC members on this agenda item, Mr. Young said he didn't have comments or questions on the adequacy of the of the document. He asked if there is an assumption that one of these alternatives, or grouping of the alternatives, will actually get us where we need to go? And, are we prepared to find out that none of these are going to get us where we need to go, and what would we do in that case?

Ms. Simon wanted to share what she has heard from her community about the use of herbicides. There is a general feeling that this could threaten their water supply, not necessarily from the test, but from

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moving forward if herbicides are a rousing success. Ms. Simon also had questions about the EIS. Firstly, referring to the use of aeration “if needed”, she asked how “if needed” would be assessed. Referring to the use of lanthanum modified clay, she asked if that was a costly element, and safe to use. Ms. Simons asked how any degradation in water quality would be assessed for the various methods, and finally, she asked, if there was any indemnification for the TKPOA if things do go wrong.

In response to Ms. Simon’s question about aeration, Mr. Good said that a lot of monitoring will be required during implementation of the weed control methods, whether it be UV light or herbicides. Decomposing plants place an oxygen demand on the water, so there is concern about dissolved oxygen. Comprehensive monitoring of water quality during the test, will indicate whether aeration is needed, and when.

In answer to Ms. Simon’s questions about lanthanum modified clay, Mr. Good explained that implementation would involve spreading the material on the surface of the water. As it settles down through the water, the phosphorous molecules become absorbed onto the clay particles, and chemically bound to the clay. Mr. Good has not looked at information on cost, but he has reviewed the evaluation of potential toxicology to aquatic life, and at the concentrations approved for use, that would not present significant concern for fish, or aquatic life in the lagoons.

Mr. Marshall responded to Ms. Simons question, “what happens if things go wrong, and who pays”. He said that the question is outside the scope of the presentation, which is on environmental impacts. He added, that like all permits, there is a standard indemnification clause. With this permit and the anticipated effects, the chances of anything going wrong that would need to be indemnified, are very, very small because of the conclusions of the EIS. That is part of the permit conditions, that will go to the Governing Board for discussion at that level.

Ms. Chandler said that she lives in the Tahoe Keys, and spoke in favor of certifying the EIS. Since 2016, she has been on the Tahoe Keys Water Quality Committee. She is very much aware of the hard work that has gone into this proposal by many people. She has attended some Stakeholder Committees, and can attest that this has been a very transparent process, and the problem has been looked at from many different angles. She thinks that the process arrived at a scientifically sound test, that will give a good idea as to what is the best way of working on this problem. She believes that the option of doing nothing is the worst thing that can possibly happen. Ms. Chandler urged members to look at the science being presented today, and said that the risk of not doing the test, is much greater than the risk of doing the test.

Ms. Carr made a comment related to master response number 11. She said it was pointed out by some, that not including an alternative for filling in the Tahoe Keys, was a deficiency in the EIS. She can see why it is not a deficiency, because they are trying to test various methods for weed removal, and if they fill in the Keys, they can't do those tests. However, she presumes, that when they get to the next phase, three – four years from now, the potential for bringing that alternative back, as a long term solution, could come back on the table. So, people that are interested in discussing that solution to the weeds problem in the Tahoe Keys, could potentially be satisfied at a different point down the road.

Mr. Marshall confirmed that filling in the Tahoe Keys was excluded from the test project, which is the subject of the EIS. They know that filling in the Keys would be an effective strategy for addressing the weeds. It has substantial other effects, which may preclude it from being considered a viable alternative

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in the future, but it is not, as a matter of course, precluded from that next step after this test - which would be to consider the long term strategies to address weeds in the Tahoe Keys.

Ms. Carr asked if other test methods, if deemed favorable, could be expanded from a test-scale to a full-scale. Mr. Marshall said that the purpose of the test project was to test these methods and technologies, to inform the next decision.

Referring to AQU 7, 'effects on fish movement that would block access to spawning habitat', in the ES 1 table on page 203 of the APC packet. Ms. Carr said it talks about there being no significant potential to block fish movements, but there was discussion about use of turbidity curtains to control the migration of various elements during the testing project. She presumes these turbidity curtains would potentially prevent fish movement, and asked if that was significant given the timing of the test? Is that different from the time of spawning, or is there no spawning habitat in the Keys to being with?

Mr. Good responded that the habitat and use of the Tahoe Keys Lagoons is so very limited by the aquatic weed problem, that migration and use by fish was not found to be significant for the overall populations. So, where several individual fish might get impeded by a turbidity curtain, it would not have any significant impact on the fish community overall.

Ms. Carr asked how the Tahoe Keys, as a very, non-native construction, could have native species. Are these species present in other streams in the basin? How did they become native in this environment, and why are they important, as compared to the invasive species. Mr. Good said that aquatic plants are an important element of the aquatic ecosystem, in that they provide habitat and cover for native fish. They are an integral component of the ecosystem, and all the aquatic, biological life that lives there. So, we would not want to do anything to eliminate all aquatic plants from the Tahoe Keys Lagoons, or any other part of Lake Tahoe. He said that in some cases, native plants are just as effective at spreading around and inhabiting suitable habitat as the aquatic invasive plants that we are battling. The native plants have been there since very soon after the lagoons were excavated. What they would like to see, if some of weed control methods are successful, is that, after knocking back the dominance of the invasives, that spot treatments of invasives that bounce back, they could give the natives a chance to become dominant again.

Referring to AQU 3, on page 202 of the APC packet, Ms. Carr said it talks about there being no published evidence about endothall causing substantial, adverse effects. Ms. Carr commended the research, but asked if there would be ongoing monitoring of the plant species during the project. Mr. Good responded that pretreatment surveys will try to avoid the water shield, and adjust the boundaries of the test sites in Lake Tallac, to avoid a direct hit on any good, strong, healthy stands of water shield. Monitoring is required for the plant communities, both during and after treatments. This would all be part of the information generated from the test, to ascertain effects on the water shield, as well as on water quality, plant communities, benthic invertebrates, etc.

Referring to WQU 3, on page 190 of the APC packet: "fragments may incidentally break off from aquatic plants during herbicide applications, ultraviolet light treatments and placement of LFA systems in suction. Floating plant fragments may escape causing nuisance and adversely affect beneficial uses." Ms. Carr said it makes sense, and she is aware that disbursal of fragments is a real problem in the No Action Alternative. What surprised her, was that the coding on significance before mitigation, talks about the proposed project as 'not applicable' to this particular issue – when the description of the issues, that

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fragments may incidentally break off during herbicide applications, does not seem to be in alignment with the issue itself.

Mr. Good said that anytime boats are operational, there is a chance of generating fragments. With the aquatic herbicide application, there would be some lines off of the boat performing the application. Mr. Good said those would not do much to cause fragments, certainly not nearly as much as the harvesting machines. As for capture of the fragments, during the aquatic herbicide applications, and for weeks thereafter, there will be double turbidity curtains. So, fragments escaping out the main lake would be prevented pretty thoroughly. Some fragments will break off during use of the UV light array. With the UV light, the fragment control efforts that are currently used during harvesting, would continue to be used during this project, but they don't capture 100%.

Mr. Good said he would need to review the precise reference mentioned by Ms. Carr. Ms. Carr said it was certainly not a deal breaker on the adequacy of the EIS, but it just seems that there is potential for there to be fragments generated, before mitigation, that that would either be potentially significant or less than significant. Mr. Marshall said they would look at the appropriate denomination, it may be that 'less than significant', is more appropriate than 'not applicable' for that particular issue.

Mr. Teshara said he had listened in to the Lahontan Board meeting last week. He said he is not a technical expert, but has listened to many presentations on this important topic, and thought that the Lahontan Board, staff, TKPOA, and others who presented, did an excellent job. Mr. Teshara added that he appreciated Ms. Marchetta's framing of the item, and he is very comfortable supporting the action before the APC today.

Mr. Ferry said that he knows turbidity curtains are proposed as mitigation for dredging, and he has heard them mentioned as probable mitigation for herbicide spread as well. He asked if they are just talking about herbicide residues, since the herbicide is water soluble, and has any research been done on how will turbidity curtains control herbicide expansion or migration? Is that part of the test? Mr. Zabaglo confirmed that turbidity curtains are part of the proposed project for herbicide use, and are required by the Lahontan Permit to be kept in place, for as long as herbicides and their degradants can be detected. Previous trials of turbidity curtains, using rhodamine dye, with double turbidity curtains, showed 99% compliance, or ability to keep those things within the test area.

Ms. Simon asked if staff had any insight into the status of other proposals presented to the Lahontan Board last week. She said that one of them was an environmentally superior proposal that did not include the use of herbicides, but that was not adopted. Mr. Marshall responded that both the EIS and the EIR form a joint document. All the same alternatives were examined in the document. CEQA requires the identification of an environmentally superior alternative, but does not require it to be adopted if it does not achieve the purposes. That was the question before Lahontan Board, who unanimously chose to approve the proposed comprehensive test.

Mr. Marshall said that the role of APC today, is to look at the environmental document, to make certain that it is technically adequate, and that they can make the substantive findings set forth. One of the findings that the TRPA Governing Board will have to make, is which project it wants to approve - the proposal that is being recommended by staff, or they have within their discretion to choose a modified project. That is not the question before APC. The questions for APC are, was there a reasonable range of alternatives, and where those alternatives analyzed appropriately.

Public Comment

Mr. Jesse Patterson, Chief Strategy Officer for the League to Save Lake Tahoe (the League), addressed the APC. He said that the League is the largest and oldest organization, focused on protection of water quality and clarity of Lake Tahoe. Over 65 years they have had quite a bit of success in achieving that mission, thanks in large part to partnerships with many of the staff and partners who have worked on this project.

The League have never supported a project, program, or proposal that would threaten Lake Tahoe water quality, or clarity, and that is no different today. The Tahoe Keys has been a top priority for the League for almost a decade, as it poses one of the largest threats to a unique and delicate ecology, which if left unsolved, could damage the lake we know and love, forever.

Mr. Patterson said he was commenting to relay the Leagues strong support for the proposed project, recommendation to certify the EIS, and to provide some context on their involvement over the last decade, and how that has been incorporated into the project and environmental analysis.

Mr. Patterson has participated in several iterations of Tahoe Keys related Stakeholder Committees over the last nine years, including this most recent effort that led to the Control Methods Test proposal, and associated final EIS. All of that involvement has been inclusive, transparent, and very responsive to input given by the League and other partners.

Since 2013, the League have committed thousands of hours of staff time, and technical expertise from their team, which consists of water quality, environmental policy, community engagement professionals, several of whom have multiple graduate degrees in the field. They have also dedicated just over \$200,000 in direct funding, to support innovative pilot projects, which include non-chemical control method testing, aquatic weed containment projects, and additional scientific monitoring. In 2018, one of those projects was implementing the first ever bubble curtain, to help contain the spread of aquatic invasive weeds. The League have continued to improve and monitor it over the last three years, and will do so throughout the Control Methods Test, if approved.

The League also funded the implementation of the largest laminar flow aeration project in Lake Tahoe, at 5.9 acres in April 2019, because they were curious about how that might affect nutrient sources providing growth to plants. That information is included in the environmental analysis and Control Methods Test before APC today. While these efforts have been helpful, and show promise towards helping to control and contain the aquatic weed infestation, it has become incredibly clear that the currently tested methods are not enough alone nor a long term. The Control Methods Test was designed to help them learn about additional tools, and to determine which are effective in combination and in application. The environmental analysis considered all of this information in a thorough and transparent way.

Mr. Patterson said that the League strongly support the Control Methods Test Project, and encourage the APC to recommend certification of the final EIS. The League shares many of the questions heard today, but pragmatically we need to move through this very safe, very science based test, to learn more before we assess what comes next. They are very interested in what comes out of the test and how to apply something long term. The proposed project is scientifically based, and poses no significant threat

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to life. In fact, the No Action alternative is the worst thing that could happen to Lake Tahoe. In closing, Mr. Patterson said we are running out of time, and Lake Tahoe is too important, not to continue to explore a solution.

Mr. David Blau, League to Save Lake Tahoe Board Member and Program Chair, and Rubicon Bay homeowner, said that he had 38 years' experience in the preparation of CEQA and NEPA documents, including combined State and Federal documents. He echoed what Mr. Marshall had previously explained, that the decision before the APC today is the adequacy of the EIR. It is not what commission members might like, or not like about a certain aspect of a component, but the adequacy of the EIR as a full disclosure document.

Mr. Blau said that the League's mission is to protect water quality and clarity, and this cannot be done if the Tahoe Keys are not cleaned up. Lake and the ecological health of the Tahoe Keys are inseparable, and it has been hard to get many people to accept that - they want to focus on the debate within the Keys, but it is inseparable from the health of the lake.

Mr. Blau said the EIS is extremely thorough, legally defensible, science based, and one of the most complete and comprehensive EIS' Mr. Blau has ever seen. Mr. Blau doubts that this much work has ever been done on a testing program, in any environmental document.

Mr. Blau said the League are especially appreciative that the No Action Alternative, has been treated as a distinct alternative, all the way through. In most EIS', no action is dismissed in one or two pages, but in this case, it was treated thoroughly under every technical topic, throughout the document. He said it is not surprising that the conclusion was that the No Action Alternative is the most adverse, and the most harmful to the lake.

The League support the proposed project as stated. All three of the Category A tools need to be tested separately, as well as in combination. Mr. Blau said that UV light, and laminar flow aeration both have promise, but they have serious limitations, and are not likely to achieve the goal of 75% biomass knock back in the Tahoe Keys.

Mr. Blau said that the two herbicides proposed for use, have been in use for almost 50 years, and are EPA approved. There have never been any residual effects found, even where they have been used in lakes as drinking water supply, taking out. The herbicide tests will be done only in the first of the three years, and the dosage is less than half of what is allowable by the EPA. Mr. Blau said the key EIS finding, is no significant impact to environmental health, water quality, or aquatic biology. That was the finding from the environmental consultants, TRPA staff, and Lahontan staff. Lahontan staff went beyond that finding and said that the Control Methods Test satisfies all applicable exemption criteria. The EIS has also been peer reviewed by the Tahoe Science Advisory Council

Finally, Mr. Blau said there has been a lot of misinformation and misconception floating around for years relative to this project, and addressed three of these misconceptions. Number one, herbicides would be required every year after the test. Mr. Blau said that is absolutely false. The hope is that one comprehensive application will knock back the weeds by 75%, or close to it, and then other tools can be used for spot treatment and maintenance year after year. Number two, using herbicides would open the floodgates for use all over the lake. Mr. Blau said this is also not true - every use of herbicide would require separate exemption from Lahontan, and an EIR to back that up. And number three, it has been claimed that all methods have not been exhaustively tested. Mr. Blau said that he would submit that 12

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years of study, five years of environmental analysis, millions of dollars, and thousands of hours, would qualify as exhaustive. Mr. Blau said there is no silver bullet, and we cannot ignore the lake, and focus the entire debate on the Keys. He said we need to test all tools now, to find a science based, long term solution.

Mr. Blau pointed out that the EIS is unique in three ways. Firstly, he has never seen a full EIS/EIR used for a testing program. Second, he has never seen the no action alternative treated as a distinct alternative. And three, he has never seen this level of mitigation, monitoring and protection, to ensure that no harm is done to the lake itself.

Mr. Robert Larsen, Program Officer for the Tahoe Science Advisory Council (TSAC), said this is an extraordinarily complex and important issue. As has been mentioned, TSAC review the draft environmental document, and provided comments in January 2021. The reviewers found the document to be a thorough, comprehensive analysis of the proposed aquatic invasive plant control methods test project.

Mr. Larsen read a summary of the conclusions from a memorandum submitted by TSAC:

*“Dr. Sudeep Chandra and Dr. Alexander Forrest conclude that the Tahoe Keys Lagoons Aquatic Weed Control Methods Test DRAFT EIR/EIS, as a whole, has thoroughly considered the importance and urgent need for controlling aquatic invasive plants in the Tahoe Keys. Various approaches and alternatives that could be utilized for plant control for this situation and their potential impacts have been well researched and presented in a logical way. The document is well written, transparent in its findings and includes sufficient data analysis to proceed with projects that seek to control plants. Based on this work, sustainable solutions should be developed before the situation worsens both in the Tahoe Keys and then the broader body of Lake Tahoe.”*

Mr. Larsen concluded that this is an extraordinarily thorough and complicated document, and has been assessed by a number of professionals and experts in the field, including TSAC scientists. On behalf of the council, he encouraged the APC to recommend that TRPA Governing Board certify the Control Methods Test EIS, and advance this important project.

### Commission Member Comments

Ms. Carr said she was very pleased that this project did go through the Tahoe Science Advisory Council, because that is what the council is there for. Getting that independent peer review of this very important document was the right move. Ms. Carr also appreciated the letter that was issued back in January of 2001, which certainly helped in her decision making. So, thank you.

Ms. Stahler said she also very much appreciated the review of the No Action alternative, and found it pretty remarkable that the no action alternative, was found to be the least environmentally beneficial. She also found it remarkable that all potential impacts that were evaluated, were found to be less than significant. She would have expected some significant impacts, and maybe a statement of overriding considerations, but here, such care has been taken with the mitigation measures, that all potential impacts were found to be less than significant.

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Ms. Carr made a motion to recommend the Governing Board certify the final EIS as technically adequate as set forth in attachment A, with TRPA consideration of updating table ES 1 for issue WQ 3, to identify in the proposed project in Action Alternative One, the potential significance before mitigation, and to include mitigation actions in the table.

Ms. Stahler seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Mr. Hitchcock, Mr. Young, Mr. Guevin, Mr. Drew, Mr. Ferry, Ms. Stahler,

Abstain: Ms. Simon

Absent: Mr. Smokey, Mr. Letton, Mr. Hill, Mr. Booth, Ms. Ferris, Mr. Teshara  
**Motion carried.**

Ms. Chandler made a motion recommend the Governing Board make the compact Article Seven findings for the Final EIS, as set forth in Attachment A

Mr. Alling seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Ms. Jacobsen, Mr. Hitchcock, Mr. Young, Mr. Guevin, Mr. Drew, Mr. Ferry, Ms. Stahler,

Abstain: Ms. Simon

Absent: Mr. Smokey, Mr. Letton, Mr. Hill, Mr. Booth, Ms. Ferris, Mr. Teshara  
**Motion carried.**

VI. REPORTS

A. Executive Director/Upcoming Topics

Mr. Hester advised of some upcoming topics for the APC. Firstly, staff will be bringing a proposed amendment for the Bijou Al Tahoe Community Plan. An amendment on treatment of slopes between 30 and 50% for vegetation treatments and forest health will come before the APC next month. Also upcoming, is the AIS Program Update, a Threshold Update Briefing, and a series of code amendments dealing with Climate Change.

B. General Counsel

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Mr. Marshall thanked several APC members for making comments at the recent Lahontan Board Meeting.

C. APC Members

Mr. Guevin informed that the most recent storm resulted in significant damage to the Tahoe Douglas Fire Protection District Fire Boat. Tahoe Douglas Fire Protection District may need to acquire a replacement Fire Boat, and are continuing work for a proposed Public Safety Pier

Ms. Jacobsen advised that in December 2021, the Placer County Board adopted a Transportation Fee Update, which includes projects aimed at reducing VMT. The Board also held a workshop on potential updates to their short term rental ordinance. They will move forward on January 25, 2021, with an update to the ordinance, that includes a numerical cap, and a minimum night stay requirement, and increased penalties/fines on short-term rentals for the Tahoe region of Placer County.

Mr. Hitchcock advised that the City Council Meeting this evening will consider items including the Bijou Tahoe Community Plan Amendment, adoption of the 56-Acres Master Plan, and Tiny Homes on Wheels in residential neighborhoods.

Mr. Ferry said that El Dorado County and the City of South Lake Tahoe have reached consensus on agreement for the 56-Acres Master Plan. The agreement will go before El Dorado County Board on January 25, 2022. Last week, the El Dorado County Board adopted area plan amendments to include accessory dwelling units (ADUs).

VII. PUBLIC COMMENT  
None.

VIII. ADJOURNMENT  
Mr. Teshara moved to adjourn.

Chair Ferry adjourned the meeting at 12:47p.m.

Respectfully Submitted,



Tracy Campbell  
Clerk to the Advisory Planning Commission

*The above meeting was recorded in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review*

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

GoToWebinar

February 9, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ferry called the meeting to order at 9:30 a.m.

Members present: Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew, Mr. Guevin, Mr. Ferry, Ms. Ferris, Mr. Hill, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Teshara, Mr. Young

Members absent: Mr. Alling, Ms. Stahler, Ms. Simon, Mr. Smokey

II. APPROVAL OF AGENDA

Chair Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

January 18, 2022 APC Minutes will be posted in the March APC Packet.

V. PLANNING MATTERS

- A. Discussion and possible action on the Forest Health Code Language regarding Mechanical Ground-based Equipment on 30-50% Slopes, Chapter 61 Vegetation Forest Health – Sections 61.1.6.B through 61.1.6.D

[Agenda Item No. V.A. Forest Code Change](#)

TRPA Forest Health Program Manager, Dr. Kat McIntyre presented the item. Dr. McIntyre began by providing an overview of the background, history and need for these amendments. She explained that the amendments being presented today, are part of a larger suite of Forest Health Code Amendments, that she has been working on for the last two years. She reminded

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APC members that she had presented to them several times in 2020 on code amendments focused on clarification, standardization, and bringing the Forest Health Code regarding forest health and vegetation, up to speed with modern practices.

The code amendment package being presented today, was presented to the the Forest Health and Wildfire Committee in November 2021, and to the Regional Plan Implementation Committee in January 2022. Both Committees reviewed the amendments, and recommended them for TRPA Governing Board approval.

The Angora Fire struck in South Lake Tahoe in 2007, and burned approximately 3,100 acres, and over 250 structures. The 'Emergency California-Nevada Tahoe Basin Fire Commission Report was produced as a result of that fire. This was a collaborative, bi-state effort to consider and recommend a variety of recommendations on policy, implementation, and education, regarding vulnerability to fire and forest resilience, within the basin.

Over the years, staff have been chipping away at the recommendations, and one of the final recommendations is Recommendation 17 – Simplifying Regulations, Subpart J:

*“The Commission recommends the Tahoe Regional Planning Agency, The Lahontan Regional Water Quality Control Board, USDA Forest Service, and other affected agencies amend their planet ordinances to allow equipment use on slopes greater than 30% based on current and future technology and current forest practices to ensure research resource protection.”*

In September 2021, Chris Anthony from Cal Fire gave a Caldor Fire briefing to the TRPA Governing Board, during which he highlighted that this last recommendation is critical in terms of reducing fire risk, and overall forest resilience within the basin. Dr. McIntyre added that outside of the basin, other agencies and implementers, are allowed to use ground-based mechanical equipment on slopes above 30%. Currently, both the California Forest Practice Act, and Nevada Division of Forestry Regulations, allow the practice.

Referring to slide 6, Dr. McIntyre described photographs that illustrate Fire Treatment Effectiveness for the Angora Fire. The quote from Safford et al., 2009, states, *“Our results show that fuel treatments generally performed as designed and substantially changed fire behavior and subsequent fire effects to forest vegetation. Exceptions included two treatment units where slope steepness led to lower levels of fuels removal due to local standards for erosion prevention. Hand-piled fuels in one of these two units had also not yet been burned.”* Dr. McIntyre said this statement highlighted the reason for the proposed amendments.

Dr. McIntyre also described photographs (slide 6) from the Emerald Fire, where the photograph on the left side, shows an untreated area where all the trees were scorched and burned. As the fire moved into treated areas (right photo), the fire dropped to the ground with the result that there was much less tree mortality and scorched earth. This highlights how the ability to access and treat areas, with ground based equipment is critical, not only for forest resilience, but also for reducing fire severity.

Dr. McIntyre said that within the Lake Tahoe Basin, approximately 6,100 acres, or 27% of total land, falls on slopes of 30 to 50%. It is important to remember that not all of those are forested areas. Of those acres 25,300 acres, or 41%, fall within Wildland Urban Interface (WUI) defense

and WUI threat zones. As highlighted by the Caldor Fire, those are the areas around communities and neighborhoods, where treatment is critical, in order to protect those communities, and to allow firefighters to get in and perform their work when managing a wildfire. Finally, the majority of acres are on federal lands - 47,000 acres or 77% fall on federal lands.

Currently, the Code of Ordinances, allows for hand treatment on slopes of greater than 30%, so does not allow the use of ground based mechanical equipment. This can be problematic for a variety of reasons. Firstly, hand treatments are often more resource intensive, and therefore more costly. When talking about limited funding, and limited budgets it means that the funding cannot go as far.

Dr. McIntyre said that they also know that pile burning is less ecologically beneficial than a broadcast burn. While the proposed code amendment will not completely replace pile burning, we will see a large reduction of piles on the landscape, if we are able to use ground-based mechanical equipment. All of this also has implications for the pace and scale of restoration, and there is wide recognition that we need to increase the pace and scale of our treatments.

Dr. McIntyre said that staff had engaged with science partners, the Pacific Southwest Research Station, to assess the erosion effects of a variety of restoration treatments, on hill slopes and soil types within the Lake Tahoe West Landscape, and then across the entire Lake Tahoe Basin. In July 2021, the science partners presented to the Forest Health Wildfire Committee on the initial results in their WEPP (Water Erosion Prediction Project) Report. The complete report is Attachment D of the Staff Report in the APC Packet.

Dr. McIntyre highlighted a few of the key findings from the report. The WEPP Report found that sediment and phosphorous yields from moderate or high severity fires, were significantly more than all thinning scenarios. So, even the most robust thinning scenario (that would never be considered in the basin), was not producing as much sediment or phosphorus as a moderate or high severity fire. They found that Land Managers would need to apply thinning treatments more than 50 times within 60 years to generate erosion that would eliminate the benefits of reducing wildfire severity from moderate to low. Dr. McIntyre said that scenario is completely unheard of, and would never happen.

The WEPP Report also found that most sediment yield on slopes between 30 to 50%, comes from areas that are covered by shrubs and grasses, and not from forested areas. So, those areas are actually not going to be subject to ground based mechanical equipment.

Finally, on hillslopes between 30% and 50% thinning will increase the risk of erosion, but when thinned hillslopes erode, the sediment yield is no different when compared to an untreated hillslope.

Following the release of the WEPP Report, Dr. McIntyre began work with key Tahoe Fire and Fuels Team members to collaboratively review, and craft code language that maintains environmental protections, while allowing for the increased use of ground based mechanical equipment on steeper slopes.

The proposed code amendments fall into two main categories. The first is 'clarification and

standardization’, and the second is ‘expanded treatment opportunities’.

Dr. McIntyre provided an overview of the code amendments for clarification and standardization. The first piece (slide 16) is around “Inclusion of over frozen ground tree removal”, and just standardized with previous code updates, to include removal of trees over snow, and over frozen ground. The original amendment was based on the fact that going over frozen ground is often less environmentally impactful, than going over snow.

Secondly, for the Refinement of Equipment Definitions (slide 17), staff refined the equipment definitions to reflect the current suite of machinery and technology available for tree removal, and to reflect what is actually occurring out in the field.

The next major section of proposed code amendments is for Expanded Treatment. Slide 19 shows refinements to Table 61.1.6-1, including removing the word ‘roads’ from ‘tractor roads and main skid trails. Implementors felt that we typically think of a road as being engineered to specific standards, when in fact, they are really actually using tractor trails. The other refinements to Table 61.1.6-1 are an increase in the maximum grade for ‘tractor and main skid trails’ and ‘secondary skid trails’, from 30% to 50%.

Slide 20 – Refinement of Table 61.1.1-3, shows the amendment to replace the TRPA water break spacing requirements, with the California Forest Practice Act water break spacing requirements. Dr. McIntyre reminded APC members that while the California Practice Act allows implementers to go up to 65%, the proposed amendment only goes up to 50%, so the revised table is a cropped version of the California Practice Act table, up to 50%. Staff feel this is a good substitute, because it gets way from the Land Capability District piece, while maintaining the hazard rating (which includes slopes, soil type, parent rock) so still encapsulates what goes into the Land Capability Districts. Both California and Nevada representatives were comfortable with this substitution.

Slide 21 - Refinement of Table 61.1.1-4 (areas over 30%) shows additional proposed language to add *“Use of ground based equipment and skidding may be used pursuant to 61.1.6.F.1 through 61.1.6.F.5 with approval by the TRPA”*

Slide 22 shows the proposed language for skidding on 30%-50% slopes. Dr. McIntyre explained that this was the big addition, *“Ground skidding may be permitted on slopes under 30%. Ground skidding on slopes between 30 and 50% requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion.”*

Slide 23 shows the proposed language for ground-based mechanical equipment on 30% to 50% slopes, which says, *“On slopes between 30% to 50%, ground based vehicle systems for tree removal requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion.”*

Dr. McIntyre summarized by saying that the Caldor Fire highlighted the critical importance of forest treatments and defensible space work, and reminded APC members that the proposed

amendments have received unanimous support from both the TRPA Forest Health and Wildfire Committee, and the Regional Plan Implementation Committee.

Dr. McIntyre said that the Tahoe Fire and Fuels Team produced their Forest Action Plan in 2019, and the plan charts a way to collaboratively accelerate landscape restoration and wildfire protection, focusing on technology capacity, and streamlining permitting and planning. With the plan in place, staff have seen an influx of funding for forest treatments and resilience, and feel that these code amendments will help increase the pace and scale of work to increasing fire resilience and reduce fire risk.

Dr. McIntyre said that the Expanded Checklist and Findings made findings of No Significant Impacts for all elements. She added that multiple levels of environmental protection are in place for water quality, erosion, and vegetative management, including:

- Current TRPA Code of Ordinances
- CA and NV Forestry Regulations
- LTBMU Forest Plant Standards and Guidelines (2016/2017)

#### Commission Comments and Questions

Mr. Young thanked Dr. McIntyre for the presentation, and said he had a question relating to Washoe County's newly adopted Area Plan. In the plan, Washoe County made a commitment to do an urban forestry plan. While that is not directly related to these amendments, which are easy to support, Mr. Young asked if staff were aware of anything in Washoe County's existing standards or approach, that ought to be changed to keep up. Mr. Young added that the north end of the lake watched what happened at the south end, and recognize the need to move forestry up the priority ladder on the North Shore, particularly in the Incline to Crystal Bay Area. He would appreciate some communication from staff about what needs to be done to keep pace.

Mr. Hill thanked Dr. McIntyre for the presentation, and said it was clear that this has been a very thoughtful process, and shows great work with partner agencies. He said that many of the watersheds are unique in their own way, and more susceptible to erosion than other watersheds. He asked Dr. McIntyre if she had an idea of where the thinning or logging is expected to take place, over the next few years in the Tahoe Basin.

Dr. McIntyre responded that she did not have full details, but there are parts of Lake Tahoe West that would definitely benefit, and she expects those areas to be high on the priority list. Dr. McIntyre added that there are sections of Homewood that are also being considered. Dr. McIntyre said she will follow up with implementers for more specific information, and noted that the WEPP Analysis reviewed and calibrated multiple watersheds within the basin, and analyzed and modelled over 73 different watersheds in the basin. Referring to the map in the WEPP Report, Dr. McIntyre said that almost every watershed was modeled, and illustrates very good parity between what the model was producing, and what they were actually seeing.

Mr. Hill asked if this would totally eliminate the need for hand treatment, or if depending on the project, there might still be a need for hand treatment methods in addition? Dr. McIntyre replied that there will still be a need for hand treatment for areas above 50% slope, areas with access issues, and for small

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pocket areas where hand treatment makes more sense. While there will still be a need to involve hand treatment, efficiency will be gained in combining different techniques.

Mr. Drew thanked Dr. McIntyre for the presentation and asked for an example of where the proposed amendments would be used to get forest health to where we need it. Dr. McIntyre referred to slide 8, which shows that 41% of the 30-50% slope acres (totaling 25,330 acres), in the Lake Tahoe Basin, falls within the WUI defense and WUI threat zones. Those areas are adjacent to communities, and where the current language would be prohibiting mechanical treatment. Slide 6, showing effects from the Angora Fire, illustrates how steeper slopes, where mechanical treatment was prohibited, burned really hot. Dr. McIntyre said this supports the case for this amendment in getting more critical work done.

Mr. Hill said that in reviewing the staff report and background materials, we currently have areas where agencies are constrained to hand thinning only, and given the concentration of stands and vegetation in those areas, hand thinning cannot get the density to where it is needed to meet the goals and objectives for fuels reduction. The current code language is restricting the ability of agencies to treat areas with slopes over 30%, some of which are in the WUI, and based on the analysis, density is left higher than preferred in these areas.

Mr. Hill asked if there had been any discussions about areas that burned as a part of the Caldor Fire – how many of those acres fall over 30%, and were therefore untreated, and contributed to areas that burned extremely intensely. Was there any analysis that shows what would have happened if these amendments had been in effect? Dr. McIntyre responded that analysis had not been performed on that, but it would be a good idea to undertake with the TRPA GIS Team. She added that Chris Anthony (Cal Fire), presented anecdotal evidence to the TRPA Governing Board in November 2021, that it was very clear to see that the Caldor Fire effects were much more significant and aggressive in areas of 30% to 50%.

Mr. Hill said that we have seen firsthand what happens under these new climate scenarios, and we clearly have to respond to the new fire regime we are dealing with. Although some of what we are talking about today may raise some concerns, the reality is that we have to do something different. He does not know that the current proposal is the final solution, but he appreciates the thought that staff and partners have put into a proposal to try and address the changes. He said that we are entering an uncharted area, and we have to recognize that there will be some unknowns.

Ms. Chandler thanked Dr. McIntyre for the presentation. She was unfamiliar with this topic, so spoke with a friend who is a retired forest service staff member, who reviewed the material and said that it was incredibly well thought out, and would really assist with forest management. She said it would help with fuel reduction throughout the basin, and she was impressed with the proposed review safeguards. She said it fulfills the critical need for increasing the scope and scale of fuel reduction, while ensuring sound mitigation, and was very supportive of this amendment.

Ms. Jacobsen echoed Ms. Chandler's comments and said she is supportive of the amendments. Ms. Jacobsen asked if there was mapping to show the areas that have been treated to date, and where the gaps might be. Dr. McIntyre said the Tahoe Fire and Fuels Team (TFFT) have detailed mapping (GIS files) documenting all of the areas that have been treated, and conduct annual reviews to determine what will be treated in the future.

Referring to the study, Vice Chair Ms. Carr said the conclusions spoke to a number of innovative, project planning level mitigation strategies for mitigating any potential environmental impact, that look really

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good. In regard to minimizing potential impacts of treatments on sediment and water quality, the study encourages high patchiness of treatments, staggering treatments in time and space, designating topographically based buffers, planning upland treatments to follow meadow restoration designed to help capture eroded sediments, and using care when re-opening access roads to minimize erosion risk. Ms. Carr said she will send the list to Dr. McIntyre, because it comes from the study, and not from the APC packet documentation. Ms. Carr asked how staff and partners might include some of those mitigation strategies into TRPA materials, so that they are more obvious to project proponents who may not be reading the study. Is the Code the right place, or is there somewhere else that could include those mitigation strategies? Dr. McIntyre explained that the language in the amendment was not an exhaustive list, to encourage implementors to be creative, and use all available tools when minimizing and mitigating potential environmental impacts.

TRPA Counsel Mr. Marshall agreed that Ms. Carr offered great ideas, and confirmed that staff had reviewed the list. The reality is that these 30% - 50% slopes are located almost exclusively on either federal or state lands, so those are the two principal implementors (USFS or Nevada Division of Forestry). Getting this equipment is not an insignificant commitment of resources, and the individual permitting decisions will be coming through TRPA, and through design by the Tahoe Fire and Fuels Team. So, the work that was done by the scientists, was also informed by the implementation of this type of work, both inside and outside the basin. Mr. Marshall added that staff can work on ensuring the best possible project design, because it has to go through both federal, state and TRPA permitting. Ms. Carr agreed that it was good to recognize that any project proponents will be limited, and should be experts in the field.

Referring to the changes in 'frozen ground', Ms. Carr said she noticed deletions such as requirements for packing snow over roadways, or stopping use in an area when dirt shows up on top of the snow (page 45 of the APC Packet: Section 61.1.6-B). She asked if those practices were no longer considered the gold standard? Is that no longer good practice, or are you just assuming that if there is snow, there is frozen ground underneath. Dr. McIntyre responded that was not common practice, and that there already definitions for what can or cannot be done for removal over snow or frozen ground, both in the TRPA Code of Ordinances, and in the Forest Practice Act, and in Nevada Division of Forestry Regulation. So, staff felt that was in excess of standards that are already been met.

Referring to page 46 of the APC Packet, Ms. Carr asked about the language change referring to 'skid trails located to protect residual stands through utilization of natural openings and topographic characteristics'. The following sentence reads: "*the number of skid trails shall be kept to the minimum necessary and their width shall be 15 feet or less shall be the minimum size needed.*" Ms. Carr asked about the change – can the minimum needed now be more than 15 feet? What is the idea behind the seemingly vaguer language? Dr. McIntyre responded that change is intended to give implementers the latitude and flexibility to get the work done as necessary. The reasoning would be that one good trail of 20 feet, might do the work of two skid at 15 feet or less, lessening the overall impact.

Referencing the same paragraph (Page 46, 2) Ms. Carr note that "and shall require approval by TRPA", was also proposed for deletion. She asked what the process would be for TRPA to evaluate the minimum size needed. Who does the review and approval? Dr. McIntyre responded that approval would still take place at TRPA staff and executive level, as part of the mapping process for any proposed project. Mr. Marshall added that if you look at other places in the Code that require TRPA review and approval for projects of 30-50%, the striking of the language has no effect since those projects already require review and approval.

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Ms. Carr questioned whether there was a typographical error in the code change on Table 61.1.6-4: Tree Removal Methods (page 47 of APC Packet). For Land Capability Districts 1A, 1C, or 2, referring to the use of ground based equipment and skidding, used pursuant to 61.1.6.F.1 through 61.1.6.F.5., she believes that F should say D.

Ms. Carr asked about the Initial Environmental Impact Checklist (IEC). The introductory statement on the first page refers to Mechanical Treatment on Steep Slopes in NRS Chapter 528, requiring a variance procedure from the Nevada Fire Warden. Ms. Carr said she talked with Nevada State Lands about the variance process, and they were not sure. She asked for clarification on the variance process for a Steep Slope Project in Nevada, and recommended that a variance question should be added as part of the checklist.

Ms. Carr asked for clarification on how staff thought through the IEC. Referring to Water Quality section, Part B and Part E (page 75 of the APC Packet, page 9 of the IEC), she noted they checked 'No', and questioned if that should be 'No, with mitigation', because BMPs are needed to mitigate potential impacts of erosion related to tree removal on steep slopes. How do you choose when to check 'No', and how do you choose when to check 'No, with mitigation'?

Mr. Marshall responded that the IEC looks at a project as proposed, to determine whether or not it needs additional mitigation to be able to make the finding. So, you go back to the code, where BMPs are already part of the requirements of the project - we don't need BMPs as mitigation because they are already folded into the project. We are looking at how the project will occur on the landscape. Because the code, together with all the requirements from state law, is a complete package, we don't need additional mitigation.

Referring to Section 18 of the IEC - Scenic Resources/Community Design (page 86 of the APC Packet, page 20 of the IEC), Ms. Carr asked if the boxes were checked as 'No' because the impacts were temporary? Mr. Marshall said that at this point they could not know if any proposed projects would be visible. Dr. McIntyre confirmed that it is not possible to speculate on where, if at all, there might be scenic impacts, or if any impacts might be temporary. Ms. Carr agreed that was supported by the Findings of Significance Section 21.B, that asks if the project had the potential to achieve short-term, to the disadvantage of long term, environmental goals.

Finally, Ms. Carr referred to written comment from Mr. Doug Flaherty regarding the fact that the IEC was not signed. She assumes that does not prevent action today, but that the document would require to be signed and dated prior to becoming part of the record with the TRPA Governing Board.

Mr. Guevin said that the variance through the state is a simple process, and usually has to do with Stream Environments Zones, but can refer to steep slopes. The Tahoe Douglas Fire Protection District has received those variance applications, and it entails contact with the Nevada Division of Forestry Resource Officer, to work with a multi-disciplinary team to review that variance.

Mr. Guevin added that the proposed amendment is required in the basin. The ability to use mechanical tools is really important, and the damage from uncontrolled wildfire far exceeds any damage that we would have with mechanical treatments. The Angora Bi-State Report showed this as a necessary improvement to the Code of Ordinances. Steep slopes about 41% of the WUI and our residential areas, which are an important piece of the Forest Action Plan. Frozen ground is also a key change. This is not the final solution, but it an important tool in the toolbox, and not having it will have significant negative

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impact on the fire danger in our region. This does not represent a ‘free for all’, there is still oversight, and this is a responsible use of funds, and responsible maintenance of the land.

Mr. Teshara stated that page 1 of the IEC (page 67 of the APC Packet) references the fact that other areas/jurisdictions already have similar rules to the proposed amendments, so TRPA are just catching up. Specifically, Article 4 of the California Forest Practice Act, Nevada, NRS 528, and the LTBMU 2016 Land Management Plan. Mr. Marshall said that all projects are planned within those statutes, so all the conditions that apply to state or federal project rules, also apply to projects within the Tahoe Basin. Mr. Marshall added that the fact that Forest Service projects outside of the basin can already go beyond 50%, is illustrative of the advance in the technology that allows new machinery to work these slopes safely, and without significant environmental impact.

Referring to Mr. Doug Flaherty’s written comment on the IEC being distributed without signature, Mr. Teshara noted that Dr. McIntyre would sign off on the IEC as it moves forward.

Finally, in regard to earlier comments regarding scenic impact, Mr. Teshara said we should remember that the forest is over dense. So, while there may be a scenic impact in terms of creating space, it is actually an improvement because the trees are too dense in many areas.

Mr. Drake said that following the Angora Fire he was involved in work that triggered many of these conversations about the need to accelerate mechanical treatment to get this work done. He is wholeheartedly supportive of the change to the code. On a landscape scale, there is no doubt that the erosion impact of a catastrophic hot wildfire moving through the basin would be wildly more than the impact of a smaller scale treatment project, but we still must do our best to get these projects done with minimal impacts, and take responsibility for the impacts that come along, and fix them. Sometimes that is just the difference between having a great operator who is paying attention, versus somebody who might be in hurry and a little careless. So, he is less interested in the landscape scale, basin wide discussion, and much more concerned in the project scale implementation.

Mr. Drake said he had been involved in a few moderate scale projects, using variances, where the impacts were truly mitigated – not just checking boxes. When looking at some antiquated TRPA Code around maintenance and mitigation, he is concerned that the language does not reflect the state of the science. He said they have been talking about this for over a decade, and he would love to see TRPA embrace some of the work that has been done on some of the more site specific tools that are out there. Mr. Drake said that the Code of Ordinances may not be the place for it, but there may be opportunities in the BMP Handbook, or the project mitigation criteria, to give these implementers the flexibility they need to use their expertise on the ground, and to acknowledge that every site is different. Mr. Drake referred to the [2015 Forest Management Guidebook](#), and said he would love to see that being used. WEPP modelling is great for landscape scale NEPA and CEQA assessment, but he does not give it much credibility on a smaller project scale, where we really need eyes on the ground. Often it is about very simple things that can be done to leave a project in good shape, and much of it has to do with compaction and keeping cover on the surface.

Mr. Drake added that he is supportive of this amendment, and thinks it is a real opportunity for TRPA to show how adaptive management can be put into action on a project scale, not just a big, basin wide planning scale.

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Mr. Ferry said that he had asked Mr. Marshall how slope is measured. Was it an overall average? Mr. Marshall had responded that it is not measured as an overall average, and that a 50% slope cannot be exceeded anywhere within a treatment area.

### Public Comment

Ms. Laura Patten, Senior Science Policy Analyst with the League to Save Lake Tahoe (the League), said that the League is supportive of the concept of basin wide code amendment to allow ground based mechanical equipment on slopes up to 50% . The League understands that approximately 20% of the project area for Lake Tahoe West for example, consists of slopes between 30% - 50%. That area will benefit from ground based mechanical thinning, and any environmental analysis will need to consider the effects of using ground based mechanical treatments in those areas, and the effects of the code change for the entire Lake Tahoe Basin.

Ms. Patten said that the proposed change is in line with one of the goals of Tahoe agencies and partners, to increase the pace and scale of restoration. The science on thinning scenarios shows a narrow increase in sediment and phosphorus yields, while a moderate or high severity fire like the Caldor Fire, would have larger implications on water quality and Lake Tahoe's renowned clarity. Therefore, the League recommends moving forward with this code change amendment.

Mr. Ferry asked Mr. Marshall to address written comments submitted by Mr. Doug Flaherty. Mr. Marshall said a couple of his questions had been addressed in the prior discussion, so he focused his response on Mr. Flaherty's comments regarding the ability to bring projects forward under a checklist, as opposed to an EIS, and how that also relates to our list of exempt projects, where environmental documentation is not required.

Mr. Marshall said that the world of potential projects can be divided up into categories. First, projects that are so benign we can say, as a matter of a categorical exclusion, they do not need to complete environmental documentation. That is the exempt list. The proposed plan amendment does not fit within that category – it fits within the category of the remainder of the projects, where a stepwise environmental review process is required. Initial Studies, Checklists and IECs, all function to inform what type of environmental review is required to flush out any potential environmental impacts, and make a finding as to whether a project can go forward, without an EIS, because there are no significant environmental impacts. If a checklist finds that there are significant impacts, the process moves on to the next step, with either an environmental assessment or an EIS. Mr. Marshall believes that Mr. Flaherty is suggesting that an EIS is always required, unless a project is exempt. Mr. Marshall said that is not accurate. He pointed out that most projects in the basin, move through an environmental documentation process, based on a document other than an EIS. Mr. Flaherty's overarching comment that we are somehow in violation of the compact, or the rules for using an IEC, is a misunderstanding of the environmental documentation process works.

Mr. Marshall said the Mr. Flaherty's comments include generic statements that this project will have an environmental impact because it covers a large area, or because it is controversial, so the comments are not substantive. The size of an area is not a standard that plan amendments are subject to - they look at whether or not there is going to be an environmental impact, in the knowledge that individual projects will still have to go through TRPA permitting and an additional environmental review process.

Commission Member Comments

Ms. Carr made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the Staff Report, with the fix to Table 61.1.6-4 Tree Removal Methods (to change 61.1.6.F.1. through 61.1.6.F.5, to 61.1.6.D.1. through 61.1.6.D.5)

Mr. Guevin seconded the motion.

Ayes: Ms. Chandler, Mr. Drake, Ms. Carr, Mr. Drew, Mr. Guevin, Ms. Ferris, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Hill, Mr. Teshara, Mr. Young, Mr. Ferry

Absent: Mr. Smokey, Ms. Simon, Ms. Stahler, Mr. Booth

**Motion carried.**

Ms. Carr made a motion to recommend adoption of the Ordinance 2022 -\_\_\_\_, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A, with the fix to Table 61.1.6-4 Tree Removal Methods (to change 61.1.6.F.1. through 61.1.6.F.5, to 61.1.6.D.1. through 61.1.6.D.5)

Ms. Chandler seconded the motion.

Ayes: Ms. Chandler, Mr. Drake, Ms. Carr, Mr. Drew, Mr. Guevin, Ms. Ferris, Ms. Jacobsen, Mr. Letton, Ms. Roverud, Mr. Hill, Mr. Teshara, Mr. Young, Mr. Ferry

Absent: Mr. Smokey, Ms. Simon, Ms. Stahler, Mr. Booth

**Motion carried.**

VI. REPORTS

A. Executive Director/Upcoming Topics

Mr. Hester provided an update on how the TRPA Governing Board had responded to recent recommendations from the APC. Last month the APC made a recommendation on the TCAP Area Plan. The amendment did not pass, and a motion was made to bring the item back for reconsideration at the next Governing Board meeting. The Tahoe Keys Weeds agenda item, that was recommended for approval for by APC, was approved by the TRPA Governing Board.

Upcoming items for the APC will include items on the Bijou Al Tahoe Community Plan Amendment, an Aquatic Invasive Species Update, the Upper Truckee River Golf Course Environmental Documents, and a Thresholds Update.

Tracy Campbell advised APC members that future virtual APC meetings will shift platforms from GoToWebinar to Zoom, effective immediately

B. General Counsel

No Report

C. APC Members

Ms. Chandler advised that the Tahoe Keys Property Owners Association is moving forward with a plan to implement the Tahoe Keys Control Methods Test Project, beginning in May 2022.

Mr. Guevin advised that the Tahoe Douglas Fire Protection District are working with the Department of Transportation on the Highway 50 Corridor, to look at fuels reduction from the roadway. They are also looking at parking and parking plans along Highway 50, and spurs.

Mr. Guevin added that they have heard that the Tahoe Keys will be raising the rates for launching boats, and are concerned about the impact of potential increased activity at other boat launch facilities. He said that Nevada State Parks are moving forward with a reservation system at Sand Harbor, and that may carry over to the Cave Rock facility. He said they are concerned about the impacts on roadside parking and the environment.

Following the recent storm incident, and total loss of the Tahoe Douglas Fire Protection District Fire Boat, Mr. Guevin advised that they have launched their reserve boat, alongside the Sheriff's Department Search and Rescue boat. They hope to have a new Fire Boat back on the lake by Fall 2022. Tahoe Douglas Fire Protection District are also working with the Forest Service and other agencies to establish a public safety pier at Zephyr Cove.

Finally, Mr. Guevin said that Tahoe Douglas Fire Protection District are also working on their Save the Basin program, which is a helicopter initiative to have a dedicated Fire Rescue Helicopter in the Basin.

Ms. Jacobsen advised that the Placer County Board recently heard a second reading of an updated short-term rental ordinance, which will set a limit on short-term rentals for Eastern Placer at 3,900. The ordinance also includes stricter operational standards for enforcement. Placer staff are developing a program around the ordinance, and forming a working group that will continue to provide guidance on the program as it moves forward.

Ms. Roverud informed that the City of South Lake Tahoe are in the process of completing their General Plan Housing Element Update, which is required by California State Law to be completed by June 2022. A [draft](#) of the new Housing Element is available for public review on the City's website, and virtual and in-person workshops are being held for public participation and input.

Mr. Teshara honored the legacy of former City of South Lake Tahoe Attorney, and former Town of Truckee Attorney, Mr. Dennis Crabb. Mr. Crabb was a great human being who was always happy to help, and lend his expertise on a wide variety of issues. He was a good facilitator who came in to try to mediate between partners, and also served as the District Councilor for the Tahoe Transportation District. Following his retirement, Dennis and his wife Pat, did a lot of traveling around the world, before he sadly passed away just recently in Reno, Nevada.

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Ms. Carr asked if there was any update on when APC meetings might be able to be held as hybrid or in-person meetings. Mr. Marshall responded that there are some internal technical restrictions that are currently being addressed. TRPA will provide an update shortly.

Mr. Ferry informed that El Dorado County is hoping to begin construction on a San Bernadino Bike Path Project. The project will provide a new pedestrian bridge over the upper Truckee River, connecting Tahoe Paradise Park to the North Upper Truckee Neighborhood.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Mr. Teshara moved to adjourn.

Chair Ferry adjourned the meeting at 11:26 p.m.

Respectfully Submitted,



Tracy Campbell  
Clerk to the Advisory Planning Commission

*The above meeting was recorded in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review*

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STAFF REPORT

Date: March 2, 2022

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Upper Truckee River Restoration and Golf Course Reconfiguration Project Notice of Preparation and Public Scoping

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Summary and Staff Recommendation:

The Tahoe Regional Planning Agency (TRPA) and California Department of Parks and Recreation (State Parks) released a Notice of Preparation (NOP) for a CEQA draft Environmental Impact Report (EIR) and TRPA Environmental Impact Statement (EIS) for the Upper Truckee River Restoration and Golf Course Reconfiguration Project (Project) on January 28, 2022. State Parks will be the joint document lead and the Project implementor. This report is informational, and no action is required.

Historical logging, gravel mining, grazing, channel manipulation, and development of the Lake Tahoe golf course directly adjacent to the floodplain have all negatively impacted this section of the Upper Truckee River. The river is straightened and rarely overbanks or inundates the floodplain. The golf course was built between 1958 – 1963 in the river floodplain and meadow. Golf course bridges constrict the channel and turf extends to the edge of the river in several locations. These impacts have changed the bed and bank dynamics of the river and cause degradation of instream and riparian habitat and increased erosion leading to poor water quality in the Upper Truckee River and eventually Lake Tahoe. The project is a high priority Environmental Improvement Program (EIP # 01.02.01.0010) project that aims to restore priority meadows, wetlands, and Lake Tahoe tributaries

The proposed project will restore a 1.8-mile section of the Upper Truckee River and reconfigure the golf course. The reconfigured golf course will remain an 18-hole regulation golf course completely within the limits of the Lake Valley State Recreation Area (LVSRA). The project goals include:

- Reduce erosion, fine sediment and nutrients into the Upper Truckee River and Lake Tahoe;
- Restore natural river channel to proper geomorphic function and reconnect to floodplain;
- Remove golf from rivers edge and restore habitat corridor with buffer zone;
- Improve aquatic and wildlife habitat;
- Improve and expand riparian and meadow vegetation;
- Reduce impacts of dated golf course by integrating environmentally sensitive designs; and
- Provide wide array of recreation access.

The project website has more information on the history of the project and current project description and may be found here: [Upper Truckee River Restoration & Golf Course Reconfiguration Project](#)

Background:

State Parks circulated a draft EIR/EIS/EIS in 2010. Some members of the public did not support the project at that time because a portion of the golf course would have been moved into Washoe Meadows State Park to make room for the river restoration. The CEQA EIR was litigated and the 2010 EIR/EIS/EIS was never adopted. Since then, State Parks has reevaluated the project and has produced the current proposed project that allows for restoration of the river while keeping the reconfigured golf course completely within the LVSRA.

Public Comment:

Three public scoping meetings have been held to date. Two were held on January 25, 2022, and the third meeting was the TRPA Governing Board meeting on February 23, 2022. The TRPA Advisory Planning Commission (APC) meeting will also serve as an opportunity to receive comments from the public as well as the APC members. All comments received during the meetings will be considered during development of the draft EIR/EIS.

Contact Information :

For questions regarding this agenda item, please contact Shannon Friedman, Senior Planner, at (775) 901-2800 or [sfriedman@trpa.gov](mailto:sfriedman@trpa.gov).

Attachments:

- A. Notice of Preparation
- B. Conceptual Layout

Attachment A  
Notice of Preparation

**To:** California State Clearinghouse, Nevada State Clearinghouse, Responsible and Trustee Agencies, Property Owners, & Interested Parties

**From:** California Department of Parks and Recreation

**Subject:** NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND ENVIRONMENTAL IMPACT STATEMENT (EIS) AND NOTICE OF A SCOPING MEETING FOR THE UPPER TRUCKEE RIVER RESTORATION AND LAKE TAHOE GOLF COURSE RECONFIGURATION PROJECT

**Date:** January 28, 2022

### **Description of the Project**

The California Department of Parks and Recreation (State Parks) and the Tahoe Regional Planning Agency (TRPA) are initiating preparation of a joint EIR/TRPA EIS for the Upper Truckee River Restoration and Lake Tahoe Golf Course Reconfiguration Project (Project). This joint document is an EIR prepared by State Parks pursuant to CEQA (Public Resource Code Section 21000 et seq.) and State CEQA Guidelines (California Code of Regulations Section 15000 et seq.) and an EIS prepared by TRPA pursuant to the Tahoe Regional Planning Compact, Code of Ordinances, and Rules of Procedure. This notice meets the CEQA and TRPA noticing requirements for an NOP.

State Parks and TRPA are requesting comments on the scope and content of the EIR/EIS. The project includes geomorphic-based river restoration of the Upper Truckee River within the 169-acre Lake Valley State Recreation Area (LVSRA) and portions of Washoe Meadows State Park (WMSP). The purpose of the project is to restore natural river hydrologic conditions, geomorphic processes and ecological function to 1.8 miles of the Upper Truckee River, which will reduce erosion and therefore improve water quality in the Upper Truckee River and Lake Tahoe. The proposed restoration project aims to achieve this goal by constructing a meandering river channel at a grade that would be connected with the floodplain. The present channel would be restored to a more natural, balanced condition that mimics portions of the historic channel, which in general involves actions that reverse past actions that altered the natural course, depth, and velocity of the river. To accomplish this river restoration, the Project also includes reconfiguration of the 135-acre, 18-hole regulation Lake Tahoe Golf Course within LVSRA to allow room for the river meanders and establish a greater buffer between the river and the golf course. Existing undersized bridges would be removed and replaced with floodplain spanning bridges, the golf course would be modernized with a new irrigation system, drought resistant turf, and new restroom facilities, among other improvements. A trail connecting from Highway 50 along the river into Washoe Meadows State Park would also be included.

### **Location of the Project**

The Project would be located within the LVSRA and portions of the 608-acre WMSP, both of which are located at approximately 6,280 feet above mean sea level in El Dorado County, California, approximately 4.5 miles south of Lake Tahoe near the intersection of US Highway 50 and Meadow Vale Drive.

### **Issues to be Addressed in the EIR**

It has been determined that an EIR/TRPA EIS is required because the Project could result in potentially significant impacts to environmental resources. The EIR/TRPA EIS will identify the potentially significant environmental effects of the Project, including those resulting from construction, operation, and maintenance of the Project. The EIR will also discuss and analyze a reasonable range of alternatives to the Project, including

a No Project alternative scenario and a “Stabilize in Place” alternative to the Project that could attain most of its basic objectives at a reduced cost. Other alternatives may be added to the analysis based on input received during the 45-day scoping period following issuance of this NOP, focused on avoiding or reducing any of its significant environmental effects while still attaining the goals of the Project, or by the EIR team in response to potentially significant environmental impacts identified during the EIR process.

Specific areas of analysis to be addressed in the EIR include: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and energy conservation. Where feasible, mitigation measures will be recommended to avoid or reduce potentially significant impacts. The EIR will also address potential cumulative impacts of the Project, considered together with past, other current, and reasonably foreseeable future projects in the area.

Information to be included in the EIR/TRPA EIS will be based, in part, on input and comments received during the scoping period. Decision-makers, responsible and trustee agencies under CEQA, property owners, and members of the public will also have an opportunity to comment on the Draft EIR/TRPA EIS once it is issued. Additional information about the environmental review process for the Project can be found on the State Parks website for the Project at: [https://www.parks.ca.gov/?page\\_id=29860](https://www.parks.ca.gov/?page_id=29860). Further information about the project is available at: <https://restoreuppertruckee.net/>.

### **Public Scoping Period for this Notice of Preparation**

The purpose of the NOP is to solicit comments from interested persons, organizations, and agencies as they relate to the scope and content of the information to be included and analyzed in the EIS/TRPA EIS. Agencies should comment on the elements of the environmental information that are relevant to their legal authority and statutory responsibilities in connection with the project.

The designated public scoping period will extend for 45 calendar days beginning on January 28, 2022 and concluding on March 15, 2022. Please include a name, organization (if applicable), mailing address, and e-mail address of a contact person for all future notification related to this process. Public comments will become part of the public record and will be published in a Scoping Report.

Please send your comments to: **Matt Trask, ECORP Consulting, Inc., 2525 Warren Dr. Rocklin, CA 95677, [mtrask@ecorpconsulting.com](mailto:mtrask@ecorpconsulting.com)**.

Two public scoping meeting will be held to provide the opportunity to learn about the Project and to receive comments from the public and other interested parties and agencies regarding the issues that should be addressed in the EIR/TRPA EIS. The scoping meeting will be held as follows:

Wednesday, February 23, 2022  
TRPA Governing Board (GB) Meeting  
Virtual

Wednesday, March 9, 2022  
TRPA Advisory Planning Commission (APC) Meeting  
Virtual

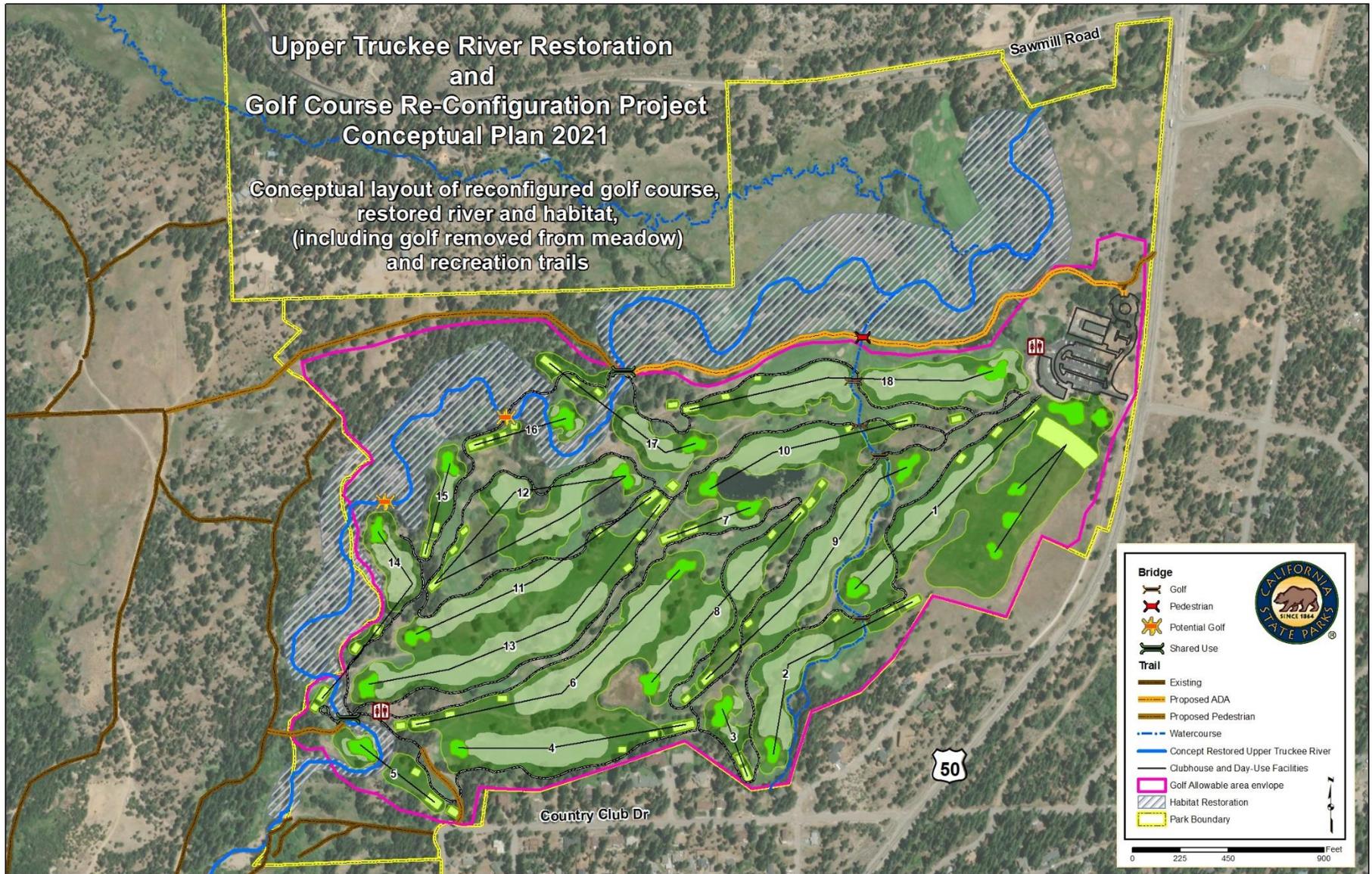
TRPA is concerned for the health and safety of community members, our staff, and our Governing Board. Amid rapidly evolving circumstances, the agency must consider its obligation to continue work while doing our part to slow the spread of the novel Coronavirus. TRPA will utilize technology to hold both public scoping meetings. Any interested member of the public will be able to participate and observe the meeting remotely without coming to a physical location. In-person attendance will not be part of the TRPA public meetings under the current recommendations from the state and local agencies. The staff summary for this project will be available for review via TRPA.gov seven (7) calendar days prior to the meeting. Interested persons may provide comments and input to the Governing Board and/or Advisory Planning Commission meeting prior to

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the meeting and day of the meeting. Interested parties can provide comments during the meeting by using the platform GoToWebinar. Visit the service providers website, [www.gotomeeting.com/webinar](http://www.gotomeeting.com/webinar), in advance of the meeting to prepare your system to connect to the meetings (webinar). The link to connect to the meeting will be posted on the Meetings and Notices page of the TRPA website the day of the meeting.

**REMINDER:** All comments will be accepted by postmark or e-mail through March 15, 2022. Please be sure to include your name, organization (if applicable), mailing address, and e-mail address.

Attachment B  
Conceptual Layout





**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.gov

STAFF REPORT

Date: March 2, 2022

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Consideration and Possible Recommendation of Approval to Amend the Bijou/Al Tahoe Community Plan to Add a Special Height Standard for the City of South Lake Tahoe Aquatics & Recreation Center

Staff Recommendation:

TRPA staff requests that the Advisory Planning Commission (APC) review the materials provided in this packet to ensure the proposed Bijou/Al Tahoe Community Plan amendments are in conformance with the Regional Plan and recommend approval of the amendments to the TRPA Governing Board.

Required Motions:

To recommend approval of the proposed amendments, the APC must make the following motions, based on this staff report and materials provided within this packet:

- 1) A motion to recommend TRPA Governing Board approval of the required findings, as described in Attachment D, and a Finding of No Significant Effect, as provided in Attachment B, for adoption of the community plan amendments as provided in this packet; and
- 2) A motion to recommend TRPA Governing Board adoption of Ordinance 2022-\_\_\_\_, amending Ordinance No. 2020-04, as previously amended, to amend the Bijou/Al Tahoe Community Plan as shown in Attachment E, Exhibit 1.

In order for motions to pass, an affirmative vote of a majority of the quorum in attendance is required.

Approval and Adoption Process:

Local plan amendments are typically first approved and adopted by the local jurisdiction and then by the TRPA Governing Board. Upon TRPA approval and adoptions, local plans then become components of the Regional Plan. These plans may also serve as a component of a local jurisdiction’s general or master plan. Local plans include area plans, community plans, and plan area statements. Local jurisdiction staff engage with TRPA staff early and often throughout the development and planning process for local plans and amendments to ensure conformance with the Regional Plan.

The Bijou/Al Tahoe Community Plan amendments as provided in this packet were initiated by the City of South Lake Tahoe in January 2021 in anticipation of a new aquatic and recreation center on a property

commonly referred to as the 56-acre site or project area (see Location Map 1 and Map 2 on the subsequent page).

The City of South Lake Tahoe is developing a [master plan](#) to envision future recreational and public services for the entire site. A new aquatic and recreation center application is currently under review with TRPA and is anticipated to come before the TRPA Governing Board for consideration in April 2022. The new center, if approved, would be located south of Lake Tahoe Boulevard adjacent to the existing El Dorado County Library. The proposed amendments include a special height standard to facilitate the construction of the building. Further discussion and rationale for the amendments can be found in the subsequent section of this staff summary and in Attachments A – E.

The City of South Lake Tahoe held a public meeting of its Planning Commission on December 16, 2021 and it recommended the City Council adopt the environmental analysis and the proposed amendments as provided in this packet. City Council held a first reading of the amendments on January 4, 2022 and a second reading with adoption on January 18, 2022 (City Ordinance 2022-1159).

The amendments were heard before the TRPA Regional Plan Implementation Committee (RPIC) on February 23, 2022. The RPIC unanimously approved the amendments with a revision that the proposed changes to the community plan would be limited to the City of South Lake Tahoe aquatic and recreation center. The initial proposal as presented by the City aquatic and recreation center applied to the entire 56-acre site has been revised within this packet to be only applicable to the aquatic and recreation center in response to RPIC comments and recommended approval.

TRPA staff anticipate bringing these proposed amendments to the Board on March 23, 2022 for consideration of final approval and adoption.

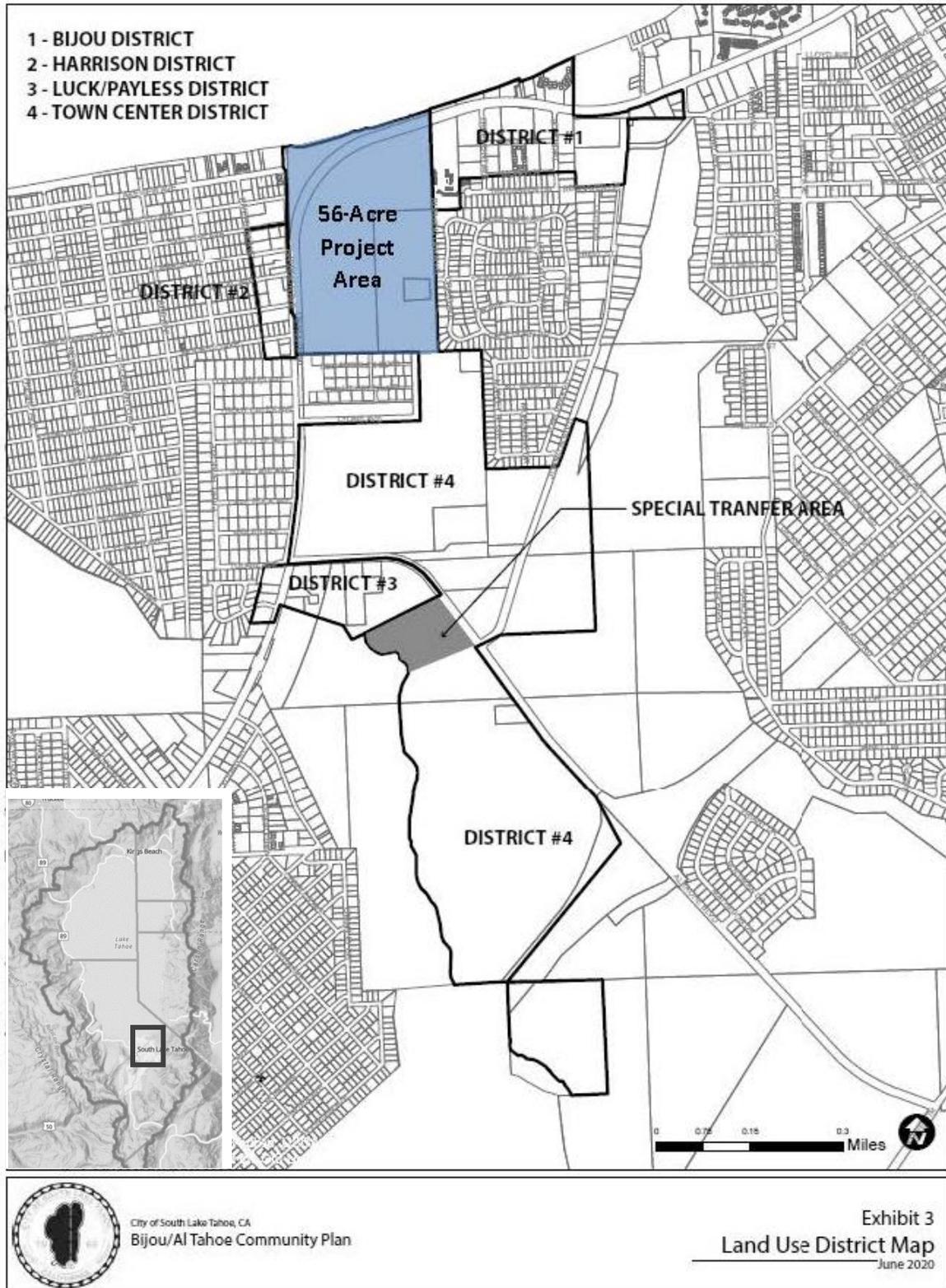
Summary:

The City of South Lake Tahoe and the TRPA Governing Board adopted the Bijou/Al Tahoe Community Plan in 1995. The plan includes a guiding vision for the area, as well as goals and policies, permissible land uses, and specific design standards to ensure that development is compatible with the natural and built environment.

The community plan area is centrally located on Lake Tahoe's south shore and generally extends from Johnson Boulevard, near the Safeway grocery store, along the US Highway 50 corridor west to the commercial and retail development at the corner of US Highway 50 and Al Tahoe Boulevard and southwest of Al Tahoe Boulevard to encompass the Lake Tahoe Community College site (see Location Map 1 on the following page).

The Bijou/Al Tahoe Community Plan area includes a concentration of existing public services uses including: the Lake Tahoe Community College, South Tahoe Middle School, El Dorado County government offices, USDA Forest Service administration offices, a post office, county sheriff and city police stations, a juvenile detention center and jail, and Lake Tahoe Historical Museum. Other land uses within the plan area include recreational, commercial, retail uses, and some residential.

Location Map 1: Bijou/Al Tahoe Community Plan and the 56-Acre Project Area



Reference Map 2: 56-Acre Project Area Conceptual Plan and Proposed Location of the Aquatic and Recreation Center

MASTER PLAN



Figure 25: Master Plan

60 | 56 ACRES MASTER PLAN

The amendments, as proposed, would allow additional building height up to a maximum of 42 feet for the City of South Lake Tahoe Aquatic and Recreation Center with no minimum cross slope or roof pitch requirements for the property commonly referred to as the 56-acre site or project area and as shown in Map 1 on the previous page. The planned building would be located on property that is publicly owned by El Dorado County. The amendments would also allow alternative “natural appearing siding” as opposed to strictly wood siding for the entire plan area as called for in the existing plan, and allow minimum roof pitch of 5:12 as opposed to 7:12 as called for in the existing plan for the entire plan area other than the aquatics and recreation center. Height limits for community plan areas outside of the 56-acre project area would remain unchanged.

The existing Bijou/Al Tahoe Community Plan establishes a minimum roof pitch of 7:12 and refers to TRPA Code of Ordinances Chapter 37 for height allowances within the plan area. The maximum building height currently allowed in the project area with a 7:12 roof pitch is 32.5 feet.

The City’s staff report (see Attachment A) provides further information and rationale for the proposed special height standard and allowance of lower roof pitch. In summary, the proposed maximum building height of 42 feet is the minimum necessary for the functionality of the proposed recreation center and to feasibly implement the project. Further, adherence to a minimum roof pitch of 7:12 would significantly increase energy demand due to additional building height and volume.

The proposed amendment does not include any changes to boundaries, maps, goals and policies, or permissible land uses within the Bijou/Al Tahoe Community Plan or the Regional Plan. Specific changes (i.e. language) proposed by these amendments is included in Exhibit 1 to Attachment A.

The Bijou/Al Tahoe Community Plan was last amended with TRPA Governing Board adoption on June 24, 2020 (Ordinance Number 2020-04) at the request of the City to allow greater height allowances at Lake Tahoe Unified School District properties in District 4 of the plan. A special height standard for the Lake Tahoe Community College and Lake Tahoe Unified School District allows height issues for those sites to be addressed by TRPA on an individual project basis and may be in excess of Chapter 37 based on project setback, visibility, or other design criteria.

Environmental Review and Regional Plan Conformance:

TRPA staff reviewed a joint Initial Study, as required by the California Environmental Quality Act, and Initial Environmental Checklist (IEC) pursuant to TRPA Code of Ordinances Chapter 3: Environmental Documentation and Article VI of the Rules of Procedure for community plan amendments. The joint document was prepared by Hauge Brueck Associates for the City of South Lake Tahoe. The IEC finds that the proposed amendments would not result in significant environmental effects (see Attachment B).

To ensure conformance with the Regional Plan and that proposed actions will not adversely impact the attainment or maintenance of environmental threshold standards, TRPA staff prepared a compliance measures evaluation and required findings. These documents are included in the packet as Attachment C and D respectively. References to regional environmental threshold standards are also included within the IEC (Attachment B).

It is important to note that the initial environmental checklist (Attachment B), conformance measures evaluation (Attachment C), and required findings (Attachment D) were prepared for the initial proposal that included the entire 56-acre site. As mentioned above, the RPIC requested that the proposed amendments be limited to the City of South Lake Tahoe Aquatic and Recreation Center. Since the revision is more restrictive (rather than less restrictive) than what was initially proposed, this packet utilizes the same environmental analysis as prepared for the initial proposal.

Contact Information:

For questions regarding this item, please contact Jennifer Self, Principal Planner, at (775) 589-5261 or [jself@trpa.gov](mailto:jself@trpa.gov).

Attachments:

- A. City Staff Summary
  - Exhibit 1: Proposed Amendments to the Bijou/Al Tahoe Community Plan
- B. Initial Study and Initial Environmental Checklist (IEC)
- C. Compliance Measures Evaluation
- D. Required Findings
- E. TRPA Adopting Ordinance 2022-\_\_
  - Exhibit 1: Proposed Amendments to the Bijou/Al Tahoe Community Plan

Attachment A  
City Staff Summary



# City of South Lake Tahoe Report to TRPA Regional Plan Implementation Committee

**Meeting Date:** February 23, 2022

**Title:** Consideration and Possible Recommendation of Approval to Amend the Bijou/Al Tahoe Community Plan to Add a Special Height Standard for Public and Quasi-Public Facilities

**Location:** Bijou/Al Tahoe Community Plan District #4, 56-acres (Multiple APNs)

**Responsible Staff Members:** John Hitchcock, Planning Manager (530) 542-7405

## **Background:**

The City of South Lake Tahoe is proposing to amend the Bijou/Al Tahoe Community Plan (B/AT CP) to allow for additional building height for public or quasi-public buildings and lower roof pitch requirements for buildings that require flatter roofs to span large interior spaces proposed within the 56-acres project area of the B/AT CP Town Center District #4 (see Location Map 1 on page 7 of this staff report). The amendments were prepared pursuant to Chapter 12 of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances, which allows local governments to adopt conforming Community Plans that contain policies and development ordinances that are consistent with and further the goals and policies of the TRPA Regional Plan.

## **Issue and Discussion:**

### Purpose and Need

The B/AT CP was adopted by the City in 1995. As required by the TRPA Regional Plan, the B/AT CP includes specific design standards to ensure development is compatible with the natural environment and contributes to the character and quality of the built environment.

District 4 of the B/AT CP is a “centralized public service district” where a large concentration of public and institutional uses are located. These include a recreation center, campground, sheriff’s station, police station, jail, middle school, ice arena, county offices, forest service offices, and the community college. The B/AT CP established four zoning districts, as well as design and development standards for each district. A special standard for this district allows TRPA to address height issues at the community college site and Lake Tahoe Unified School District properties on an individual project basis. The TRPA interprets this to include deviation from Chapter 37 of the TRPA Code of Ordinances and the community plan’s roof pitch standard, which requires that roofs have a pitch between 7:12 and 12:12. Because of the unique design characteristics required for large institutional spaces, most of the roof pitches at the college are

lower than 7:12. However, this standard is only applicable to buildings located on the campus of the community college. All other buildings/structures within District #4 would be required to have a minimum roof pitch of 7:12.

The City is proposing to construct a new multi-generational recreation center (recreation center) within District #4 and the 56-acres project area. The recreation center will be located south of Lake Tahoe Boulevard adjacent to the existing El Dorado County Library. The new recreation center will house a swimming pool, lazy river, a gymnasium, indoor track, office and meeting spaces, and a commercial-grade kitchen. The proposed design incorporates shed-style architecture, using low-pitched roofs with clerestory windows. This design was selected to provide solar access to the interior of the building, which can help reduce energy demands from lighting and heating and to also span large spaces (i.e., swimming pool, gymnasium). The proposed design is similar to many of the structures on the community college campus; however, the project cannot be approved as proposed due to TRPA height standard and the community plan standard that requires a minimum 7:12 roof pitch.

The proposed recreation center was designed for the functionality of services, energy efficiency, and its compatibility to the surrounding neighborhood and to ensure consistency with TRPA's scenic threshold standard. A strict adherence to the standard would cause a greater scenic impact and energy demand due to additional building height and greater volume. A roof pitch of 7:12 would result in exceeding TRPA's maximum height standard of 42 feet and create a greater volume of conditioned space that would be more visually intrusive and out of character with the surrounding neighborhood. High roof pitches result in a larger interior volume than needed which must be conditioned and maintained resulting in increased energy consumption and operation costs, which is contrary to the City's long-term sustainability goals. Additionally, high roof pitches also increase construction costs due to additional building material necessitated by the roof pitch requirement without any added functionality and is inconsistent with environmental and community sustainability goals.

The proposed amendment would only apply to public and quasi-public structures that are located in the 56-acres project area. The objective of this action is to 1) revise the height standards in the B/AT CP District 4, specific to the 56-acres area to allow heights in excess of TRPA Code Chapter 37, 2) encourage redevelopment in the 56-acres project area for large public or quasi-public land uses/buildings that typically require shed roofs based on their larger size, and 3) encourage high-quality designs that achieve the City's long term sustainability and environmental goals.

Any proposed project within the 56-acre project area would be subject to the following design and development standards and guidelines:

- Citywide Design and Development Standards (Chapter 6.10 and 6.55 of the City Municipal Code),

- TRPA Code of Ordinances Section 37.7 and Chapter 66: Scenic Quality
- Findings 1, 3, 4, 5, 7, and 8 of TRPA Code Section 37.7 (Findings for Additional Building Height) for any proposed project exceeding height standards of TRPA Section 37.4 or 37.5 with a maximum allowable height of 42 feet

The standards and guidelines within the references listed above serve as mitigation to protect and preserve scenic quality and ensure that any future development is compatible with the natural environment. Specifically, these design and development standards require but are not limited to:

- Proposed development will not extend above the forest canopy or a ridgeline, when present.
- Any proposed building shall be designed to minimize interference with existing views within the area to the extent practicable.
- Find that any structure with a height exceeding height standards in TRPA Code Section 37.4 or 37.5 up to a maximum height of 42 feet is necessary for the functionality of that proposed use and the minimum necessary to feasibly implement the project.
- Proposed development is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed.
- The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.
- A frontal setback of 20 feet for commercial and public services buildings and 50 feet for recreational buildings.
- Requirement that the natural forest setting be preserved by maintaining the maximum number of trees in the project site.
- Proposed development shall have architectural treatments that use natural materials and colors that create visual interest variations in facades and building forms.

#### Initial Study/Initial Environmental Checklist

To evaluate the potential environmental impacts of the proposed amendment, the City contracted with Hauge Bruck Associates to prepare a joint Initial Study/Negative Declaration (IS/ND) pursuant to the California Environmental Quality Act (CEQA) and Initial Environmental Checklist (IEC). The Draft IS/ND/IEC provides an analysis of the potential for the project to result in significant environmental impacts.

Areas of analysis include aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utility and services systems, and additional mandatory findings of significance related to potential cumulative impacts.

The analysis demonstrates that the project either has no impacts or has less than significant impacts in all of these areas and staff recommended a Negative Declaration (ND) be adopted by the City for the proposed amendment and is recommending a Finding of No Significant Effect by the TRPA Governing Board.

### Tribal Consultation

Pursuant to state law, the City has completed requirements for consultation with Native American tribes under Assembly Bill 52 and the CEQA Guidelines. The City received a comment from the United Auburn Indian Community acknowledging the proposed project and deferring to the Washoe Tribe of Nevada and California. No other comments were received. Staff sent a notice to Chairman Serrell Smokey and Darrel Cruz, Cultural Resources Director of the Washoe Tribe of Nevada and California. At this time, no comments have been received from the Washoe Tribe of Nevada and California.

### Public Comment Period and Public Noticing

The Draft IS/ND/IEC sent, along with a Notice of Preparation and Notice of Completion, to the California State Clearinghouse for distribution to state and regional agencies for review. The IS/ND/IEC was also made available at City offices (1052 Tata Lane) and online at <https://www.cityofslt.us/DocumentCenter/View/16271/Project-Summary-Page-Bijou-Al-Tahoe-Community-Plan-Amendment-20211026>. The public review and comment period began October 22, 2021 and ended on November 22, 2021. A Notice of Availability and Notice of Intent, advertising the review period and the public hearing date, was mailed to all affected property owners within 300 feet on October 27, 2021 and published in the Tahoe Daily Tribune on October 29, 2021.

The City received seven public comments on the IS/ND/IEC. Six comments from members of the public and one comment from the Tahoe Regional Planning Agency (TRPA). All comments from the public stated their opposition to the proposed amendment primary on the following grounds: scenic impacts, historic resource impacts, CEQA project segmentation and conflict of interest issues. TRPA comments primarily focused on editorial edits, project description clarification, and additional analysis in support of the proposed amendment.

A public notice was sent to all affected property owners on December 3, 2021 providing the date and time of the Planning Commission meeting to consider the B/ATCP amendments and IS/ND and was published in the Tahoe Daily Tribune on December 3, 2021.

On December 16, 2021, the Planning Commission held a duly noticed public hearing, receive public comment, deliberated and passed Resolution 2021-18 recommending that the City Council adopt the IS/ND and the Bijou/Al Tahoe Community Plan Amendments.

A public notice was sent to all affected property owners on December 17, 2021 providing the date and time of the City Council meeting to consider the B/ATCP amendments and IS/ND and was published in the Tahoe Daily Tribune on December 17, 2021.

**Environmental Considerations:**

See “Issue and Discussion” section above.

**Financial Implications:**

None

**Policy Implications:**

City of South Lake Tahoe General Plan

The proposed amendment to the B/AT CP is consistent with the goals and policies of the City of South Lake Tahoe General Plan. The 56-acres project area is currently designated as recreation in the City’s General Plan. Recreation land use designation is defined as follows:

*This designation provides for outdoor recreation areas, active and passive recreational uses, habitat protection, and public/quasi-public uses. This designation is applied to areas with existing and proposed outdoor recreation and areas without overriding environmental constraints.*

The Land Use and Community Design Element of the General Plan include the following goals and policies to encourage development, redevelopment, and upgrades to existing development.

*Goal LU-2 : To focus future commercial, multi-family residential, tourist, civic, and social gathering space development in community plan area in order to maximize incentives and create transit-, bicycle-, and pedestrian-oriented places that serve the needs of both residents and visitors.*

*Policy LU-2.1: Community Plan Redevelopment, Expansion, and Upgrade  
The City shall encourage public and private investment in the expansion and upgrade of commercial and tourist accommodation projects within the Tahoe Valley,*

*Bijou/Al Tahoe, and Stateline/Ski Run community plan areas and use appropriate financing tools, such as redevelopment, to achieve economic and land use goals, as determined proper to achieve this objective.*

*Policy LU-2.2: Community Plan Preparation, Adoption, and Implementation*

*The City shall periodically update and implement the four Community Plans as a way to focus development commodities and revitalization efforts.*

*Policy LU-2.5: Bijou/Al Tahoe Community Plan Area*

*The City shall encourage the creation of a viable residential neighborhood with appropriate neighborhood amenities and compatible high quality family-oriented recreation and public facilities including government offices.*

Bijou/Al Tahoe Community Plan

The B/AT CP was adopted by the City and states that the area “should serve as a family oriented and recreation center, as well as the Town Center for the local Community. To accomplish this goal, policies must encourage diversification of recreational and commercial attractions to create the high-quality development expected in a family oriented resort area.” The proposed amendments will further the goals of the B/AT CP by encouraging the redevelopment of an infill site with high quality recreation opportunities with development that complements the overall natural setting.

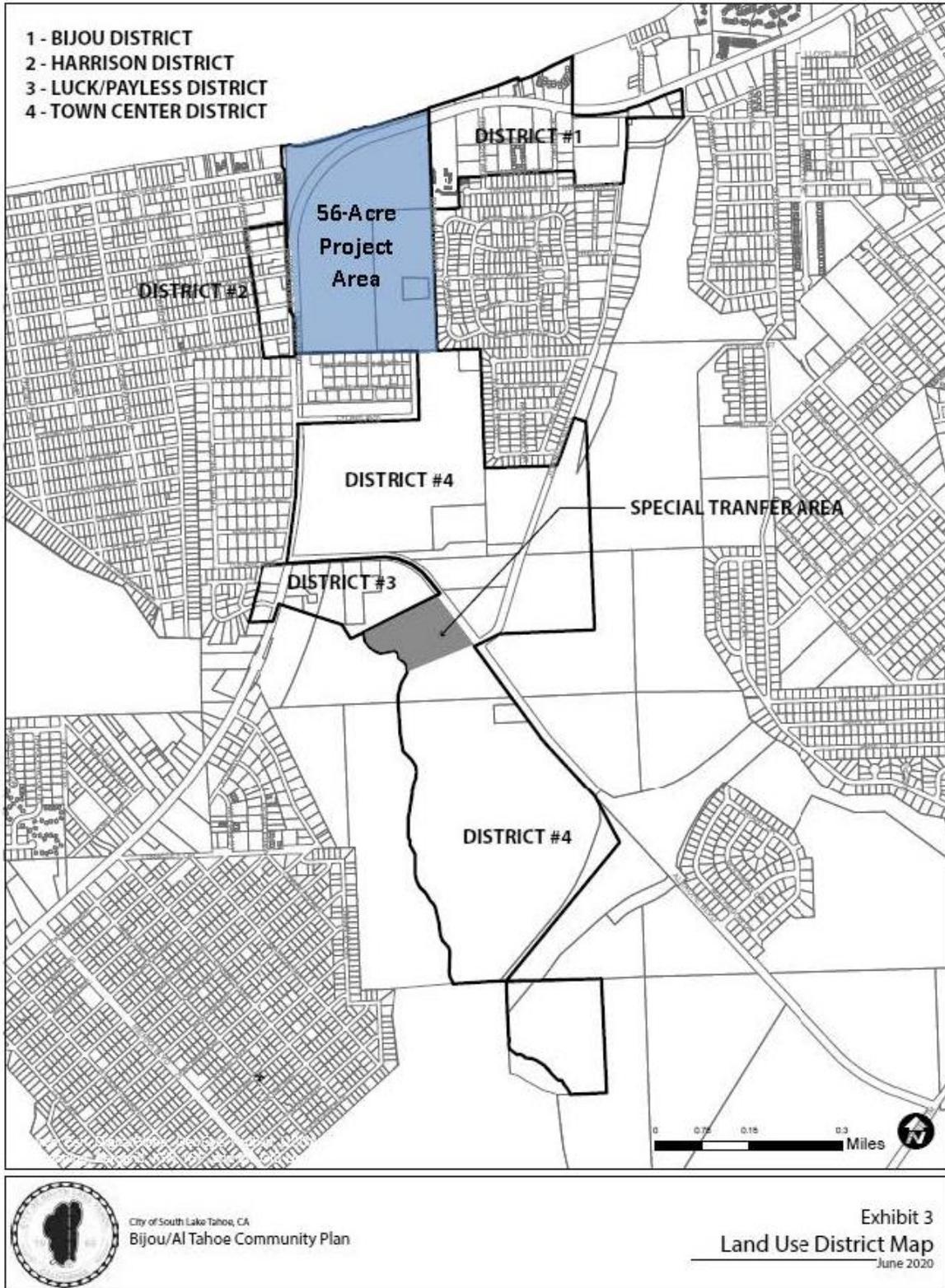
The proposed amendments are consistent with the B/AT CP “Town Center” designation, encouraging the relocation of city, county, state, and federal offices to the district and expanding recreational activities within the district and immediate surrounding areas.

In addition, the proposed B/AT CP amendment is consistent with the following policy:

*Policy A: Establish four unique, separate districts.*

*Town Center District. Areas currently described as Campground by the Lake, South Tahoe Middle School, John Boulevard areas and Lake Tahoe Community College shall be combined to accommodate the following uses: Commercial (public service support orientation, or receiving area for transfer of SEZ/Scenic Corridor), Public Service, Recreation, and designation as a “Special Events Area.”*

Location Map 1: Bijou/Al Tahoe Community Plan and the 56-Acre Project Area



City of South Lake Tahoe, CA  
Bijou/Al Tahoe Community Plan

Exhibit 3  
Land Use District Map  
June 2020

Attachment A – Exhibit 1

Proposed Amendments to the Bijou/Al Tahoe Community Plan

**EXHIBIT 1: PROPOSED AMENDMENTS TO THE  
BIJOU / AL TAHOE COMMUNITY PLAN**

Amend Appendix A: *Bijou/Al Tahoe Community Plan Standards, Section Two: Public Service/Recreation Theme*, Subsection B: *Height, Special Standard*, as follows:

*Added language shown in red and underlined. Deleted language is shown with a strikethrough.*

**SECTION TWO – PUBLIC SERVICE/RECREATION THEME**

**DISTRICTS**

**MAP AND USE MATRIX IDENTIFICATION**

Town Center

4

A. PERMITTED USES

Refer to use matrix for district uses.

B. HEIGHT

Standard

Refer to TRPA Code of Ordinances Chapter 37.

Special Std.

The following shall apply to

Lake Tahoe Community College property:

**Lake Tahoe Community College and Lake Tahoe Unified School District properties:**

Height issues for these sites shall be addressed by TRPA on an individual project basis, and may be in excess of Chapter 37 based on project setback, visibility, or other design criteria.

**City of South Lake Tahoe Recreation and Aquatics Center:**  
The maximum height permitted is 42 feet, with no minimum cross slope or roof pitch requirements, provided TRPA makes Findings 1, Finding 3, Finding 4, Finding 5, Finding 7, and Finding 8 of Section 37.7.

C. BULK

Standard

Refer to Redevelopment Design Element, Sections 1 and 2

D. COVERAGE

Standard

Refer to TRPA Code of Ordinances Chapters 30.

E. SETBACKS

Standard Refer to City Wide Design Manual Section 3 of Chapter 1 & 2.

Special Std. In addition to the City Wide Design Manual, the following shall apply to specific properties located with the Town Center District, including:

The vacant 7.5 acre parcel north of Al Tahoe and west of Johnson Boulevard (Adjacent to the existing El Dorado County Government Center) shall required a minimum of a 50' setback from Johnson Boulevard and an increased interior sideyard setback of 20' in that area of the property adjoining the residentially developed district.

The vacant 12 acre parcel, north of Al Tahoe and east of Johnson Boulevard (adjacent to Bijou Community Park) shall require a minimum of a 50' setback from Johnson Boulevard for development.

Development on the Lake Tahoe Community College property shall have a minimum setback of 50' from Al Tahoe Boulevard.

#### F. SITE DESIGN

Standard Refer to City Wide Design Manual, Section 2, Chapters 1 & 2

Special Std. In addition to the City Wide Design Manual, the following standards shall apply to the entire Town Center:

1. A natural forest setting shall be preserved by designing projects that maintain the maximum number of trees, shrubs, boulders, and other natural amenities at a project site. Landscaping shall be designed to blend with the native surroundings, including trees, shrubs, ground covers and flowers.
2. Sidewalks shall connect all buildings within project area.

#### G. ARCHITECTURAL TREATMENT

Standard Refer to City Wide Design Standards, Section 2 of Chapters 1 & 2 and City Lighting Standards.

Special Std. In addition to the City Design Standards, the following standards shall apply:

3. Buildings shall be designed with interest (no box forms, variations in elevation, etc.) and shall incorporate

architectural features which blend with the surrounding buildings.

4. Wood siding or natural appearing siding shall be used on the exterior of all remodeled newly constructed buildings.
5. Roofs shall have a minimum pitch of 7-5:12 and a maximum roof pitch of 12:12. The South Lake Tahoe Aquatic and Recreation Center may have a minimum pitch of 0:12.
6. Real stone shall be incorporated into the building design. Manufactured stone may be used on a project only if the applicant demonstrates the application of the stone will appear “real.”
7. All projects shall incorporate days use amenities, including; outdoor furniture, bicycle racks and trash receptacles.

Attachment B

Initial Study and Initial Environmental Checklist (IEC)

INITIAL ENVIRONMENTAL CHECKLIST (TRPA) AND  
INITIAL STUDY (CEQA) JOINT DOCUMENT FOR  
AMENDMENTS TO THE BIJOU/AL TAHOE  
COMMUNITY PLAN

SEPTEMBER 2021

PREPARED BY: HAUGE BRUECK ASSOCIATES  
PREPARED FOR: CITY OF SOUTH LAKE TAHOE

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## 1.0 INTRODUCTION

The City of South Lake Tahoe is proposing to amend the Bijou/Al Tahoe Community Plan (B/ATCP) to allow for greater building height for public or quasi-public buildings that require flatter roofs to span large interior spaces proposed within the 56-acre area of the B/ATCP District 4. The amendments will be considered pursuant to Chapter 12 of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances, which allows local governments to adopt conforming Community Plans that contain policies and development ordinances that are consistent with and further the goals and policies of the TRPA Regional Plan.

### 1.1 INITIAL STUDY/INITIAL ENVIRONMENTAL CHECKLIST

This Initial Study/Initial Environmental Checklist (IS/IEC) has been prepared to address the potential environmental effects of amending the Bijou/Al Tahoe Community Plan (B/ATCP), located in the City of South Lake Tahoe, California. An Initial Study is a preliminary environmental analysis that is used by the California Environmental Quality Act (CEQA) lead agency as a basis for determining whether an EIR, a Mitigated Negative Declaration, or a Negative Declaration is required for a project under CEQA guidelines. An Initial Environmental Checklist is a preliminary environmental analysis that is used for determining whether an EIS, a Mitigated Finding of No Significant Effect, or a Finding of No Significant Effect is required for a project under TRPA Rules of Procedure.

The IS/IEC contains a project description, description of environmental setting, identification and explanation of environmental effects, discussion of mitigation for potentially significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the names of persons who prepared the study.

The IS has been prepared pursuant to the California Environmental Quality Act (CEQA) of 1970, Cal. Pub. Res. Code §21000 et seq. The City of South Lake Tahoe is the CEQA lead agency for this project. The IEC has been prepared pursuant to the requirements of Article VI of the TRPA Rules of Procedures and Chapter 3 of TRPA's Code of Ordinances. TRPA serves as lead agency pursuant to its own regulations.

### 1.2 TIERING PROCESS

#### California Environmental Quality Act

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects that implement the program. This environmental document incorporates by reference and tiers from the discussions in the 2011 General Plan EIR (the Program EIR) and concentrates on issues specific to the B/ATCP. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

Section 15168(d) of the State CEQA Guidelines provides for simplifying the preparation of environmental documents on individual parts of the program by incorporating by reference analyses and discussions that apply to the program as a whole. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects

that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]).

This Initial Study is tiered from the City of South Lake Tahoe General Plan EIR, in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The 2011 General Plan EIR is a Program EIR that was prepared pursuant to Section 15168 of the CEQA Guidelines. The 2011 General Plan is a comprehensive land use plan that guides physical development within the City of South Lake Tahoe through 2030. The 2011 General Plan EIR analyzes full implementation of uses and physical development proposed under the General Plan, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth.

This IS/IEC will evaluate the potential environmental impacts of the proposed B/ATCP amendments with respect to the 2011 General Plan EIR to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 5.2 of this document and based on the analysis contained in this IS/IEC, it has been determined that the proposed amendments would not have significant effects on the environment that were not adequately addressed in the 2011 General Plan EIR; therefore, a Negative Declaration will be prepared.

This IS/IEC concludes that potentially significant impacts are addressed by adopted policies and regulations applicable to the area, and the mitigation measures that have been adopted as part of the approval of the 2011 General Plan. These mitigation measures, to the extent they are applicable to the B/ATCP, will be incorporated into project approval. Nothing in this Initial Study in any way alters the obligations of the City to implement the General Plan mitigation measures. All future projects within the B/ATCP boundary would be subject to project-level environmental review and permitting by the 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).

### **Tahoe Regional Planning Agency**

The TRPA concept of "tiering" refers to the coverage of general matters in a broader EIS (Program EIS) and subsequent documents incorporating by reference the general discussions and concentrating solely on the issues specific to the document subsequently prepared. Therefore, when an EIS has been certified for a project or matter, TRPA shall limit the analysis for a later related or consistent project or matter, to effects which were not examined as significant effects in the prior EIS or which are susceptible to substantial reduction or avoidance by revisions in the project or matter through conditions of approval or mitigation. Tiering is limited to situations where a later project or matter is consistent with a program, plan, policy or ordinance for which an EIS was prepared, is consistent with applicable TRPA plans, and a supplemental EIS is not required.

This Initial Environmental Checklist is tiered from the TRPA 2012 RPU 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 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 proposed amendments are 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 Initial Environmental Checklist will rely 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 Initial Environmental Checklist evaluates the potential environmental impacts of the proposed project 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 5.3 of this document and based on the analysis contained in this Initial Environmental Checklist, 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 Initial Environmental Checklist 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 will be identified in this Initial Environmental Checklist. These mitigation measures will be incorporated into the approval for this project. Nothing in this Initial Environmental Checklist in any way alters the obligations of the City or TRPA to implement the mitigation measures adopted as part of the RPU.

### **1.3 BACKGROUND**

All of the land within the Lake Tahoe Basin falls under the jurisdiction of the Tahoe Regional Planning Agency. This includes land under the local jurisdiction of the City of South Lake Tahoe. In order to be responsive to the unique needs and opportunities of the Region and local communities, the TRPA Regional Plan encourages and authorizes local jurisdictions to develop and adopt individual Area Plans that provide more specific development objectives and standards that are adapted to the needs of the specified area. Local jurisdictions are permitted to develop, adopt, and implement regulations so long as they are consistent with the TRPA Regional Plan. The General Plan and Zoning Ordinances are the City's primary policy documents that guide land use, transportation, infrastructure, community design, housing, environmental, and other decisions in a manner consistent with the planning statutes for the State of California. The B/ATCP is designed to supplement the City's General Plan and Zoning Ordinance by designating zoning districts and providing specific guidance for the area included within the B/ATCP boundary. The Community Plan is considered a specific plan pursuant to California State Law.

The process of amending a specific plan is provided in CA Government Code Section 65359 and generally follows the general plan amendment process outlined in Sections 65350 through 65358. This includes public hearings with public notice, and adoption by resolution or by ordinance. Specific plans may be amended as often as necessary by the local legislative body, but the amendments must be consistent with the adopted general plan for the area. TRPA Code of Ordinances Chapter 12 also indicates plan amendments require public hearing, and must be consistent with the Regional Plan. Amendments require findings, conformance review (conformance checklist), and threshold and compliance measure evaluations.

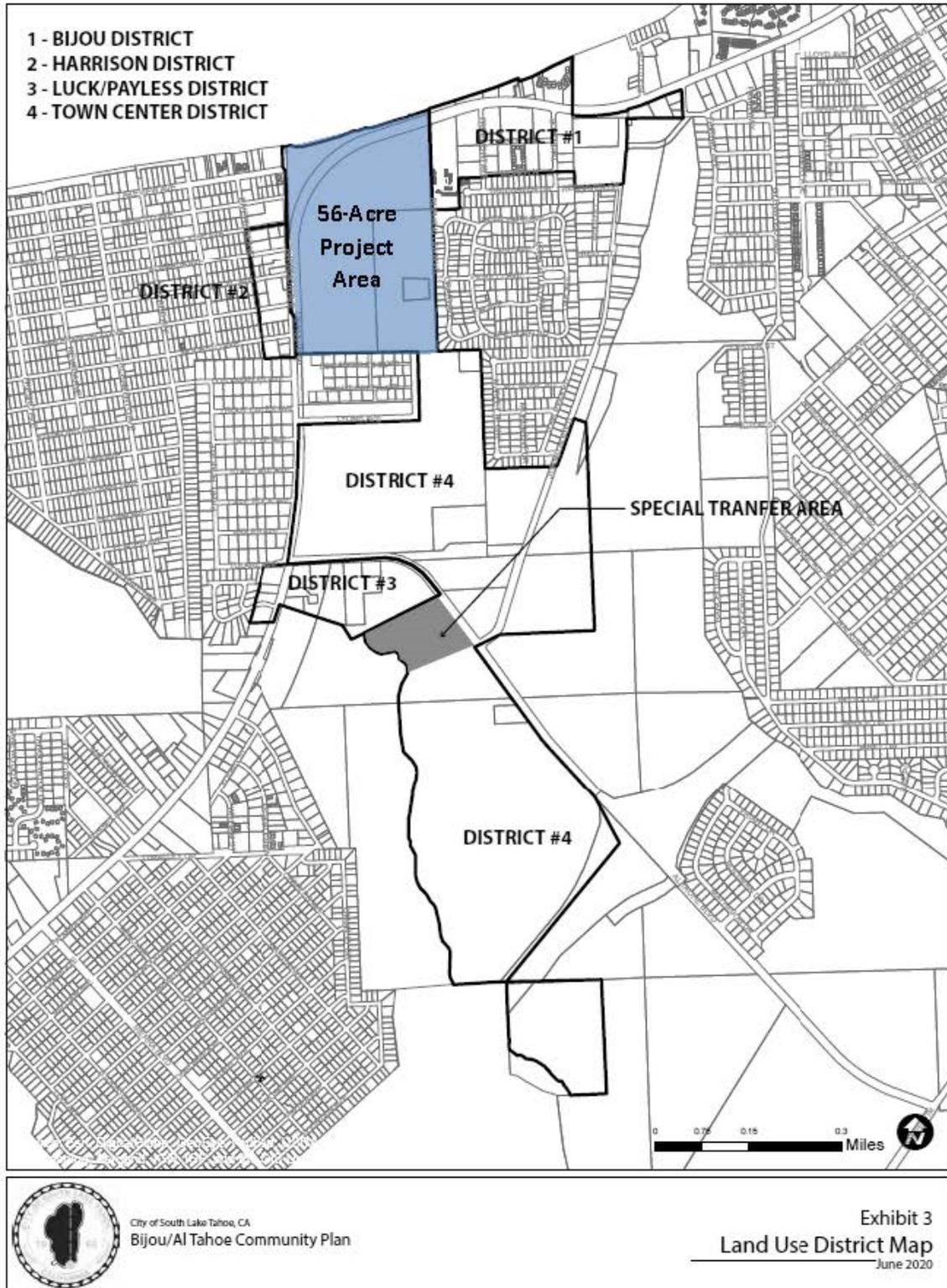
The 1995 B/ATCP serves as a comprehensive land use plan, consistent with the Regional Plan and General Plan at the time it was written, although it does not address all the issues identified in the current Regional and General Plans due to age, with its most recent amendments occurring in October 2020. The B/ATCP establishes the area vision and is intended to support and implement the City's and TRPA's goals, policies and strategies. The B/ATCP includes vision statements for land use, transportation, conservation, recreation, and public service. The Planning Statement indicates, "The area should be developed to provide regional commercial, recreational and public services for the South Shore." The amendments apply to the B/ATCP District 4 whose vision is to:

*"Create a centralized public service district by expanding the existing El Dorado County Government Center (Al Tahoe and Johnson Boulevards). Encourage the relocation of city, county, state and federal offices to the district that will provide an anchor for the community plan. Expand recreational activities within the district and the immediate surrounding areas."*

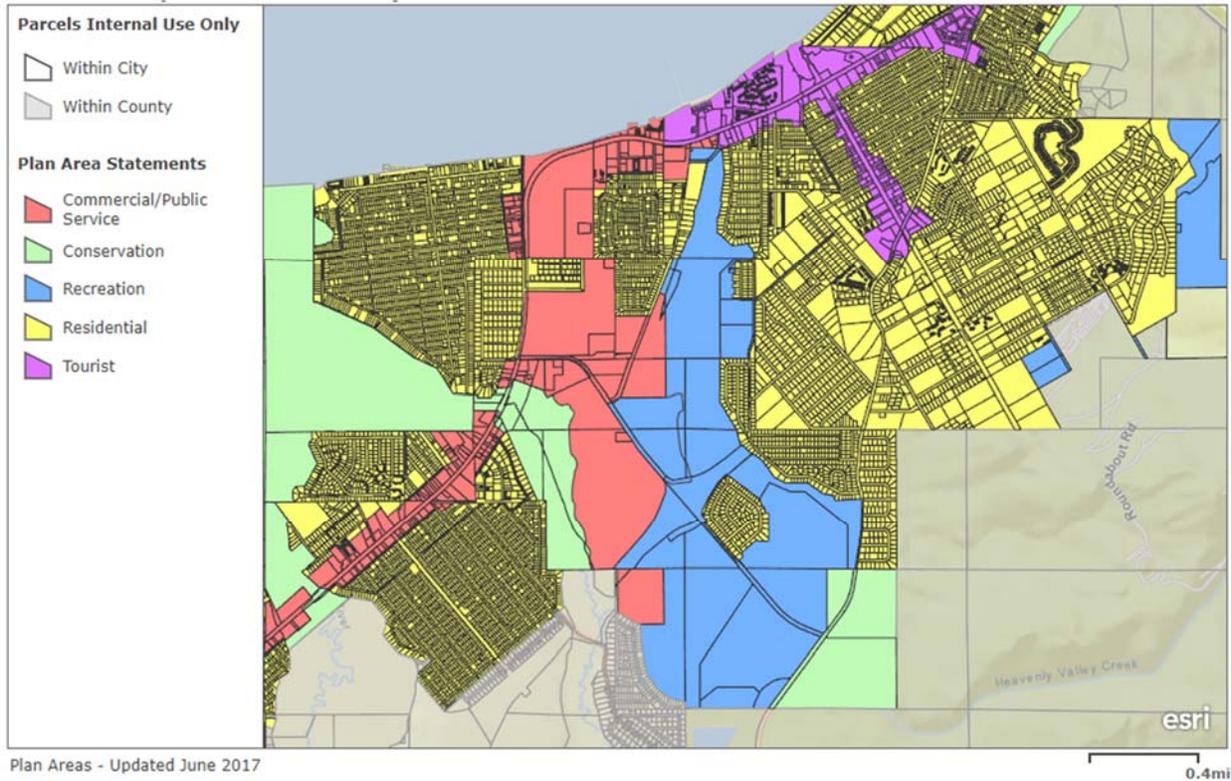
#### **1.4 PROJECT LOCATION, SETTING AND SURROUNDING LAND USES**

The B/ATCP functions as the central commercial hub in the South Lake Tahoe area. The boundaries of the B/ATCP generally extend from Fairway Avenue along US 50, just west of Al Tahoe Boulevard, as well as property between Johnson Boulevard and US 50, including property on Al Tahoe Boulevard terminating at the west boundary of Bijou Park and at the east boundary of Lake Tahoe Community College. District 4 of the Bijou/Al Tahoe Community Plan is a centralized public service district where a large concentration of public and institutional uses are located. These include a recreation center, campground, sheriff's precinct, jail, middle school, ice arena, county offices, forest service offices, and the community college. Land use patterns in this area are widely varied and include commercial, governmental office, school, and recreation, although the predominant theme of businesses is retail oriented including restaurants, and a sizable area of the B/ATCP is devoted to public service uses (e.g., schools, parks, government offices). The area proposed for building height and roof pitch amendments serves as a direct recreation access point to Lake Tahoe (Lakeview Commons) along with the City and County owned facilities located south of US 50 across from Lakeview Commons. The area is served by transit, with US 50 stops near Rufus Allen Blvd (Library), San Jose Ave, and Modesto Ave (So Tahoe Visitor Center), with links to other Tahoe Transportation District routes. A bike lane and multi-use path parallel to US 50 run through the B/ATCP boundary and link to other bike lanes, bike routes, and multi-use trails in the South Shore with connections extending to Stateline, Meyers, Tahoe Keys, and Camp Richardson. The proposed amendment area is located within a portion of B/ATCP District 4, which is designated public service and recreation. Since the adoption of the B/ATCP, the 56-acre park area has been designated as a TRPA Regional Plan land use classification of Mixed-Use.

Figure 1-1 Amendment Area



**Figure 1-2 TRPA Regional Plan Land Use Map**



Surrounding land uses include residential neighborhoods, and a similar mix of commercial uses and tourist accommodations along US 50. Lake Tahoe is directly north of the B/ATCP boundary and the 56-acre project area proposed for the building height and roof pitch amendments. Existing land uses within the 56-acre project area include an overnight campground, recreational beach/park area (Lakeview Commons), City recreation center and ice area, historical museum, and senior center.

The B/ATCP was adopted by the City and TRPA in 1995 and has been amended on numerous occasions with the most recent amendments being adopted on June 24, 2020 facilitating the development of the Boys and Girls Club and on October 28, 2020 when a portion of District 1 of the B/ATCP was added to the Tourist Core Area Plan Gateway District.

## 1.5 PROJECT OBJECTIVES/PURPOSE AND NEED

The purpose of the Community Plan amendments is to permit greater building height for public/quasi-public and recreation facilities requiring flatter roof pitches to span large interior spaces (e.g., recreation center) that are being considered as part of the 56-acre park master plan process. The objective of this action is to 1) revise the standards of the B/ATCP District 4, specific to the 56-acre area, to allow for flexibility in the height and roof pitch standards that will encourage redevelopment in the 56-acre project area for large public or quasi-public land uses/buildings that typically require additional height and flat roofs based on their large size, 2) ensure that appropriate design standards are in place to mitigate the visual impact of redevelopment, and 3) bring the roof pitch requirement for all other building in the 56-acre project area into alignment with the city-wide minimum roof pitch requirement of 5:12.

## 1.6 DOCUMENT ORGANIZATION

This IS/IEC includes the standard content for environmental documents under CEQA and TRPA Code of Ordinances and Rules of Procedures. An EIR/EIS was determined to be unnecessary, as there are not potentially significant environmental effects associated with the implementation of proposed amendments to the B/ATCP. This IS/IEC is a full disclosure document, describing the plan amendments and their environmental effects in sufficient detail to aid decision-making.

**Chapter 1** includes a description of the IS/IEC process, the tiering process, project background, the location of the Project and surrounding land uses, Project Objectives and Purpose and Needs Statement, the public involvement process and history, and the relationship of the B/ATCP to other land use plans, policies, and regulations.

**Chapter 2** contains a description of the B/ATCP amendments, including an overview of the proposed changes to the Community Plan.

**Chapter 3** provides the baseline conditions for the environmental analysis.

**Chapter 4** contains the methods and assumptions used to analyze the potential environmental effects of the amendments.

**Chapter 5** contains a detailed analysis of the environmental effects and necessary mitigation measures if applicable.

## 1.7 PUBLIC INVOLVEMENT

Pursuant to the requirements of CEQA, this IS/IEC will be sent, along with a Notice of Completion, to the California State Clearinghouse. In addition, copies of this document will be distributed to other Lake Tahoe Region reviewing agencies and interested stakeholders for review. A Notice of Availability and Notice of Public Hearing will be published in the Tahoe Daily Tribune and a Planning Commission hearing will be conducted to solicit comments during a 30-day public review period. After closure of the public review period, the City of South Lake Tahoe and TRPA staff will respond to comments. City staff will then prepare an agenda item for the City Planning Commission's recommendation and City Council's action that include the IS/IEC, comments on the IS/IEC, and responses to the comments. If the City Council determines that the amendments would not have significant adverse impacts, the City Council may adopt a Negative Declaration of environmental impact and adopt the proposed B/ATCP amendments. Following City Council approval, a Notice of Determination would be filed with the El Dorado County recorder-clerk's office and with the California State Clearinghouse.

Pursuant to the TRPA's Rules of Procedure and Chapter 3 of the TRPA Code of Ordinances, the agencies IEC will be made available for public review along with the project staff report at least 14 days prior to hearings held to consider the proposed amendments. TRPA staff will prepare agenda items for the TRPA Regional Plan Implementation Committee, TRPA Advisory Planning Commission's, and TRPA Governing Board consideration. If it is determined that no significant adverse impacts would result from the proposed project, the TRPA Governing Board may issue a Finding of No Significant Effect and adopt the amendments.

## 1.8 RELATIONSHIP TO LAND USE PLANS, POLICIES AND REGULATIONS

The B/ATCP falls under the direct jurisdiction of both The City of South Lake Tahoe and the Tahoe Regional Planning Agency. In addition, federal and state agencies exercise varying levels of control concerning specific parcels or resources. This section identifies each agency's responsibility relative to the proposed amendments; it also identifies the plans and policies to which the B/ATCP must show compliance.

### REGIONAL

The Tahoe Regional Planning Agency (TRPA) is a bi-state planning agency with authority to regulate growth and development within the Lake Tahoe Region. TRPA implements that authority through a Bi-State Compact and the TRPA Regional Plan. The Regional Plan Goals and Policies establish an overall framework for development and environmental conservation in the Lake Tahoe Region.

In December 2012, the TRPA Governing Board adopted an updated Lake Tahoe Regional Plan. General priorities of the updated Regional Plan that apply to these amendments include:

- Accelerating water quality restoration and other threshold gains by supporting environmental beneficial redevelopment opportunities, restoration of disturbed lands and Environmental Improvement Program (EIP) investments.
- Transitioning to more permitting delegated to local governments to create one-stop-shopping for homeowner improvements to return TRPA to a more regional role that the Bi-State Compact originally intended.
- Creating walkable communities and increasing alternative transportation options.

Important policies addressed in the Lake Tahoe Regional Plan include:

- Retaining the established regional growth control system. Under this system, rampant overdevelopment was stopped, and open spaces preserved. Most of the policies from the 1987 Regional Plan stayed in place.
- Creating a more efficient planning system that integrates TRPA requirements into the plans and permits of other applicable government agencies.
- Encouraging property owners to transfer development rights from sensitive and remote areas into Town/Regional Centers with the goal of restoring these lands.
- Eliminating regulatory barriers to support upgrades and environmentally beneficial redevelopment of rundown buildings with aging infrastructure.
- Simplifying overly complicated regulations for homeowners while achieving threshold gain.
- Incorporating the 2020 Linking Tahoe: Regional Transportation Plan (adopted in 2021) and the Active Transportation Plan (adopted in 2018) to support sidewalk and bike trail projects that reduce automobile dependency and increase walkability and safety.

- Continuing to deliver restoration projects under the EIP which achieves erosion control on roadways and restore forests and wetlands.

Under the 2012 Regional Plan update, Community Plans are intended to be replaced by Area Plans; however, Chapter 12 (Community Plans) of the TRPA Code of Ordinances addresses Community Plans, their applicability, contents, and process. Specifically, Section 12.8 addresses the maintenance and modification of Community Plans, stating:

*“Adopted community plans shall be reviewed by TRPA at five-year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation, and monitoring. TRPA may defer approval of projects within community plans if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter.”*

Section 12.7.4 indicates modification approvals occur through review of the modification and recommendation by the TRPA Advisory Planning Commissions, followed by Governing Board review, or an alternate process (Section 12.7.5) that may better facilitate the planning process.

Regional Plan Policy LU-4.3 indicates, “Community plans have been approved for some properties in the region to refine and supersede the plan area statements. These community plans were adopted in accordance with the 1987 regional plan and shall remain in effect until superseded by area plans that are developed in accordance with and found in conformance with this regional plan. If any community plan contains provisions that contradict newer provisions of the regional plan or development code, the newer provisions of the regional plan or development code shall prevail, but only to the extent that specific provisions conflict.”

## STATE OF CALIFORNIA

Several State agencies may play a role in development decisions within the Tahoe Region. As such, these State agencies must grant permits or other forms of permission prior to physical development. Affected agency staff will review the proposed amendments for consistency with adopted plans and policies. State agencies that may have a responsible agency role in projects that may be implemented include:

California Department of Transportation (Caltrans): Caltrans is responsible for planning, designing, constructing, and maintaining all state highways (e.g., US 50). The jurisdictional interest of Caltrans extends to improvements to roadways on the state highway system (including roadways designated as U.S. highways). Any federally funded transportation improvements would be subject to review by Caltrans staff and the California Transportation Commission, either on or off of the state highway system.

California Tahoe Conservancy: The mission of the California Tahoe Conservancy (CTC) is to protect and restore the natural environment of Lake Tahoe, including the lake’s exceptional clarity and diversity of wildlife habitat in the Region. The CTC implements a comprehensive set of programs to affirmatively address resource needs in the Tahoe Region, including the protection and restoration of the natural environment, especially water quality; enhancement of wildlife habitat; provision of public access and recreation opportunities; and management of acquired public land at Lake Tahoe.

Within the 56-Acre project area, the CTC has provided grant funding (most recently in 2020) for the City to partner with the County and the local community to complete a master plan for the areas of the 56-Acre site located south of US 50. The site includes Campground by the Lake, a recreation center, ice arena, library, and senior facilities. Future master plan facilities could include a new government center, a new recreation center, and an outdoor music amphitheater.

*Lahontan Regional Water Quality Control Board:* Lahontan has water quality responsibilities including the California-side of the Lake Tahoe Region. This agency establishes water quality standards, subject to the approval of the State Board, and has broader enforcement power than TRPA. By issuing waste discharge permits and requiring monitoring to show compliance, among other activities, Lahontan actively enforces attainment of standards.

Any party responsible for construction activity over one acre must obtain a National Pollution Discharge Elimination System Permit (NPDES Permit) from Lahontan to eliminate or reduce pollutants from construction related storm water discharged to surface waters, which include riparian zones.

Lahontan is also responsible for incorporating the Lake Tahoe Daily Maximum (TMDL) pollutant load reduction targets into the NPDES permit for California municipalities in the Tahoe Region. This permit regulates stormwater discharge from El Dorado County's stormwater management infrastructure and Federal rules require that El Dorado County implement programs to control pollutant runoff. The NPDES permit issued to El Dorado County stipulates a September 30, 2020 deadline to reduce estimated 2004 baseline jurisdictional pollutant loads of fine sediment particles by 21%, total nitrogen by 14% and total phosphorus by 14%. Lahontan is expected to update the NPDES permit every five years to include additional load reduction targets. Attainment of the 2026 target, termed the Clarity Challenge, is estimated to return Lake Tahoe to an average annual transparency of 80 feet (Lahontan 2010).

The NPDES Permit requires the City to prepare an updated Pollutant Load Reduction Plan (PLRP) by March 15, 2018 detailing the approach for meeting pollutant load reduction requirements. The City Council adopted a PLRP in January 2013 that outlined the proposed strategy for meeting the first 2016 load reduction targets.

*California Trustee Agencies:* State agencies with trustee responsibility in the B/ATCP boundary include: California Division of Forestry (tree removal and forest resource concerns), State Historic Preservation Officer (cultural resources), and California Department of Fish and Wildlife (plant and wildlife resources), and State Lands Commission, which oversees state-owned sovereign lands (Lake Tahoe).

## **CITY OF SOUTH LAKE TAHOE**

The City of South Lake Tahoe implements its regulatory authority through its General Plan and City Code. The City's 1999 General Plan adopted TRPA's Plan Area Statements (PASs) and Community Plans to replace its previous local zoning. In the City's 2011 General Plan update, the City adopted new land use designations for PASs located within the County's jurisdiction but retained the PASs and Community Plans in the Lake Tahoe Region as its zoning system. The existing PASs and Community Plan will remain in effect until superseded by an adopted conforming Area Plan or amendments to existing Area Plans.

## **EL DORADO COUNTY**

El Dorado County owns 41 acres of the 56-acre project area and is participating in preparation of the 56 Acres Master Plan, a joint effort between the city and county to update the area and provide for trails, recreational and civic uses. A new recreation center and senior center are included within the plan proposals. The 56-acre area also contains 15 acres owned by the City of South Lake Tahoe. Portions of this site were deeded to El Dorado County by D. L. Bliss in 1923 and by the Lake Valley Community Club in 1959. The City, through a cooperative lease agreement with El Dorado County, operates and manages the on-site facilities and uses for a public park, recreation, cultural, and visitor information purposes. That 50-year lease expires in 2023.

## 2.0 PROJECT DESCRIPTION

The City of South Lake Tahoe proposes two amendments to the B/ATCP. These amendments are summarized below:

1. The proposed amendment would allow a maximum height of 42 feet for public, quasi-public, or recreation facilities within the 56-acre project area of District 4 with no minimum cross slope or roof pitch requirements. Height limits for B/ATCP areas outside of the 56-acre project area would remain unchanged.
2. Reduce minimum roof pitch requirements to 5:12 for other structures within the 56-acre project area.

The amended plan will serve as a mutual plan for the City of South Lake Tahoe and TRPA by providing direction for how the applicable area shall be regulated to achieve regional environmental and land use objectives. The development standards and the specific policies referenced in the amendments are the land use standards intended to administer and regulate development within the 56-acre project area of the B/ATCP (see Figure 2-1). The proposed B/ATCP amendments, shown in track changes (strike through and bold/underline font) follow the figure.

Any proposed project within the subject area will be subject to the following design and development standards and guidelines:

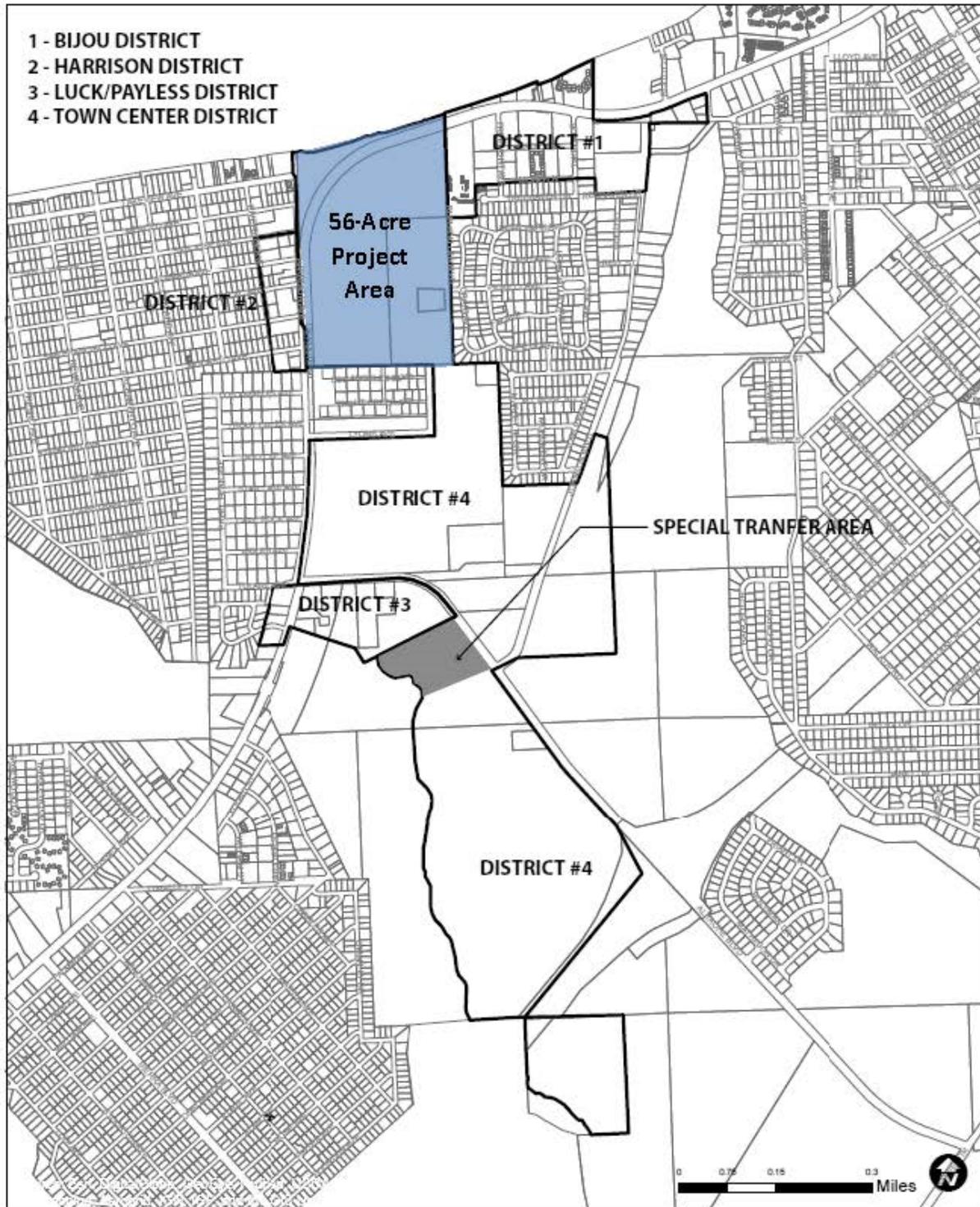
- Citywide Design and Development Standards (Chapter 6.10 and 6.55 of the [City Municipal Code](#)),
- TRPA Code of Ordinances Section 37.7 and Chapter 66: Scenic Quality
- Findings 1, 3, 4, 5, 7, and 8 of TRPA Code Section 37.7 (Findings for Additional Building Height) for any proposed project exceeding height standards of TRPA Section 37.4 or 37.5 with a maximum allowable height of 42 feet

The standards and guidelines within the references listed above serve as mitigation to protect and preserve scenic quality and ensure that any future development is compatible with the natural environment. Specifically, these design and development standards require but are not limited to:

- Proposed development will not extend above the forest canopy or a ridgeline, when present.
- Any proposed building shall be designed to minimize interference with existing views within the area to the extent practicable.
- Find that any structure with a height exceeding height standards in TRPA Code Section 37.4 or 37.5 up to a maximum height of 42 feet is necessary for the functionality of that proposed use and the minimum necessary to feasibly implement the project.
- Proposed development is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed.
- The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.
- A frontal setback of 20 feet for commercial and public services buildings and 50 feet for recreational buildings.
- Requirement that the natural forest setting be preserved by maintaining the maximum number of trees in the project site.

- Proposed development shall have architectural treatments that use natural materials and colors that create visual interest variations in facades and building forms.

Figure 2-1 – 56-Acre Portion of Bijou/Al Tahoe Community Plan District 4



City of South Lake Tahoe, CA  
Bijou/Al Tahoe Community Plan

Exhibit 3  
Land Use District Map  
June 2020

**APPENDIX A: BIJOU/AL TAHOE COMMUNITY PLAN STANDARDS AND GUIDELINES**

*(Amendments shown in red and underlined.)*

**SECTION TWO – PUBLIC SERVICE/RECREATION THEME**

<b>DISTRICTS</b>		<b>MAP AND USE MATRIX IDENTIFICATION</b>
	Town Center	4
A	PERMITTED USES	Refer to use matrix for district uses.
B	HEIGHT	
	Standard	Refer to TRPA Code of Ordinances Chapter 37.
	Special Standard	<p>The following shall apply to:</p> <p>Lake Tahoe Community College and Lake Tahoe Unified School District properties:</p> <p>Height issues for these sites shall be addressed by TRPA on an individual project basis, and may be in excess of Chapter 37 based on project setback, visibility, or other design criteria.</p> <p><u><b>El Dorado County and City properties located in 56-Acre project area:</b></u></p> <p><u><b>For public and quasi-public owned buildings, the maximum height permitted is 42, with no minimum cross slope or roof pitch requirements, provided TRPA makes Findings 1, Finding 3, Finding 4, Finding 5, Finding 7, and Finding 8 of TRPA Code Section 37.7.</b></u></p>
C	BULK	
	Standard	Refer to Redevelopment Design Element, Sections 1 and 2.
D	COVERAGE	
	Standard	Refer to TRPA Code of Ordinances Chapters 30.
E	SETBACKS	
	Standard	Refer to City Wide Design Manual Section 3 of Chapter 1 & 2.

Special Standard

In addition to the City Wide Design Manual, the following shall apply to specific properties located with the Town Center District, including:

The vacant 7.5 acre parcel north of Al Tahoe and west of Johnson Boulevard (Adjacent to the existing El Dorado County Government Center) shall required a minimum of a 50’ setback from Johnson Boulevard and an increased interior sideyard setback of 20’ in that area of the property adjoining the residentially developed district.

The vacant 12 acre parcel, north of Al Tahoe and east of Johnson Boulevard (adjacent to Bijou Community Park) shall require a minimum of a 50’ setback from Johnson Boulevard for development.

Development on the Lake Tahoe Community College property shall have a minimum setback of 50’ from Al Tahoe Boulevard.

F SITE DESIGN

Standard Refer to City Wide Design Manual, Section 2, Chapters 1 & 2

Special Standard

In addition to the City Wide Design Manual, the following standards shall apply to the entire Town Center:

1. A natural forest setting shall be preserved by designing projects that maintain the maximum number of trees, shrubs, boulders, and other natural amenities at a project site. Landscaping shall be designed to blend with the native surroundings, including trees, shrubs, ground covers and flowers.
2. Sidewalks shall connect all buildings within project area.

G ARCHITECTURAL TREATMENT

Standard Refer to City Wide Design Standards, Section 2 of Chapters 1 & 2 and City Lighting Standards.

Special Standard

In addition to the City Design Standards, the following standards shall apply:

1. Buildings shall be designed with interest (no box forms, variations in elevation, etc.) and shall incorporate architectural features which blend with the surrounding buildings.

2. Wood siding **or natural appearing siding** shall be used on the exterior of all remodeled newly constructed buildings.
3. Roofs shall have a minimum pitch of 5:12 and a maximum roof pitch of 12:12. **Roofs may have a minimum pitch of 0:12 on public and quasi-public owned buildings within El Dorado County and City properties located in 56-Acre project area.**
4. Real stone shall be incorporated into the building design. Manufactured stone may be used on a project only if the applicant demonstrates the application of the stone will appear “real.”
5. All projects shall incorporate days use amenities, including; outdoor furniture, bicycle racks and trash receptacles.

### **3.0 BASELINE**

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As specified in Section 13.3.1 of the TRPA Code, all plans, policies, and regulations in the Regional Plan and the TRPA Code shall remain in effect unless superseded by the provisions of an adopted conforming Area Plan. Thus, existing baseline conditions for the purposes of this IS/IEC reflect current environmental conditions with the updated Regional Plan, TRPA Code, City of South Lake Tahoe General Plan and Zoning Ordinance in effect, and the existing TRPA plans (e.g., B/ATCP and adjacent area plans), maps, and ordinances also in effect.

The proposed project evaluated in this IS/IEC is the amendment of the B/ATCP. With approval, the B/ATCP amendments would become part of the TRPA Regional Plan and would amend the existing B/ATCP. The focus of the analyses herein is on the amendment of the existing plan, maps, and ordinances to reflect the revised boundaries of design standards and the potential environmental effects of implementing the amendments to the B/ATCP over its plan horizon.

## 4.0 METHODOLOGY AND ASSUMPTIONS

This IS/IEC was prepared to evaluate the potential environmental effects of the B/ATCP amendments using as a tool the CEQA initial study and TRPA initial environmental checklist questions, responses, and supporting narrative. The analysis tiers and incorporates by reference specific analyses contained in the following environmental review documents, as appropriate:

- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy EIR/EIS*, certified by the TMPO Board and the TRPA Governing Board on December 12, 2012 (RTP EIR/EIS)
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *2020 Linking Tahoe: Regional Transportation Plan/Sustainable Communities Strategy IS/MND/IEC/FONSE*, certified by the TMPO Board and the TRPA Governing Board in April 2021 (RTP IS/IEC)
- City of South Lake Tahoe, *General Plan Update EIR*, certified by the City Council on May 17, 2011 (City GP EIR)

These program-level environmental documents include a regional and city-wide scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at a community plan/area plan level. These documents serve as first-tier documents for the City and TRPA review of the proposed Amendments. To the extent that the B/ATCP is consistent with the Regional Plan and the RTP, for which the program EISs were prepared, the Amendments could be found to be “within the scope” of the program EISs.

The B/ATCP Amendments IS/IEC is also a program-level environmental document. No specific development projects are proposed at this time or analyzed herein. All future projects within the B/ATCP boundary (including the 56-acre project area) would be subject to project-level environmental review and permitting by the City of South Lake Tahoe and/or TRPA, with the permitting agency determined based on the size, nature and location of the project. Project-level environmental documents would require identification of, and mitigation for any potentially significant environmental impacts.

## 5.0 ENVIRONMENTAL CHECKLIST AND IMPACT ANALYSIS

**1. Project title:** B/ATCP Amendments

**2. Lead agency name and address:**

The City of South Lake Tahoe is the California Environmental Quality Act (CEQA) lead agency responsible for preparing an Initial Study/Negative Declaration (IS/ND) and the Tahoe Regional Planning Agency (TRPA) will serve as the lead agency for the Initial Environmental Checklist/Finding of No Significant Effect (IEC/FONSE) under the Tahoe Regional Planning Compact.

City of South Lake Tahoe  
1052 Tata Lane  
South Lake Tahoe, California 96150

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Nevada 89449

**3. Contact person(s) and phone number(s):**

City of South Lake Tahoe: John Hitchcock, Planning Manager, (530) 542-7472, [jhitchcock@cityofslt.us](mailto:jhitchcock@cityofslt.us)

Tahoe Regional Planning Agency: Jennifer Self, Principal Planner (775) 589-5261, [jself@trpa.gov](mailto:jself@trpa.gov)

**4. Project location:**

The B/ATCP is located within the City of South Lake Tahoe, and the portion of the B/ATCP proposed for amendment to building height and roof pitch standards is the City and County owned 56-acre public service and recreation area located between US Highway 50 and Rufus Allen Blvd, from Lake Tahoe south to the Lake Tahoe Historical Museum and South Lake Tahoe Recreation Center shown on Figure 1-1.

**5. Project sponsor's name and address:**

City of South Lake Tahoe  
1052 Tata Lane  
South Lake Tahoe, CA 96150

**6. General Plan designation:** The City's General Plan designates the 56-acre project area land use as Recreation and TRPA's Conceptual Land Use Map designates it as Mixed-Use (Commercial/Public Service).

**7. Zoning:** Commercial/Public Service

**8. Description of project:** Refer to Chapter 2 of this document.

**9. Surrounding land uses and setting:** Refer to Section 1.4 in Chapter 1 of this document.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

Amendment of the B/ATCP requires City of South Lake Tahoe City Council and the TRPA Governing Board approval. Projects that may move forward as a result of the implementation of these

amendments will undergo project-level environmental review and may also require approval by the California Department of Forestry and Fire Protection (tree removal), California Tahoe Conservancy (funding source), California Regional Water Quality Control Board, Lahontan Region (waste discharge), El Dorado County Air Quality Management District (generators), and/or the California Department of Transportation (highway encroachment/ROW).

**5.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

If environmental factors are checked below, there would be at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages. As discussed in the IS/IEC checklist, there are no potentially significant impacts associated with the B/ATCP amendments. Applicable mitigation measures for general and cumulative impacts associated with the General Plan and the RPU are incorporated into the project approval.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture/Forest Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology Resources	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance
	<input checked="" type="checkbox"/> None	<input type="checkbox"/> None with Mitigation Incorporated

## 5.2 CEQA ENVIRONMENTAL DETERMINATION

On the basis of this Initial Study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.



10/20/2021

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John Hitchcock, Planning Manager  
City of South Lake Tahoe

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Date

**5.3 TRPA ENVIRONMENTAL DETERMINATION (TO BE COMPELTED BY TRPA)**

On the basis of this TRPA Initial Environmental Checklist:

- a. The proposed project 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 Procedures  Yes  No
  
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedures.  Yes  No
  
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA’s Rules of Procedures.  Yes  No



Signature of Evaluator

Principal Planner, TRPA

Title of Evaluator

1/12/2022

Date

## 5.4 EVALUATION OF ENVIRONMENTAL IMPACTS

The following environmental analysis has been prepared using the CEQA Guidelines Appendix G: Environmental Checklist Form to complete an Initial Study (IS). This checklist also includes analysis of environmental impacts required in the TRPA Initial Environmental Checklist (IEC) found at: [http://www.trpa.org/wp-content/uploads/Initial\\_Environmental\\_Checklist.pdf](http://www.trpa.org/wp-content/uploads/Initial_Environmental_Checklist.pdf).

### 5.4.1 CEQA

CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except "No Impact" responses that are adequately supported by noted information sources (see Table 5-1). Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Table 5-1: CEQA Defined Levels of Impact Significance	
Impact Severity	Definition
No Impact	A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
Less than Significant Impact	"Less than Significant Impact" applies where the Project's impact creates no significant impacts based on the criterion or criteria that sets the level of impact to a resource and require no mitigation to avoid or reduce impacts.
Less than Significant Impact after Mitigation	"Less than Significant Impact after Mitigation" applies where the incorporation of mitigation measures has reduced an effect from potentially "Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
Significant Impact	"Significant Impact" is appropriate if there is substantial evidence that an effect is potentially significant, as based on the criterion or criteria that sets the level of impact to a resource. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
Source: CEQA Appendix G Environmental Checklist Form 2018	

### 5.4.2 TRPA

Article VI of the TRPA Rules of Procedures presents the rules governing the preparation and processing of environmental documents pursuant to Article VII of the Compact and Chapter 3 of the Revised TRPA Code of Ordinances.

TRPA uses an IEC, in conjunction with other available information, to determine whether an EIS will be prepared for a project or other matter. This could include preparation of an Environmental Assessment, in accordance with Section 3.4 of the TRPA revised Code, when TRPA determines that an IEC will not provide sufficient information to make the necessary findings for a project.

The IEC includes a series of questions categorized by and pertaining to resources regulated by TRPA. Each checklist item requires a checked response of “Yes,” “No,” “No, with Mitigation,” or “Data Insufficient.” A checked response of “Data Insufficient” or a determination that a project may have a significant effect on the environment (Section 3.3.2 of the TRPA Code) indicates that additional environmental review in the form of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) would be required. The IEC form indicates that all “Yes” and “No, with Mitigation” responses require written explanations. This IEC provides supporting narrative for all responses. Where a checked response may not be intuitive or easily understood by the reader, that response has been marked with an asterisk (\*) and a brief clarifying statement supporting the rationale for the checked response is included. Based on an initial review of the Project, TRPA and City staff determined that an IEC would provide sufficient information regarding the Project to make one of the findings below. As set forth in Code Subsection 3.3.1, based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

1. The proposed project 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.
2. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.
3. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this Chapter and TRPA’s Rules of Procedure.

When completed, TRPA reviews the IEC to determine the adequacy and objectivity of the responses. When appropriate, TRPA consults informally with federal, state, or local agencies with jurisdiction over the project or with special expertise on applicable environmental impacts.

### 5.4.3 AESTHETICS (CEQA), SCENIC RESOURCES/COMMUNITY DESIGN AND LIGHT AND GLARE (TRPA)

This section presents the analyses for potential impacts to aesthetics, scenic resources/community design and light and glare. Table 5-2 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-2: Aesthetics, Scenic Resources/Community Design and Light and Glare</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.3-1.</b> Have a substantial adverse effect on a scenic vista? (CEQA Ia)			<b>X</b>	
<b>5.4.3-2.</b> Substantially damage scenic resources, including, but not limited				<b>X</b>

to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)				
<b>5.4.3-3.</b> Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)			X	
<b>5.4.3-4.</b> Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)			X	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.3-5.</b> Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? (TRPA item 18a)	X			
<b>5.4.3-6.</b> Be visible from any public recreation area or TRPA designated bicycle trail? (TRPA item 18b)	X			
<b>5.4.3-7.</b> Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? (TRPA item 18c)	X			
<b>5.4.3-8.</b> Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan? (TRPA item 18d)				X
<b>5.4.3-9.</b> Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? (TRPA item 18e)				X
<b>5.4.3-10.</b> Include new or modified sources of exterior lighting? (TRPA item 7a)				X
<b>5.4.3-11.</b> Create new illumination which is more substantial than other lighting, if any, within the surrounding area? (TRPA item 7b)				X
<b>5.4.3-12.</b> Cause light from exterior sources to be cast off-site or onto public lands? (TRPA item 7c)				X
<b>5.4.3-13.</b> Create new sources of glare through the siting of the improvements or through the use of reflective materials? (TRPA item 7d)				X

### 5.4.3-1. Would the Project have a substantial adverse effect on a scenic vista? (CEQA Ia)

The B/ATCP contains scenic vistas visible from public roadways; including views to Lake Tahoe from US 50 within the 56-acre project area. The 56-acre project area is characterized by heavy forest growth to the southeast in park lands of the South Lake Tahoe recreation area (library, campground, and senior center area), and wide expansive panoramas of Lake Tahoe and surrounding mountains where US 50 closely parallels the Lake Tahoe shoreline (through Lakeview Commons park). While development and redevelopment could occur in the future without the amendments, changes are likely to be positive by improving the visual quality of the built environment consistent with the TRPA Code of Ordinances, City Design Guidelines, City Code Title 6, the standards of the B/ATCP, and the general recommendations for site planning found in the TRPA Scenic Quality Improvement Program (SQIP).

The portion of US 50 in the 56-acre amendment area is associated with TRPA Scenic Roadway Unit# 34 (El Dorado Beach) viewsheds #1 and 2 and Unit #35 (Al Tahoe). Views from the Roadway Unit #34 area towards the south and east consist of a heavily forested area of the South Lake Tahoe recreation area with very little understory vegetation, many recreational facilities including a campground, and some buildings and associated parking. Views from this Roadway Unit area towards the north consist of a major panorama of Lake Tahoe seen through a line of pine trees located between the highway and the lake shoreline. The 2019 rating for this area included a travel route rating threshold composite score of 18 (attainment) and a scenic quality rating of 8 (attainment) for natural landscapes and 12 (attainment) for views to the Lake. Visual improvements to roadway distractions and lake views occurred between 2011 and 2019 with the removal of the Alta Mira commercial building located between US 50 and Lake Tahoe, new bus shelters, landscaping along US 50, Lakeview commons improvements, the Harrison Avenue project that reconfigured parking, sidewalks and landscaping to reduce visual clutter, and façade improvements to Hotel Azure. The 2018 Threshold Evaluation noted these beneficial improvements continue to incrementally improve scenic quality in the unit, but not sufficient to change the scenic ratings. View from the Roadway Unit #35 are primarily retail and commercial man-made development. The 2019 rating for this area included a travel route rating threshold composite score of 9.5 (non-attainment) and a scenic quality rating of 3.5 (non-attainment) for man-made features. New sidewalks with real rock walls are improvements that have been made within the last few years and replacement of aging development, such as an amusement park with a beer garden, are improvements. Redeveloped buildings near Harrison Avenue also benefited the man-made features score.

The project area also includes TRPA Shoreline Unit 32 (Al Tahoe), which is in attainment with a 2019 threshold composite rating of 11 and scenic quality rating of 8 for shoreline views. The 2018 evaluation identifies improvements to Shoreline Unit 32 from completion of shoreline components of Lakeside Commons Park removal of the Alta Mira commercial building and residential rebuilds behind Regan Beach. However, similar to the roadway unit, the improvements were incrementally beneficial, but not sufficient to increase the scenic ratings.

The project proposes the following changes to the 56-acre project area within the B/ATCP in relation to scenic resources and visual quality:

- The proposed amendment would allow a maximum height of 42 feet for public, quasi-public, or recreation facilities with the 56-acre project area of District 4 with no minimum cross slope or roof pitch requirements.
- Reduce minimum roof pitch requirements to 5:12 for other structures within the 56-acre project area.

New public service and recreation buildings are being considered for the 56-acre project area as part of the City, County and CTC master planning process that is currently in process. Current height and roof pitch requirements utilize TRPA Code Chapter 37 limits for establishing maximum building height and B/ATCP District 4 development standards for minimum roof pitch (7:12). The maximum height permitted for a building with a 7:12 roof pitch is 32.5 feet and is not adequate to accommodate public service and recreation facilities that require large footprints and high ceilings (e.g., recreation centers, gyms, performance spaces, etc.). In addition, to span a large space with a 7:12 roof pitch would likely result in a structure that not only exceeds 32.5 feet but would also exceed the maximum height permitted by TRPA of 42 feet and results in a design with “excessive roof components.”

The proposed amendment to allow a maximum height of 42 feet for public, quasi-public, or recreation facilities within the 56-acre project area of District 4 with no minimum cross slope or roof pitch requirements is to provide the same height standards for new buildings on Lake Tahoe Unified School District property and the Lake Tahoe Community College properties. Both sites, like 56-acres, are intended for larger-scale buildings to house public education programs. Requiring such buildings to have high pitched roofs results in designs with “excessive” roof components, which is contrary to TRPA’s and the City’s goals of promoting environmentally beneficial and sustainable development.

Public service and recreation facilities are designed with low pitched roofs appropriate for their function and sustainable design but cannot be currently approved by TRPA or City because the current B/ATCP requires a minimum roof pitch of 7:12 and a maximum height of 32.5 feet.

The minimum high roof pitch requirement would create buildings that are out of scale for its function and more intrusive on the surrounding neighborhood. This creates a negative visual impact with a larger than necessary man-made structure that dominates and obstructs views of surrounding natural elements. All of which is contrary to TRPA’s visual regulations which are intended to protect natural views and reduce the visual intrusion of man-made structures.

Higher roof pitches also result in larger interior volume than needed, which must be conditioned and maintained, resulting in increase energy consumption and operation costs, which is contrary to long term sustainability goals

The reduction in roof pitch for other structures within the 56-acres project area is to bring the roof pitch requirement into alignment with the city-wide minimum requirement of 5:12 and the City’s long-term sustainability goals.

The proposed B/ATCP amendment would require public or quasi-public structures of up to 42 feet in the 56-acre project area to meet height findings 1, 3, 4, 5, 7, and 8 as defined in Section 37.7 of the TRPA Code of Ordinances. These findings (listed below) ensure the additional height does not extend above forest canopies, minimizes interference with existing views, particularly within the shoreline, is adequately screened from public viewpoint locations, and is the minimum building height necessary to feasibly implement the project. If the findings cannot be made, the additional height would not be permitted for future projects within the 56-acre project area. This ensures no significant impact would result from the increased height allowance proposed within the amendment area.

**37.7.1 Finding 1:** When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a

building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

*Proposed development within the 56-acre project area will be located within a heavily forested area south of US 50 and buildings up to 42 feet in height would remain well below the height of the forest canopy, as viewed from US 50 or Lake Tahoe. The majority of trees located within the 56-acres project area south of US 50 are primarily mature conifers in excess of 100 feet in height. Any proposed building at 42 feet in height would still be well below 66 feet, which is approximately two-thirds of the existing tree canopy, and thus when viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, the additional height would not extend above the forest canopy.*

**37.7.3. Finding 3:** With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

*Future development proposals for the 56-acre project area will have to document how building design and placement minimize interference with existing views. Since existing views include heavily forested recreation uses to south of US 50 and open panoramas of Lake Tahoe as viewed north from US 50, future building placement must ensure that forest/landscape buffers remain between US 50 and the development south of US 50, and open panoramas are not blocked as viewed north from US 50.*

**37.7.4. Finding 4:** The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

*Future development proposals will have to document how building structural requirements (e.g., gym, covered pool, recreation center, etc.) warrant a maximum building height greater than what would be provided in Code chapter 37.4.*

**37.7.5. Finding 5:** The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background: a) the horizontal distance from which the building is viewed; b) the extent of screening; and c) proposed exterior colors and building materials.

*Future development proposals will have to document how buildings are adequately screened to protect existing scenic quality (e.g., lake views, landscape views, man-made features, roadway distractions, etc.) from US 50 and Lake Tahoe viewpoints.*

**37.7.7. Finding 7:** The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

*Future development proposals will have to document how building structural requirements (e.g., gym, covered pool, recreation center, etc.) warrant a proposed building height that is greater than what would otherwise be provided in Code chapter 37.4.*

Since this amendment proposes no other changes to the B/ATCP Design Standards other than the possibility of earning additional height (up to 42 feet) and allowing flat roofs for public or quasi-public buildings, no significant impact is anticipated. Any future proposed project would be required to implement the design standards of the B/ATCP and be in compliance with TRPA and City requirements to ensure no significant impact to scenic vistas would occur as these standards offset the impacts of additional height.

Those requirements include preserving the maximum number of trees, shrubs, boulders and other natural amenities on site. Incorporating architectural treatments that limit box forms creates variations in elevations and facades to blend with the natural landscape. The standards also require the use of earthtone colors and the use of natural and natural-appearing materials. Moreover, due to the existing major conifers located within the 56-acres project area south of US 50, any proposed project would not extend above the forest canopy. Implementation of the theses measures for any future project that results from this amendment and making TRPA findings for additional height is not expected to result in a significant impact on scenic vistas, scenic quality, or community character when viewed from major arterials, scenic turnouts, public recreation areas, or the water of Lake Tahoe.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.3-2. Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (CEQA Ib)**

US 50 is not an officially designated state scenic highway in the project area, through it is listed as an eligible route. An eligible State highway becomes officially designated through a process in which the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a State Scenic Highway by the Caltrans Director. Other than distant views of the ridgelines and tree canopy outside the area proposed for amendment, the area footprint does not contain other unique visual resources such as rock outcroppings, trees, or historical buildings, as the parcels have been substantially developed with public service/recreational structures and infrastructure. Therefore, the Project has no impact on state designated scenic highways.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-3. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)**

As discussed above in Question 5.4.3-1, the existing visual character of a majority of the 56-acre project area consists of heavy forest growth to the southeast of US 50 in lands used for the South Lake Tahoe

recreation area (library, campground, and senior center/historical museum area). The northern most corner of the 56-acre project area includes wide expansive panoramas of Lake Tahoe and surrounding mountains where US 50 closely parallels the Lake Tahoe shoreline (viewed through Lakeview Commons park). As such, the existing visual character of the 56-acre project area appears less urban than other US 50 corridors north and south of the project area, with less evidence of man modifications and fewer roadway distractions.

The existing B/ATCP includes detailed design standards that are intended to ensure that the built environment complements the natural appearing landscape while promoting recreational and public service uses in the 56-acre project area. The B/ATCP specifically regulates building form, materials and colors and includes the following: buildings shall be designed with interest and provide adequate articulation and detail to avoid a bulky box-like appearance; a unified palette of quality materials shall be used; a variety of natural-appearing materials should be used on building facades to create contrast; and colors should blend with the setting. The amendments would allow public or quasi-public buildings to be approximately 10 (with a 7:12 roof pitch) to 18 feet taller (with a flat roof) than currently permitted, but other existing B/ATCP requirements for building standards and design would remain unchanged.

As a result, an increase in the height and roof pitch of future public or quasi-public buildings may occur as a result of the amendments but would not result in a significant change to visual character or quality of the area for the following reasons: public or quasi-public buildings that may utilize the additional height and flat roof provision will serve recreational or public service uses that are compatible with the existing visual character and requirements to make TRPA height findings will protect visual quality in the 56-acre project located between US 50 and Lake Tahoe. Finally, changes to allowable building height will not impact existing US 50 or shoreline viewsheds due to the required findings for additional height which includes screening of the additional height or limits height to below the tree canopy when viewed from major roadways, the waters of the lake or public viewpoints, and also requires no net loss of views along a scenic travel route, among other findings.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.3-4. Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)**

The 56-acre project area is currently developed with recreation and public service uses, and no changes to lighting design standards is proposed. Therefore, glare or reflectivity from a project proposed under the amended B/ATCP would not change compared to projects developed under the existing Community Plan, and will not adversely affect day or nighttime views in the area. Pursuant to the City Code Section 6.10.160 and TRPA Code Section 36.8 all lighting shall have cutoff shields, be directed downward, and shall not spray above the horizontal plane. No new impact would occur.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.3-5. Would the Project be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? (TRPA 18a)**

The proposed amendment will affect development that will be potentially visible from US Highway 50, which is not a Caltrans Officially Designated State Scenic Highway at this location, but is a TRPA designated urban scenic corridor. As discussed in Question 5.4.3-1, the project area includes Scenic Roadway Travel Unit #34 (El Dorado Beach) and Unit #35 (Al Tahoe). Urban Scenic Corridors are generally urbanized where man-made development is the dominant visual feature, but development still blends with the natural environment (TRPA Code Chapter 66, Scenic Quality). Such development would be authorized under current standards. The revision of the special height standard allows more flexibility in structural design (e.g. shallower roof pitches) and increase allowable height for public service buildings.

Any proposed project within the subject area will be subject to the following design and development standards and guidelines:

- Citywide Design and Development Standards (Chapter 6.10 and 6.55 of the [City Municipal Code](#)),
- TRPA Code of Ordinances Section 37.7 and Chapter 66: Scenic Quality
- Findings 1, 3, 4, 5, 7, and 8 of TRPA Code Section 37.7 (Findings for Additional Building Height) for any proposed project exceeding height standards of TRPA Section 37.4 or 37.5 with a maximum allowable height of 42 feet

The standards and guidelines within the references listed above serve as mitigation to protect and preserve scenic quality and ensure that any future development is compatible with the natural environment. Specifically, these design and development standards require but are not limited to:

- Proposed development will not extend above the forest canopy or a ridgeline, when present.
- Any proposed building shall be designed to minimize interference with existing views within the area to the extent practicable.
- Find that any structure with a height exceeding height standards in TRPA Code Section 37.4 or 37.5 up to a maximum height of 42 feet is necessary for the functionality of that proposed use and the minimum necessary to feasibly implement the project.
- Proposed development is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed.
- The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.
- A frontal setback of 20 feet for commercial and public services buildings and 50 feet for recreational buildings.
- Requirement that the natural forest setting be preserved by maintaining the maximum number of trees in the project site.
- Proposed development shall have architectural treatments that use natural materials and colors that create visual interest variations in facades and building forms.

The 2019 Threshold Evaluation indicates attainment with recent improvements in the visual quality of the built environment. The detailed design standards in the B/ATCP ensure that the built environment complements the natural appearing landscape in the Tahoe Region while providing public service and recreational opportunities for residents and visitors. The B/ATCP specifically regulates building form, materials and colors to avoid bulky and “box-like” appearance, to promote materials and colors that blend with the natural setting, to reduce glare and reflectivity, and preserve views of the lake, ridgelines and meadows. With application of the design standards, the overall visual quality and character of the amendment area is expected to remain high while allowing for new and relocated public service and

recreational uses. Thus, implementation of the amendments will not result in adverse impacts on views from any state or federal highway, Pioneer Trail or from Lake Tahoe.

Environmental Analysis: *Yes, but No Impact.*

Required Mitigation: **None.**

#### **5.4.3-6. Would the Project be visible from any public recreation area or TRPA designated bicycle trail? (TRPA 18b)**

The 56-acre project area is visible from El Dorado Beach/Lakeview Commons, which is included as part of the 56-acre area, and from Lake Tahoe. There is also a newly constructed Class I bike trail along US Highway 50 within the project area. Visual impacts have the potential to occur to each of these recreational locations, since the 56-acre project area is visible from each; however, the design standards and guidelines listed in 5.4.3-5 above and the following recommendations included in the TRPA Lake Tahoe Scenic Resource Evaluation (1993) would protect views from these recreational land uses:

- Existing trees should be preserved as a visual screen between structures and major public use areas.
- Structures should not be permitted to exceed the height of the existing tree cover.
- Development should not be permitted where tree cover is too sparse to visually absorb new structures, road cuts, and other attendant improvements.
- Use of reflective materials should be restricted and use of materials which blend into the surrounding landscape encouraged.

Development within the amendment area would be consistent with the B/ATCP's Design Standards and Chapter 66 (Scenic Quality) of the TRPA Code of Ordinances that would prohibit buildings to protrude above the forest canopy or ridgeline, include site-specific design features that minimize ground disturbance, incorporate screening, use of earth tone colors, materials and architectural style that complements the Tahoe landscape. Thus, development within the amendment area will not adversely impact views from any public recreation area or TRPA designated bicycle trails.

Environmental Analysis: *Yes, but no Impact.*

Required Mitigation: **None.**

#### **5.4.3-7. Would the Project block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? (TRPA 18c)**

As discussed above in Questions 5.4.3-1 (CEQA Checklist 1a) and 5.4.3-6 (TRPA 18b) scenic viewsheds in the 56-acre project area include wide panorama views of Lake Tahoe from US 50 and the recreational uses south of US 50.

Future development projects located north of US 50 in the El Dorado Beach/Lakeview Commons area have the potential to disrupt existing scenic vistas of Lake Tahoe as viewed from US 50 or the campground. Scenic findings required by TRPA for additional building height would prohibit buildings in these locations

to earn additional height if they were to impact scenic viewpoints, especially those within the Lake Tahoe shoreline (finding 1). For projects in other parts of the 56-acre project area, the findings would prohibit buildings to protrude above the forest canopy or ridgeline, include site-specific design features that minimize ground disturbance, incorporate screening, and require use of earth tone colors, materials and architectural style that complements the Tahoe landscape. Public and quasi-public buildings located within the 56-acre project area that request additional height and flatter roofs would be visible from US 50; however, impacts to overall scenic vistas would be less than significant and would not detract from the visual experience based on protections included in the scenic findings. Thus, the B/ATCP amendments would not result in new obstructed views to and from Lake Tahoe or other scenic vistas.

See response to 5.4.3-5 above for additional design and development standards required of future projects.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.3-8. Would the Project be inconsistent with the height and design standards required by the applicable ordinance or Community Plan? (TRPA 18d)**

The B/ATCP includes design standards with which future development in the amendment area would be required to comply. The B/ATCP Design Standards and Guidelines for District 4 primarily defer to the TRPA Code of Ordinances, City Zoning and Sign Ordinances, City Wide Design Manual, City Lighting Standards, and South Tahoe Redevelopment Design Element. Special standards for District 4 include an emphasis on the use of natural wood, development of a landscape boulevard theme, parking lot landscaping, and public art. Since the B/ATCP was adopted in 1995, both the City and TRPA have revised planning documents to reflect the current direction on design. The proposed amendments do not change a majority of the adopted design standards, but do propose amendment to maximum height limits and minimum roof pitch requirements within the 56-acre project area, which would apply therein only, and only for public or quasi-public buildings.

The B/ATCP amendments would apply a 42 foot maximum height allowance to the 56-acre project area for any public or quasi-public building, if the existing additional height findings can be met. The current limit is 42 feet, but can only be earned on project sites where the ground slopes at 24 percent across the building pad, and where a 12:12 roof pitch is proposed. The 42 foot maximum height limit proposed in the amendment is similar or lower to other urban land use areas within the City, including most of the Districts in the TCAP and each of the Districts along US 50 in the TVAP. As such, the proposed height allowance for public or quasi-public buildings within the 56-acre project area is consistent with height limits applied elsewhere along a majority of US 50 frontage. Combined with the other remaining design standards, and protective measures incorporated in TRPA additional height findings, the visual quality and character of the affected area would be protected; therefore, no significant impact would result from implementing the amended height and roof pitch standards within the 56-acre project area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-9. Would the Project be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? (TRPA 18e)**

The SQIP does not include recommendations for scenic improvement to the 56-acre project area portion of US 50, since the roadway unit has been in attainment for each review period since the SQIP was prepared.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-10. Would the Project include new or modified sources of exterior lighting? (TRPA 7a)**

See discussion and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-11. Would the Project create new illumination, which is more substantial than other lighting, if any, within the surrounding area? (TRPA 7b)**

See discussions and analysis and for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-12. Would the Project cause light from exterior sources to be cast off-site or onto public lands? (TRPA 7c)**

See discussions and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-13. Would the Project create new sources of glare through the siting of the improvements or through the use of reflective materials? (TRPA 7d)**

See discussion and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**Current and historic status of the TRPA scenic resources standards can be found at the links below:**

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

### 5.4.4 AGRICULTURE AND FORESTRY RESOURCES

This section presents the analyses for potential impacts to agriculture and forestry resources. Some TRPA checklist items concern impacts to vegetation, which are addressed in Section 5.4.6, Biological Resources. Table 5-3 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-3: Agriculture and Forestry Resources</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.4-1.</b> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)				<b>X</b>
<b>5.4.4-2.</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)				<b>X</b>
<b>5.4.4-3.</b> Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)				<b>X</b>
<b>5.4.4-4.</b> Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA IId)				<b>X</b>
<b>5.4.4-5.</b> Involve other changes in the existing environment which, due to their location or nature,				<b>X</b>

could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)				
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**5.4.4-1. Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (CEQA IIa)**

The amendments do not change policies related to farmland.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-2. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)**

The amendments do not change land use and no contracts exist within the project area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-3. Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)**

The amendments do not change land use or zoning of forested land.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-4. Would the Project result in the loss of forest land or conversion of forest land to non-forest use? (CEQA II d)**

The amendments do not result in loss of forested lands or increase the possibility of forest land conversion.

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.4-5. Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)**

The amendments would permit increased building height for public or quasi-public buildings within the 56-acre project area which may facilitate development that would not occur without the availability of additional height. However, public service uses could be constructed on the site with or without the proposed height amendment, so the amendment does not create a new impact not addressed in previous B/ATCP environmental review.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**Current and historic status of TRPA vegetation preservation standards can be found at the links below:**

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

**5.4.5 AIR QUALITY**

This section presents the analyses for potential impacts to air quality. Table 5-4 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-4: Air Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.5-1. Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)				X
5.4.5-2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)				X

5.4.5-3. Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)				X
5.4.5-4. Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA III d)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
5.4.5-5. Substantial air pollutant emissions? (TRPA 2a)				X
5.4.5-6. Deterioration of ambient (existing) air quality? (TRPA 2b)				X
5.4.5-7. Creation of objectionable odors? (TRPA 2c)				X

**5.4.5-1. Would the Project conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to air quality and proposes no changes to air quality policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-2. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (CEQA IIIb)**

The B/ATCP amendments would not contribute to an increase in any criterial pollutant because they only address building height and roof pitch and not land use or density.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-3. Would the Project expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)**

The B/ATCP amendments do not create new opportunities for sensitive receptors to be constructed nearby existing pollutants, nor would the amendments contribute to higher pollutant levels from future development.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-4. Would the Project result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIIId)**

B/ATCP amendments to height limits and roof pitch standards would not change possibility for objectionable odors.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-5. Would the Project result in substantial air pollutant emissions? (TRPA 2a)**

See analysis for Question 5.4.5-1.

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.5-6. Would the Project result in deterioration of ambient (existing) air quality? (TRPA 2b)**

See analysis for Question 5.4.5-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-7. Would the Project result in creation of objectionable odors? (TRPA 2c)**

See analysis for Question 5.4.5-4.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

***Current and historic status of TRPA air quality standards can be found at the links below:***

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

### 5.4.6 BIOLOGICAL RESOURCES (STREAM ENVIRONMENT ZONES, WETLANDS, WILDLIFE AND VEGETATION)

This section presents the analyses for potential impacts to biological resources, including impacts to SEZs, wetlands, wildlife and vegetation. Table 5-6 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-6: Biological Resources</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.6-1.</b> Have a substantial adverse effect, either directly or through habitat modifications, on 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 Game or U.S. Fish and Wildlife Service? (CEQA IVa)				X
<b>5.4.6-2.</b> Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)				X
<b>5.4.6-3.</b> Have a substantial adverse effect on federally protected (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)				X
<b>5.4.6-4.</b> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)				X
<b>5.4.6-5.</b> Conflict with any local policies or ordinances protecting biological resources, such as tree				X

preservation policy or ordinance? (CEQA IVe)				
<b>5.4.6-6.</b> Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.6-7.</b> Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? (TRPA 4a)				X
<b>5.4.6-8.</b> Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? (TRPA 4b)				X
<b>5.4.6-9.</b> Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? (TRPA 4c)				X
<b>5.4.6-10.</b> Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? (TRPA 4d)				X
<b>5.4.6-11.</b> Reduction of the numbers of any unique, rare or endangered species of plants? (TRPA 4e)				X
<b>5.4.6-12.</b> Removal of streambank and/or backshore vegetation, including woody vegetation such as willows? (TRPA 4f)				X
<b>5.4.6-13.</b> Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? (TRPA 4g)				X

5.4.6-14. A change in the natural functioning of an old growth ecosystem? (TRPA 4h)				X
5.4.6-15. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? (TRPA 5a)				X
5.4.6-16. Reduction of the number of any unique, rare or endangered species of animals? (TRPA 5b)				X
5.4.6-17. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (TRPA 5c)				X
5.4.6-18. Deterioration of existing fish or wildlife habitat quantity or quality? (TRPA 5d)				X

**5.4.6-1. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on 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 Game or U.S. Fish and Wildlife Service? (CEQA IVa)**

The B/ATCP amendments do not create a new physical development impact not addressed in previous B/ATCP environmental review. While the amendment allows for additional height and changes to roof pitch standards, it does not propose specific new development that threaten biological resources habitat or protection of any candidate, sensitive, or special status species.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-2. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-3. Would the Project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-4. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-5. Would the Project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-6. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-7. Would the Project result in removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? (TRPA 4a)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-8. Would the Project result in removal of riparian vegetation other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? (TRPA 4b)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-9. Would the Project result in introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? (TRPA 4c)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-10. Would the Project result in change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? (TRPA 4d)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-11. Would the Project result in reduction of the numbers of any unique, rare or endangered species of plants? (TRPA 4e)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-12. Would the Project result in removal of streambank and/or backshore vegetation, including woody vegetation such as willows? (TRPA 4f)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-13. Would the Project result in removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA’s Conservation or Recreation land use classifications? (TRPA 4g)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-14. Would the Project result in a change in the natural functioning of an old growth ecosystem? (TRPA 4h)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-15. Would the Project result in change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? (TRPA 5a)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-16. Would the Project result in reduction of the number of any unique, rare or endangered species of animals? (TRPA 5b)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-17. Would the Project result in introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (TRPA 5c)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-18. Would the Project result in deterioration of existing fish or wildlife habitat quantity or quality? (TRPA 5d)**

See analysis for Question 5.4.6-1.

Environmental Analysis: *No Impact*.

Required Mitigation: **None**.

***Current and historic status of TRPA soil conservation standards can be found at the links below:***

- [Impervious Cover](#)
- [Stream Environment Zone](#)

***Current and historic status of TRPA water quality standards can be found at the links below:***

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

***Current and historic status of TRPA vegetation preservation standards can be found at the links below:***

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)
- [Special Interest Species](#)

***Current and historic status of the TRPA fisheries standards can be found at the links below:***

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

## **5.4.7 CULTURAL RESOURCES (CEQA) AND ARCHAEOLOGICAL/HISTORICAL (TRPA)**

This section presents the analyses for potential impacts to cultural, archaeological and historical resources, discussing the Project impacts on cultural resources related to the disturbance of archaeological, historical, architectural, and Native American/traditional heritage resources. The section also addresses disturbance of unknown archaeological resources, as well as paleontological resources (fossils). Table 5-7 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-7: Cultural Resources and Archaeological/Historical				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.7-1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)				X
5.4.7-2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)				X
5.4.7-3. Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.7-4. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? (TRPA 20a)				X
5.4.7-5. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? (TRPA 20b)				X
5.4.7-6. Is the property associated with any historically significant events and/or sites or persons? (TRPA 20c)				X

**5.4.7-1. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)**

The B/ATCP amendments do not create a new physical development impact not addressed in previous B/ATCP environmental review. While the amendment allows for additional height and changes to roof pitch standards, it does not propose specific new development that threaten cultural and historical resources or policies designed to protect historical resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-2. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)**

See analysis for Question 5.4.7-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-3. Would the Project disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)**

See analysis for Question 5.4.7-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-4. Will the Project result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? (TRPA 20a)**

See analysis for Question 5.4.7-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-5. Is the Project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? (TRPA 20b)**

See analysis for Question 5.4.7-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-6. Is the Project associated with any historically significant events and/or sites or persons? (TRPA 20c)**

See analysis for Question 5.4.7-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8 ENERGY (CEQA/TRPA)**

This section presents the analyses for potential impacts to energy. Table 5-8 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-8: Energy				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.8-1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)				X
5.4.8-2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.8-3. Use of substantial amounts of fuel or energy? (TRPA 15a)				X
5.4.8-4. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? (TRPA 15b)				X

**5.4.8-1. Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)**

The B/ATCP amendments do not create a new physical development impact not addressed in previous B/ATCP environmental review. While the amendment allows for additional height and changes to roof pitch standards, it does not propose changes to policies designed to conserve energy resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-2. Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)**

See analysis for Question 5.4.8-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-3. Would the Project use substantial amounts of fuel or energy? (TRPA 15a)**

See analysis for Question 5.4.8-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-4. Will the Project substantially increase the demand upon existing sources of energy, or require the development of new sources of energy? (TRPA 15b)**

See analysis for Question 5.4.8-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9 GEOLOGY AND SOILS (CEQA) AND LAND (TRPA)**

This section presents the analyses for potential impacts to geology, soils and land. Table 5-9 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-9: Geology and Soils and Land				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<p><b>5.4.9-1.</b> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?</p> <p>ii) Strong seismic ground shaking?</p>				X

iii) Seismic-related ground failure, including liquefaction? iv) Landslides? (CEQA VIIa)				
<b>5.4.9-2.</b> Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)				X
<b>5.4.9-3.</b> Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)				X
<b>5.4.9-4.</b> Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)				X
<b>5.4.9-5.</b> Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIE)				X
<b>5.4.9-6.</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.9-7.</b> Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? (TRPA 1a)				X
<b>5.4.9-8.</b> A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? (TRPA 1b)				X
<b>5.4.9-9.</b> Unstable soil conditions during or after completion of the proposal? (TRPA 1c)				X
<b>5.4.9-10.</b> Changes in the undisturbed soil or native				X

geologic substructures or grading in excess of 5 feet? (TRPA 1d)				
<b>5.4.9-11.</b> The continuation of or increase in wind or water erosion of soils, either on or off the site? (TRPA 1e)				<b>X</b>
<b>5.4.9-12.</b> Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? (TRPA 1f)				<b>X</b>
<b>5.4.9-13.</b> Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards? (TRPA 1g)				<b>X</b>

**5.4.9-1. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**5.4.9-1.i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (CEQA VIIa).**

The B/ATCP amendments do not create a new physical development impact not addressed in previous B/ATCP environmental review. While the amendment allows for additional height and changes to roof pitch standards, it does not propose changes to policies designed to protect people and structures from geological resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-1.ii) Strong seismic ground shaking?**

See analysis for Question 5.4.9-1.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-1.iii) Seismic-related ground failure, including liquefaction?**

See analysis for Question 5.4.9-1.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-1.iv) Landslides?**

See analysis for Question 5.4.9-I.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-2. Would the Project result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)**

See analysis for Question 5.4.9-I.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-3. Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)**

See analysis for Question 5.4.9-I.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-4. Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)**

See analysis for Question 5.4.9-I.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-5. Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (CEQA VIIE)**

See analysis for Question 5.4.9-I.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-6. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-7. Would the Project result in compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? (TRPA 1a)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-8. Will the Project result in a change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? (TRPA 1b)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-9. Will the Project result in unstable soil conditions during or after completion of the proposal? (TRPA 1c)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-10. Will the Project result in changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? (TRPA 1d)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-11. Will the Project result in the continuation of or increase in wind or water erosion of soils, either on or off the site? (TRPA 1e)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-12. Will the Project result in changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? (TRPA 1f)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-13. Will the Project result in exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mudslides, ground failure, or similar hazards? (TRPA 1g)**

See analysis for Question 5.4.9-l.i.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

***Current and historic status of TRPA soil conservation standards can be found at the links below:***

- [Impervious Cover](#)
- [Stream Environment Zone](#)
- [Surface Runoff](#)

**5.4.10 GREENHOUSE GAS EMISSIONS (CEQA) AND AIR QUALITY (TRPA)**

This section presents the analyses for potential impacts to greenhouse gas (GHG) emissions. Table 5-10 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-10: Greenhouse Gas Emissions and Air Quality</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.10-1.</b> Greenhouse gas emissions, either directly or indirectly, that may have a				<b>X</b>

significant impact on the environment? (CEQA VIIIa)				
<b>5.4.10-2.</b> Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.10-3.</b> Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? (TRPA 2d)				<b>X</b>
<b>5.4.10-4.</b> Increased use of diesel fuel? (TRPA 2e)				<b>X</b>

**5.4.10-1. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to air quality/greenhouse gas emissions and proposes no changes to air quality or greenhouse gas emission policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.10-2. Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)**

See analysis for Question 5.4.10-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.10-3. Would the Project result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? (TRPA 2d)**

See analysis for Question 5.4.10-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.10-4. Would the Project result in increased use of diesel fuel? (TRPA 2e)**

See analysis for Question 5.4.10-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11 HAZARDS AND HAZARDOUS MATERIALS (CEQA) AND RISK OF UPSET AND HUMAN HEALTH (TRPA)**

This section presents the analyses for potential impacts to hazards and hazardous materials and risk of upset and human health. Table 5-11 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-11: Hazards and Hazardous Materials and Risk of Upset and Human Health</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.11-1.</b> Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)				<b>X</b>
<b>5.4.11-2.</b> Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)				<b>X</b>
<b>5.4.11-3.</b> Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)				<b>X</b>
<b>5.4.11-4.</b> Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)				<b>X</b>

5.4.11-5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)				X
5.4.11-6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIII f)				X
5.4.11-7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
5.4.11-8. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? (TRPA 10a)				X
5.4.11-9. Involve possible interference with an emergency evacuation plan? (TRPA 10b)				X
5.4.11-10. Creation of any health hazard or potential health hazard (excluding mental health)? (TRPA 17a)				X
5.4.11-11. Exposure of people to potential health hazards? (TRPA 17b)				X

**5.4.11-1. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to hazards or hazardous materials/risk of upset and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-2. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)**

See analysis for Question 5.4.11-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-3. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)**

See analysis for Question 5.4.10-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-4. Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)**

See analysis for Question 5.4.10-1.

No hazardous waste facilities or contaminated sites are identified within the proposed B/ATCP amendment area. There are two closed GeoTracker Leaking Underground Storage Tank (LUST) cleanup sites (one at the Beach Bear Café site and one at a former Express Gas station in the Pioneer Center west of US 50) in the vicinity of the 56-acre site, but neither were located within the publicly owned lands.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)**

The B/ATCP 56-acre amendment area is not located within Lake Tahoe Airport Safety Zones as depicted in the City's 2019 Airport Land Use Compatibility Plan (Figure 4-4), and therefore has no potential impact on public safety.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-6. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA IXf)**

The amendments would not alter or revise existing regulations or amend the City's Local Emergency Operations Plan or Emergency Management Plan. The amendments would not impair the implementation of or physically interfere with the City Natural Hazard Management Plan or Emergency Management Plan and therefore results in no impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-7. Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)**

See analysis for Question 5.4.10-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-8. Will the Project involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? (TRPA 10a)**

See analysis for Question 5.4.10-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-9. Will the Project involve possible interference with an emergency evacuation plan? (TRPA 10b)**

See discussion and analysis for Question 5.4.11-6 above that concludes that implementation of the B/ATCP amendments will not impact existing emergency evacuation plans.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-10. Will the Project result in creation of any health hazard or potential health hazard (excluding mental health)? (TRPA 17a)**

See analysis for Question 5.4.10-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-11. Will the Project result in exposure of people to potential health hazards? (TRPA 17b)**

See analysis for Question 5.4.10-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**Current and historic status of TRPA air quality standards can be found at the links below:**

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

**5.4.12 HYDROLOGY AND WATER QUALITY**

This section presents the analyses for potential impacts to hydrology and water quality. Table 5-12 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-12: Hydrology and Water Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.12-1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)				X
5.4.12-2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)				X

<p><b>5.4.12-3.</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would</p> <p>i) Result in substantial erosion or siltation on- or off-site;</p> <p>ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</p> <p>iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</p> <p>iv) Impede or redirect flood flows? (CEQA Xc)</p>				<p><b>X</b></p>
<p><b>5.4.12-4.</b> In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)</p>				<p><b>X</b></p>
<p><b>5.4.12-5.</b> Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)</p>				<p><b>X</b></p>
<p><b>TRPA Initial Environmental Checklist Item</b></p>	<p><b>Yes</b></p>	<p><b>No, With Mitigation</b></p>	<p><b>Data Insufficient</b></p>	<p><b>No</b></p>
<p><b>5.4.12-6.</b> Changes in currents, or the course or direction of water movements? (TRPA 3a)</p>				<p><b>X</b></p>
<p><b>5.4.12-7.</b> Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? (TRPA 3b)</p>				<p><b>X</b></p>
<p><b>5.4.12-8.</b> Alterations to the course or flow of 100-year flood waters? (TRPA 3c)</p>				<p><b>X</b></p>
<p><b>5.4.12-9.</b> Change in the amount of surface water in any water body? (TRPA 3d)</p>				<p><b>X</b></p>

5.4.12-10. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (TRPA 3e)				X
5.4.12-11. Alteration of the direction or rate of flow of ground water? (TRPA 3f)				X
5.4.12-12. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? (TRPA 3g)				X
5.4.12-13. Substantial reduction in the amount of water otherwise available for public water supplies? (TRPA 3h)				X
5.4.12-14. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? (TRPA 3i)				X
5.4.12-15. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality? (TRPA 3j)				X
5.4.12-16. Is the Project located within 600 feet of a drinking water source? (TRPA 3k)				X

**5.4.12-1. Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to hydrology and water quality and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-2. Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)**

See analysis for Question 5.4.12-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-3. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (CEQA Xc):**

**5.4.12-3.i) Result in substantial erosion or siltation on- or off-site?**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-3.ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-3.iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-3.iv) Impede or redirect flood flows?**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-4. Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-5. Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-6. Will the Project result in changes in currents, or the course or direction of water movements? (TRPA 3a)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-7. Will the Project result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? (TRPA 3b)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-8. Will the Project result in alterations to the course or flow of 100-year floodwaters? (TRPA 3c)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-9. Will the Project result in change in the amount of surface water in any water body? (TRPA 3d)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-10. Will the Project result in discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (TRPA 3e)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-11. Will the Project result in alteration of the direction or rate of flow of ground water? (TRPA 3f)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-12. Will the Project result in change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? (TRPA 3g)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-13. Will the Project result in substantial reduction in the amount of water otherwise available for public water supplies? (TRPA 3h)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-14. Will the Project result in exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? (TRPA 3i)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-15. Will the Project result in potential discharge of contaminants to the groundwater or any alteration of groundwater quality? (TRPA 3j)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact*.

Required Mitigation: **None**.

**5.4.12-16. Is the Project located within 600 feet of a drinking water source? (TRPA 3k)**

See analysis for Question 5.4.12-l.

Environmental Analysis: *No Impact*.

Required Mitigation: **None**.

**Current and historic status of TRPA water quality standards can be found at the links below:**

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

**5.4.13 LAND USE AND PLANNING**

This section presents the analyses for potential impacts to land use and planning. Table 5-13 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-13: Land Use and Planning				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.13-1. Physically divide an established community? (CEQA XIa)				X
5.4.13-2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)				X

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.13-3. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan? (TRPA 8a)				X
5.4.13-4. Expand or intensify an existing non-conforming use? (TRPA 8b)				X

**5.4.13-1. Would the Project physically divide an established community? (CEQA XIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to land use and proposes no changes to applicable policies that would divide an established community. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.13-2. Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)**

The B/ATCP amendments would not alter or conflict with the policies in the TRPA Regional Plan or City General Plan that direct land use, nor would they amend land use policies in the adopted B/ATCP. However, the amendments would result in changes to design standards including allowable building height and minimum roof pitch. The existing building height and roof pitch standards were included in the B/ATCP to protect scenic resources, including community design as viewed from US Highway 50. Refer to Section 5.4.3 for analysis of scenic quality impacts and the determination that the proposed amendments would not alter the B/ATCP’s ability to protect scenic resources from future development within the 56-acre project area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.13-3. Will the Project include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan? (TRPA 8a)**

The B/ATCP amendments would not alter, revise, or conflict with permissible uses included in the B/ATCP. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.13-4. Will the Project expand or intensify an existing non-conforming use? (TRPA 8b)**

See analysis for Question 5.4.13-I.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**Current and historic status of TRPA soil conservation standards can be found at the links below:**

- [Impervious Cover](#)
- [Stream Environment Zone](#)

**5.4.14 MINERAL RESOURCES (CEQA) AND NATURAL RESOURCES (TRPA)**

This section presents the analyses for potential impacts to mineral resources and natural resources. Table 5-14 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-14: Mineral Resources and Natural Resources				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.14-1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)				X
5.4.14-2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.14-3. A substantial increase in the rate of use of any natural resources? (TRPA 9a)				X
5.4.14-4. Substantial depletion of any non-renewable natural resource? (TRPA 9b)				X

**5.4.14-1. Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to mineral/natural resources. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.14-2. Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)**

See analysis for Question 5.4.14-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.14-3. Will the Project result in a substantial increase in the rate of use of any natural resources? (TRPA 9a)**

See analysis for Question 5.4.14-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.14-4. Will the Project result in a substantial depletion of any non-renewable natural resource? (TRPA 9b)**

See analysis for Question 5.4.14-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15 NOISE**

This section presents the analyses for potential impacts related to noise. Table 5-15 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-15: Noise</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.15-1.</b> Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)				<b>X</b>
<b>5.4.15-2.</b> Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)				<b>X</b>
<b>5.4.15-3.</b> For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.15-4.</b> Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? (TRPA 6a)				<b>X</b>
<b>5.4.15-5.</b> Exposure of people to severe noise levels? (TRPA 6b)				<b>X</b>
<b>5.4.15-6.</b> Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? (TRPA 6c)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.15-7.</b> The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? (TRPA 6d)				<b>X</b>
<b>5.4.15-8.</b> The placement of uses that would generate an incompatible noise				<b>X</b>

level in close proximity to existing residential or tourist accommodation uses? (TRPA 6e)				
5.4.15-9. Exposure of existing structures to levels of ground vibration that could result in structural damage? (TRPA 6f)				X

**5.4.15-1. Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to noise and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-2. Would the Project generate excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)**

The B/ATCP amendment area is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport. The B/ATCP 56-acre amendment area is not located within Lake Tahoe Airport Safety Zones as depicted in the City’s 2019 Airport Land Use Compatibility Plan (Figure 4-4). The amendments would only result in changes to building height and roof pitch and therefore does not expose people working in the project area to excessive noise levels from aircraft.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-4. Would the Project result in increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? (TRPA 6a)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-5. Would the Project result in exposure of people to severe noise levels? (TRPA 6b)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-6. Will the Project result in single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? (TRPA 6c)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-7. Will the Project result in the placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? (TRPA 6d)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-8. Will the Project result in the placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? (TRPA 6e)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-9. Will the Project expose existing structures to levels of ground vibration that could result in structural damage? (TRPA 6f)**

See analysis for Question 5.4.15-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

***Current and historic status of the TRPA noise standards can be found at the links below:***

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

### 5.4.16 POPULATION AND HOUSING

This section presents the analyses for potential impacts to population and housing. Table 5-16 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-16: Population and Housing</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.16-1.</b> Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVa)				<b>X</b>
<b>5.4.16-2.</b> Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.16-3.</b> Alter the location, distribution, density, or growth rate of the human population planned for the Region? (TRPA 11a)				<b>X</b>
<b>5.4.16-4.</b> Include or result in the temporary or permanent displacement of residents? (TRPA 11b)				<b>X</b>

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<p><b>5.4.16-5.</b> Affect existing housing, or create a demand for additional housing?</p> <p>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions: (1) Will the proposal decrease the amount of housing in the Tahoe Region? (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? (TRPA 12a)</p>				X
<p><b>5.4.16-6.</b> Will the proposal result in the loss of housing for lower-income and very-low-income households? (TRPA 12b)</p>				X

**5.4.16-1. Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to population and housing and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-2. Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)**

See analysis for Question 5.4.16-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-3. Will the Project alter the location, distribution, density, or growth rate of the human population planned for the Region? (TRPA 11a)**

See analysis for Question 5.4.16-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-4. Will the Project include or result in the temporary or permanent displacement of residents? (TRPA 11b)**

See analysis for Question 5.4.16-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-5. Will the Project affect existing housing, or create a demand for additional housing?**

**(1) Will the proposal decrease the amount of housing in the Tahoe Region? (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? (TRPA 12a)**

See analysis for Question 5.4.16-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-6. Will the Project result in the loss of housing for lower-income and very-low-income households? (TRPA 12b)**

See analysis for Question 5.4.16-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17 PUBLIC SERVICES**

This section presents the analyses for potential impacts to public services. Table 5-17 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-17: Public Services				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.17-1.</b> Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities,				

the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities? (CEQA XVa)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?				
<b>5.4.17-2.</b> Fire protection? (TRPA 14a)				X
<b>5.4.17-3.</b> Police protection? (TRPA 14b)				X
<b>5.4.17-4.</b> Schools? (TRPA 14c)				X
<b>5.4.17-5.</b> Parks or other recreational facilities? (TRPA 14d)				X
<b>5.4.17-6.</b> Maintenance of public facilities, including roads? (TRPA 14e)				X
<b>5.4.17-7.</b> Other governmental services? (TRPA 14f)				X

**5.4.17-1. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities? (CEQA XVa)**

The B/ATCP amendments would facilitate taller public or quasi-public building structures within the 56-acre project area. The proposed amendments would allow public or quasi-public structures of up to 42 feet within the 56-acre project area, an increase compared to the current regulations that limit height based on Table 37.4.1-1 and Section 37.5 (Additional Height for Certain Buildings) of the TRPA Code. The amendments would increase the maximum allowable building height using current regulations from 24 feet (building with a flat roof on a flat building site) to up to 42 feet. The City of South Lake Tahoe Fire Department’s new ladder truck is capable of responding to fire incidents in new or redeveloped multi-story structures with the allowed additional height. Therefore, no impact is created with the change to allowable height.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-2. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: fire protection? (TRPA 14a)**

See analysis for Question 5.4.17-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-3. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: police protection? (TRPA 14b)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to police protection and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-4. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: schools? (TRPA 14c)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to schools and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-5. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: parks or other recreational facilities? (TRPA 14d)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to parks and recreational facilities and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.17-6. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services in maintenance of public facilities, including roads? (TRPA 14e)**

See analysis for Question 5.4.17-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-7. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services in other governmental services? (TRPA 14f)**

See analysis for Question 5.4.17-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18 RECREATION**

This section presents the analyses for potential impacts to recreation. Table 5-18 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-18: Recreation				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.18-1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)				X
5.4.18-2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIa)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.18-3. Create additional demand for recreation facilities? (TRPA 19a)				X
5.4.18-4. Create additional recreation capacity? TRPA 19b)				X

5.4.18-5. Have the potential to create conflicts between recreation uses, either existing or proposed? (TRPA 19c)				X
5.4.18-6. Result in a decrease or loss of public access to any lake, waterway, or public lands? (TRPA 19d)				X

**5.4.18-1. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to recreation and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards. The amendments are proposed to permit eventual development of public or quasi-public recreational facilities that would benefit the community.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-2. Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIb)**

See analysis for Question 5.4.18-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-3. Will the Project create additional demand for recreation facilities? (TRPA 19a)**

See analysis for Question 5.4.18-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-4. Will the Project create additional recreation capacity? (TRPA 19b)**

See analysis for Question 5.4.18-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-5. Will the Project have the potential to create conflicts between recreation uses, either existing or proposed? (TRPA 19c)**

See analysis for Question 5.4.18-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-6. Will the Project result in a decrease or loss of public access to any lake, waterway, or public lands? (TRPA 19d)**

See analysis for Question 5.4.18-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

***Current and historic status of the TRPA recreation standards can be found at the links below:***

- [\*Fair Share Distribution of Recreation Capacity\*](#)
- [\*Quality of Recreation Experience and Access to Recreational Opportunities\*](#)

**5.4.19 TRANSPORTATION (CEQA) AND TRAFFIC AND CIRCULATION (TRPA)**

This section presents the analyses for potential impacts to transportation, traffic and circulation. Table 5-19 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-19: Transportation, Traffic and Circulation</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.19-1.</b> Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)				<b>X</b>
<b>5.4.19-2.</b> Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (CEQA XVIIb)				<b>X</b>
<b>5.4.19-3.</b> Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)				<b>X</b>

5.4.19-4. Result in inadequate emergency access? (CEQA XVIIId)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes,</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
5.4.19-5. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)? (TRPA 13a)				X
5.4.19-6. Changes to existing parking facilities, or demand for new parking? (TRPA 13b)				X
5.4.19-7. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? (TRPA 13c)				X
5.4.19-8. Alterations to present patterns of circulation or movement of people and/or goods? (TRPA 13d)				X
5.4.19-9. Alterations to waterborne, rail or air traffic? (TRPA 13e)				X
5.4.19-10. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? (TRPA 13f)				X

**5.4.19-1. Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to transportation and circulation and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-2. Would the Project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (CEQA XVIIb)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-3. Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-4. Would the Project result in inadequate emergency access? (CEQA XVIIId)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-5. Will the Project result in generation of 100 or more new Daily Vehicle Trip Ends (DVTE)? (TRPA 13a)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-6. Will the Project result in changes to existing parking facilities, or demand for new parking? (TRPA 13b)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-7. Will the Project result in substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? (TRPA 13c)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-8. Will the Project result in alterations to present patterns of circulation or movement of people and/or goods? (TRPA 13d)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-9. Will the Project result in alterations to waterborne, rail or air traffic? (TRPA 13e)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-10. Will the Project result in increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? (TRPA 13f)**

See analysis for Question 5.4.19-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.20 TRIBAL CULTURAL RESOURCES (CEQA) AND  
ARCHAEOLOGICAL/HISTORICAL (TRPA)**

This section presents the analyses for potential impacts to tribal cultural, archaeological and historical resources, discussing the Project impacts on tribal cultural resources related to the disturbance of archaeological, historical, and Native American/traditional heritage resources. Table 5-20 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-20: Tribal Cultural Resources and Archaeological/Historical</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)? Yes: X No:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
<b>5.4.20-1.</b> Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa)				X
<b>5.4.20-2.</b> A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIb)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.20-3.</b> Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? (TRPA 20d)				X
<b>5.4.20-4.</b> Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area? (TRPA 20e)				X

**5.4.20-1. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa)?**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to cultural or historic resources and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.20-2. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIb)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.20-3. Does the Project have the potential to cause a physical change which would affect unique ethnic cultural values? (TRPA 20d)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.20-4. Will the Project restrict historic or pre-historic religious or sacred uses within the potential impact area? (TRPA 20e)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21 UTILITIES AND SERVICE SYSTEMS (CEQA) AND UTILITIES (TRPA)**

This section presents the analysis for potential impacts to utilities and service systems. Table 5-21 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-21: Utilities and Service Systems</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.21-1.</b> Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)				<b>X</b>
<b>5.4.21-2.</b> Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)				<b>X</b>
<b>5.4.21-3.</b> Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments? (CEQA XIXc)				<b>X</b>
<b>5.4.21-4.</b> Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)				<b>X</b>
<b>5.4.21-5.</b> Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)				<b>X</b>

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
<b>5.4.21-6.</b> Power or natural gas? (TRPA 16a)				X
<b>5.4.21-7.</b> Communication systems? (TRPA 16b)				X
<b>5.4.21-8.</b> Utilize additional water which amount will exceed the maximum permitted capacity of the service provider? (TRPA 16c)				X
<b>5.4.21-9.</b> Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? (TRPA 16d)				X
<b>5.4.21-10.</b> Storm water drainage? (TRPA 16e)				X
<b>5.4.21-11.</b> Solid waste and disposal? (TRPA 16f)				X

**5.4.21-1. Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to public utilities and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-2. Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)**

See analysis for Question 5.4.21-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-3. Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments? (CEQA XIXc)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-4. Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-5. Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-6. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to power or natural gas? (TRPA 16a)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-7. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to communication systems? (TRPA 16b)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-8. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to utilize additional water which amount will exceed the maximum permitted capacity of the service provider? (TRPA 16c)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-9. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? (TRPA 16d)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-10. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to storm water drainage? (TRPA 16e)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-11. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to solid waste and disposal? (TRPA 16f)**

See analysis for Question 5.4.20-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22 WILDFIRE (CEQA)**

This section presents the analysis for potential impacts related to wildfire. Table 5-23 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-23: Wildfire</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Is the Project located in or near state responsibility areas or lands classified as high fire hazard severity zones? Yes: X No:				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
<b>5.4.22-1.</b> Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)				<b>X</b>
<b>5.4.22-2.</b> Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)				<b>X</b>
<b>5.4.22-3.</b> Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)				<b>X</b>
<b>5.4.22-4.</b> Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)				<b>X</b>

**5.4.22-1. Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to wildfire protection and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22-2. Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)**

See analysis for Question 5.4.22-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22-3. Would the Project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)**

See analysis for Question 5.4.22-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22-4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)**

See analysis for Question 5.4.22-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23 MANDATORY FINDINGS OF SIGNIFICANCE**

This section presents the analyses for mandatory findings of significance. Table 5-24 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-24: Mandatory Findings of Significance				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.23-1. Does the Project have the potential to degrade the quality of the environment,				X

substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory? (CEQA XX1a)				
<b>5.4.23-2.</b> Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (CEQA XX1b)				X
<b>5.4.23-3.</b> Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (CEQA XX1c)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.23-4.</b> Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? (TRPA 21a)				X
<b>5.4.23-5.</b> Does the Project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs				X

in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) (TRPA 21b)				
<b>5.4.23-6.</b> Does the Project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) (TRPA 21c)				X
<b>5.4.23-7.</b> Does the Project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? (TRPA 21d)				X

**5.4.23-1. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory? (CEQA XXIa)**

The B/ATCP amendments would not alter, revise, conflict or obstruct the regulations pertaining to biological resources (aquatic, wildlife, or plant) and proposes no changes to applicable policies. No changes would occur to the B/ATCP other than modification of building height and roof pitch standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-2. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (CEQA XXIb)**

The B/ATCP is a collection of both short- and long-term goals, policies, and measures designed to guide the development of the plan area and support the Region in attaining environmental thresholds and other important objectives. These goals, policies, and measures are inherently cumulative in nature as they are applied over a long-term basis, for the planning area as a whole, and in compliance with City and TRPA goals, policies, measures, and thresholds. The B/ATCP amendments do not propose new policies or alterations to existing policies that would be cumulatively considerable.

Cumulative projects contemplated in the RPU EIS (TRPA 2012a) include Environmental Enhancement, Land Management Plans, TTD/TMPO projects and programs, and other development projects. These projects and programs also apply to the B/ATCP, and therefore, the proposed 56-acre amendment area. The B/ATCP amendments do not propose specific projects for which cumulative impacts could be analyzed. The Regional Plan EIR cumulative impacts analysis applies to the amendment area regardless of the Community or Area Plan in which it is located.

#### Scenic Resources

As discussed in the analysis, the B/ATCP amendments would alter building height and roof pitch standards for public or quasi-public buildings within the 56-acre project area; however, the proposed changes would be highly limited and subject to TRPA's additional height findings to ensure the scenic threshold is maintained, if not improved. The existing B/ATCP scenic protections would not be altered, and all permitted projects would still be required to meet the TRPA scenic threshold non-degradation standard. Therefore, the B/ATCP amendments would not contribute to an adverse cumulative effect on scenic resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.23-3. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (CEQA XIXc)**

As described above, projects permitted under the B/ATCP amendments would require project-level environmental review and would be required to comply with applicable TRPA, federal, state, and City regulations, including protections for human health and safety. The amendments only address building height and roof pitch and the potential for new impacts to humans is low. Therefore, implementation of the amendments would not create a substantial direct or indirect adverse effect on human beings.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.23-4. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? (TRPA 21a)**

See analysis for Question 5.4.23-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.23-5. Does the Project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (TRPA 21b)**

The B/ATCP implements the TRPA Regional Plan's policies, ordinances, and land use controls designed specifically to achieve long-term environmental goals, and the City's policies, ordinances, and land use controls which are also designed to achieve long-term goals and guide City development over a period of decades. The B/ATCP amendments would not alter this long-term goal, nor does it propose changes to land use or design that would be substantially different from what is currently allowed or that achieve a short-term goal at the expense of long-range planning for the area. While short-term impacts could occur during redevelopment activities, redevelopment projects have the potential to achieve long-term goals. Since the proposed amendment area is currently developed with recreational land uses, new permanent alterations to previously undeveloped land would not occur, and redevelopment projects are anticipated to support environmental, social, and economic improvements.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-6. Does the Project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) (TRPA 21c)**

See analysis for Question 5.4.23-2.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-7. Does the Project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? (TRPA 21d)**

See analysis for Question 5.4.23-3.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

## 5.5 REFERENCES

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United States Department of Agriculture, Natural Resources Conservation Service. 2007. *Soil survey of the Tahoe Basin Area, California and Nevada*. Accessible online at: [http://soils.usda.gov/survey/printed\\_surveys/](http://soils.usda.gov/survey/printed_surveys/). Site accessed August, 2018.

**FINDING OF NO SIGNIFICANT EFFECT**

- Project Description:** Proposed amendments to the City of South Lake Tahoe’s Bijou/Al Tahoe Community Plan.
- Staff Analysis:** In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.
- Determination:** Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.



TRPA Executive Director/Designee

January 12, 2022  
Date

Attachment C  
Compliance Measures Evaluation

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>WATER QUALITY/SEZ - IN PLACE</b>				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The Bijou/Al Tahoe Community Plan (BATCP) amendment will not change existing BMP requirements in Chapter 60 of the TRPA Code of Ordinances and is expected to promote planned public redevelopment in the 56-acre project area, increasing the rate of BMP compliance.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
5	Capital Improvement Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	N	The BATCP amendment does not adversely affect the Capital Improvements Program for Erosion and Runoff Control. The plan recognizes existing programmed water quality improvements and encourages future improvements.
6	Excess coverage mitigation program: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The BATCP amendment will not change excess coverage mitigation requirements.
7	Effluent limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 5	WQ, Soils/SEZ, Fish	N	The effluent limitations in Chapter 5 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	All new subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances.
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	N	The BATCP was developed to meet Regional Plan and Code of Ordinances requirements. The amendment maintains consistency with and supports implementation of Regional Plan goals and policies and Code of Ordinances standards.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	WQ, Soils/SEZ	N	The BATCP amendment does not affect residential development.
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	WQ, Soils/SEZ, Scenic	N	The BATCP amendment does not affect land coverage.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	N	The BATCP amendment does not change Goals and Policies from the Land Use Element and Implementation Element of the Regional Plan regarding the transfer of development.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The BATCP amendemnt will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The BATCP amendment does not change policies and provisions that require the protection and restoration of SEZs.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, Individual Parcel Evaluation System, Section 53.9, will not be altered.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The BATCP amendment will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will remain in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The BATCP amendment does not affect the RPU's restrictions on the rate and amount of additional development.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	N	See response to Compliance Measures 1 through 4.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	N	The BATCP amendment will not increase funding for EIP projects for erosion and runoff control.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	There are no changes to the artificial wetlands/runoff treatment program proposed with the BATCP amendment.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The BATCP amendment does not provide any additional incentives to hasten the transfer of development rights from sensitive lands, including SEZs, or outlying areas to <u>Town Centers and the Regional Center</u> .
23	Improved mass transportation	WQ, Trans, Noise	N	The BATCP amendment does not affect mass transportation.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	N	The BATCP amendment does not affect redevelopment or redirection of land use and is designed to promote development in the 56-acre project area consistent with the community plan and Regional Plan.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances Chapter 65</i>	WQ, AQ	N	No changes are being proposed in the BATCP amendment that would impact Compliance Measures 25-32. The existing TRPA Code of Ordinance provisions will remain in effect.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
28	Effluent limitations	WQ, Soils/SEZ	N	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances Chapter 60</i>	WQ, Soils/SEZ	N	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The BATCP amendment will not change requirements of the BMP implementation program. See response to Compliance Measures 1 through 4.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N	
35	BMP implementation program-- roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	
36	BMP implementation program-- outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	
37	BMP implementation program-- livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	
38	BMP implementation program-- pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls - timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	
41	Land use planning and controls-- ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	Regional Plan Policy R-1.5 states that "Off-road vehicle (ORV) use is prohibited in the Lake Tahoe Region except on specified roads, trails, or designated areas where the impacts can be mitigated." The BATCP amendment does not include the expansion of ORV use.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes are being proposed that would impact this compliance measure. The existing TRPA Code provisions will remain in effect.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	TRPA remains responsible for enforcing and implementing Shorezone regulations, Chapters 80 through 85, of the TRPA Code of Ordinances, as well as other code provisions applicable to projects within the Shorezone. No changes

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	are being proposed with the BATCP amendment that would modify existing code provisions related to the Shorezone or impact these compliance measures.
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish,	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	

### WATER QUALITY/SEZ - SUPPLEMENTAL

52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The BATCP amendment does not include any provisions that would impact Compliance Measures 52 though 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments	
<b>AIR QUALITY/TRANSPORTATION - IN PLACE</b>					
62	Fixed Route Transit - South Shore	Trans, Rec	N	The BATCP amendment does not impact any transit services bikeways, or pedestrian facilities, except to encourage planned development in the 56-acre and related transportation improvements.	
63	Fixed Route Transit - North Shore	Trans, Rec	N		
64	Demand Responsive Transit - South Shore	Trans	N		
65	Seasonal Trolley Services	Trans, Rec	N		
66	Social Service Transportation	Trans	N		
67	Shuttle programs	Trans	N		
68	Ski shuttle services	Trans, Rec	N		
69	Intercity bus services	Trans	N		
70	Passenger Transit Facilities: South Y Transit Center	Trans	N		
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N		
72	Pedestrian facilities	Trans, Rec, Scenic	N		
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N		The BATCP amendment does not make any changes to wood or gas heater controls, or stationary source controls.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N		
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N		

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
76	U.S. Postal Service Mail Delivery	Trans	N	The BATCP amendment does not include any provisions that would impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The BATCP amendment does not make any changes to indirect source review requirements, air quality mitigation requirements, or idling restrictions.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	The BATCP amendment does not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	The BATCP amendment does not make any changes to open burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	N	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	The BATCP amendment does not make any changes to the employer-based trip reduction programs or vehicle rental programs described in Chapter 65.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The BATCP amendment does not make any changes that would impact parking standards, parking management, parking fees or facilities, traffic management, signal synchronization, aviation, waterborne transit or excursions, air quality monitoring, alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola. The BATCP amendment was shown to have an insignificant impact on total daily trips and was not required to conduct a traffic analysis. Additional development associated with the amendment is within the Regional Plan's growth management system and would not generate additional demand for waterborne transit services.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	
92	Waterborne transit services	WQ, Trans, Scenic	N	
93	Air Quality Studies and Monitoring	WQ, AQ	N	
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	N	
95	Demand Responsive Transit - North Shore	Trans	N	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	
<b>AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL</b>				
98	Demand Responsive Transit - North Shore	Trans	N	See response to Compliance Measures 62-97 and 1-4 (Road improvements, BMPs). The BATCP amendment is not expected to affect transportation or transit.
99	Coordinated Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities--South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities--North Shore	Trans, Rec	N	
109	Parking Inventories and Studies Standards	Trans	N	
110	Parking Management Areas	Trans	N	
111	Parking Fees	Trans	N	
112	Establishment of Parking Task Force	Trans	N	
113	Construct parking facilities	Trans	N	
114	Intersection improvements--South Shore	Trans, Scenic	N	
115	Intersection improvements--North Shore	Trans, Scenic	N	
116	Roadway Improvements - South Shore	Trans, Scenic	N	
117	Roadway Improvements - North Shore	Trans, Scenic	N	
118	Loop Road - South Shore	Trans, Scenic	N	
119	Montreal Road Extension	Trans	N	
120	Kingsbury Connector	Trans	N	
121	Commercial Air Service: Part 132 commercial air service	Trans	N	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	N	
123	Expansion of waterborne excursion service	WQ, Trans	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	
<b>VEGETATION - IN PLACE</b>				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The BATCP amendment will not alter the provisions of Chapter 33 in the TRPA Code.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The BATCP amendment does not alter tree removal, prescribed burning, vegetation management or plant protection and fire hazard reduction provisions of Chapter 61 of the Code.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	N	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	N	See response to Compliance Measures 43 through 50.
136	Project Review	WQ, Veg	N	The BATCP amendment will not affect project review and compliance inspection procedures.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	See response to Compliance Measures 43 through 50.
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	N	See response to Compliance Measure 11.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	The BATCP amendment is consistent with the 2012 Regional Plan, including the Conservation Element and Vegetation Subelement Goals and Policies.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	The BATCP amendment does not make any changes to provisions of Lake Successional Old Growth and Stream Environment Zone Vegetation.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	N	
144	Tahoe Yellow Cress Conservation Strategy	Veg	N	The BATCP amendment will not impact efforts to conserve the Tahoe Yellow Cress.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	The BATCP amendment will not impact efforts to control or eliminate noxious weeds.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
<b>VEGETATION - SUPPLEMENTAL</b>				
147	Deepwater Plant Protection	WQ, Veg	N	See response to Compliance Measures 16 and 17 and 43 through 50.
<b>WILDLIFE - IN PLACE</b>				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	See response to Compliance Measures 16 and 17.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The BATCP amendment does not include any changes to the Stream Restoration Program.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	The BATCP amendment does not include any changes to existing BMP and revegetation requirements.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	The BATCP amendment does not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	See response to Compliance Measure 133.
153	Project Review	Wildlife	N	See response to Compliance Measure 136 and 137.
<b>FISHERIES - IN PLACE</b>				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	See response to Compliance Measures 16 and 17.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The BATCP amendment does not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measure 14.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	
166	BMP and revegetation practices	WQ, Fish	N	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	See response to Compliance Measures 16 and 17.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	The mitigation fee requirements formerly in Chapter 86 of the TRPA Code of Ordinances (now in the Rules of Procedure) are not being modified with the BATCP amendment.
170	Compliance inspection	Fish	N	The BATCP amendment is not modifying existing compliance or inspection programs or provisions.
171	Public Education Program	Wildlife, Fish	N	The BATCP amendment does not make any changes to the city's education and outreach efforts.
<b>NOISE - IN PLACE</b>				
172	Airport noise enforcement program	Wildlife, Fish	N	The BATCP amendment is not modifying existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	The BATCP amendment is not modifying existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	See response to Compliance Measure 9.
178	Vehicle trip reduction programs	Trans, Noise	N	The BATCP amendment does not make any changes to vehicle trip reduction programs.
179	Transportation corridor design criteria	Trans, Noise	N	The BATCP amendment does not affect transportation corridor design.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	The BATCP is not modifying loudspeaker restrictions.
182	Project Review	Noise	N	See response to Compliance Measures 136 and 137.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing compliant systems are not being modified.
184	Transportation corridor compliance program	Trans, Noise	N	The BATCP amendment does contain policies specific to transportation corridor compliance.
185	Exemptions to noise limitations	Noise	N	Exemptions to noise limitations are not being modified.
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	The BATCP amendment does not affect the Environmental Improvement Program.
187	Personal watercraft noise controls	Wildlife, Noise	N	Watercraft noise controls are not modified by the BATCP amendment
<b>NOISE - SUPPLEMENTAL</b>				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of the BATCP amendment.
<b>RECREATION - IN PLACE</b>				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	The BATCP amendment is not proposing any changes to the Basin's allocation of development system, or to directly draw from any allocation pools.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	TRPA, in coordination with the city, will continue to process Specific and Master Plans pursuant to Chapter 14 of the TRPA <i>Code of Ordinances</i> .
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	The BATCP amendment does not alter provisions related to permissible uses in the shorezone and lake zone.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The BATCP amendment is not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The BATCP amendment does not alter where hiking and riding facilities are permissible. See also Compliance Measure 40.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
194	Scenic quality of recreation facilities	Rec, Scenic	Y	The 56-Acres project area is located near a scenic recreational amenity (Lakeview Commons) and the BATCP amendment will allow greater building heights potentially within view of the Commons. The recreation facility is located across US Highway 50 from the subject area. Scenic impacts to the recreation facility will be mitigated by existing citywide design standards and guidelines and the TRPA Code of Ordinances Chapter 37:Height, Chapter 66: Scenic Quality. Specifically, the following standards will serve as mitigation: (1) setback of 20 feet for commercial or public service uses or 50 feet for recreation uses from US Highway 50; (2) preservation of the natural forest setting in the subject area by requiring future projects maintain the maximum number of trees in the project site; (3) required use of architectural treatments tht use natural materials and colors, as well as facade articulations; (4) required findings 1, 2, 3, 4, 5, 7, and 8 of TRPA Code Section 37.7 for additional height; and (5) required design standards in TRPA Code Section 66.2.4 for projects within scenic highway corridors (e.g. utilities, highway fixtures and siting standards).
195	Density standards	Rec	N	The BATCP amendment complies with all applicable density standards in Chapters 13 and 31 of the Code of Ordinances.
196	Bonus incentive program	Rec	N	The BATCP amendment does not alter existing bonus incentive programs.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	All projects in the BATCP must meet the applicable findings in the TRPA Code Of Ordinances.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	The BATCP amendment will not impact the Lake Tahoe Recreation Sign Guidelines.
199	Annual user surveys	Rec	N	The BATCP amendment will not affect user surveys.
<b>RECREATION - SUPPLEMENTAL</b>				
200	Regional recreational plan	Rec	N	The BATCP does not modify any portion of the Goals and Policies in the Regional Recreation Plan.
201	Establish fair share resource capacity estimates	Rec	N	The BATCP amendment does not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	
<b>SCENIC - IN PLACE</b>				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	N	See response to Compliance Measure 11.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	Y	The BATCP amendment would allow for maximum building height up to 42 ft which exceeds TRPA Code Chapter 37 general height standard; however, any future project would be required to meet findings 1, 2, 3, 4, 5, 7, and 8 of TRPA Code Section 37.7 for additional height. If the findings could not be made then the project would not be permitted.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	The BATCP amendment does not make changes to current design standards and guidelines relating to parking and driveway design
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	The BATCP amendment retains existing design standards and guidelines pertaining to signage. These standards meet or exceed chapter 38 standards.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	Y	Citywide design standards and guidelines apply in substitute of TRPA Code Chapter 36 standards in the BATCP area. The BATCP amendment carries forward these existing design standards and guidelines. These standards meet or exceed Chapter 36 standards. The proposed amendment would affect some design provisions within the BATCP, but such modifications maintain consistency with the citywide design standards and guidelines. See response to Compliance Measure 194 for specific standards to mitigate impact of scenic resources and ensure future projects are compatible with the surrounding environment.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See response to Compliance Measures 43 through 50.
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to be required to meet the provisions of TRPA Code, Chapter 33, Grading and Construction.
214	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	See response to Compliance Measures 16 and 17.

## ATTACHMENT C: COMPLIANCE MEASURES

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
216	Design Review Guidelines	Scenic	Y	The BATCP includes minor changes to the design and development standards including changes to allowable height, roof pitch and building siding. See response to Compliance Measure 194 for specific standards to mitigate impact of scenic resources and ensure future projects are compatible with the surrounding environment.
217	Scenic Quality Improvement Program(SQIP)	Scenic	Y	See response to Compliance Measure 194.
218	Project Review Information Packet	Scenic	N	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	Y	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
<b>SCENIC - SUPPLEMENTAL</b>				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed with the BATCP amendment.
222	Integrate project identified in SQIP	Scenic	Y	The BATCP amendment is anticipated to result in redevelopment on the 56-acres project area. The SQIP notes that redevelopment, remodeling, and facade improvements are the most effective strategy at improving scenic threshold compliance in Roadway Travel Unit #35, near the project area. As a result, the amendment is anticipated to improve integration with the SQIP.

Attachment D  
Required Findings

## ATTACHMENT D

### REQUIRED FINDINGS FOR AMENDMENTS OF THE CITY OF SOUTH LAKE TAHOE'S BIJOU/AL TAHOE COMMUNITY PLAN

This document contains required findings per Chapter 3, 4, and 11 of the TRPA Code of Ordinances for amendments to the City of South Lake Tahoe's Tourist Core Area Plan (TCAP):

#### TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed community plan amendment will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Bijou/Al Tahoe Community Plan as provided in Attachment A, Exhibit 1. The IEC (Attachment B of this packet) found that the proposed amendments would not have a significant effect on the environment. The proposed amendments are consistent with and will implement the Regional Plan. These are not anticipated to result in environmental impacts.

#### TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Bijou/Al Tahoe Community Plan) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs.

Rationale: The Regional Plan provides for the development of community plans to concentrate development in appropriate areas. This amendment to the Bijou/Al Tahoe Community Plan is of limited focus and is substantially consistent with the Regional Plan's goals and policies, including those identified in the Land Use Element and the Community Design Subelement. Based on the analysis in the IEC and compliance measures table (Attachment B and C), the community plan amendments will not result in environmental effects. The amendments will support the achievement and maintenance of thresholds and will support implementation of the Regional Plan (including but not limited to Land Use Policy LU-1, Community Design Policy CD-1, Recreation Policy R-7, and Public Service Policy PS-1) by allowing for the development of appropriately designed public and recreation facilities in the 56-acre project area. There are no proposed changes to allowable land use, boundaries, or the TRPA Regional Plan map.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: The proposed amendment is consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the attached IEC and compliance measures table, the amendment to the community plan will not cause the environmental threshold carrying capacities to be exceeded. The proposed amendment is intended to support planned redevelopment in the 56-acre project area and may facilitate public service improvements consistent with the community plan and threshold attainment.

3. Finding: Wherever federal, state, or local air and water quality standards apply 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 proposed amendments would not adversely affect any state, federal, or local standards. The amendments are intended to apply special height standards for public facilities and would not alter other standards or requirements.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: Please see the rationales for the Section 4.4 findings above. The proposed amendments would not adversely affect threshold attainment and may, in fact, benefit it. All applicable standards in the Code of Ordinances and Citywide Design Standards and Guidelines would remain in place. All subsequent development that may occur because of these amendments would be subject to TRPA permitting.

TRPA Code of Ordinances Section 11.8.4 – Findings for Plan Area Amendments

Finding: The amendment to the Bijou/Al Tahoe Community Plan is substantially consistent with the plan area designation criteria in subsections 11.6.2 and 11.6.3.

Rationale: The amended height standard for public buildings is consistent with the plan area designation for the Bijou/Al Tahoe Community Plan. The plan's vision, intent, and policies encourage concentration of public uses in District 4 and promote public redevelopment in the 56-acre project area. All subsequent development is subject to TRPA permitting and must comply with Code of Ordinance standards.

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

Attachment E

TRPA Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2022-\_\_

AN AMENDMENT TO ORDINANCE NO. 2020-04, AS PREVIOUSLY AMENDED, TO AMEND THE BIJOU/AL TAHOE COMMUNITY PLAN TO ALLOW ADDITIONAL HEIGHT UP TO 42 FEET, WITH NO MINIMUM CROSS SLOPE OR ROOF PITCH REQUIREMENTS FOR THE CITY OF SOUTH LAKE TAHOE AQUATIC AND RECREATION CENTER.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 2020-04 by amending the Bijou/Al Tahoe Community Plan to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The Bijou/Al Tahoe Community amendment was the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: Environmental Documentation of the TRPA Code for Ordinances and Article VI of the Rules of Procedure. The Bijou/Al Tahoe Community Plan amendment has been determined not to have a significant effect on the environment and is therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed Bijou/Al Tahoe Community Plan amendment. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the Bijou/Al Tahoe Community Plan amendment adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00    TRPA Code of Ordinances Amendments

Ordinance 2020-04, as previously amended, is hereby amended by amending the Bijou/Al Tahoe Community Plan, as set forth in Exhibit 1 hereto.

Section 3.00    Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00    Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on\_\_\_\_\_

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on \_\_\_\_\_, 2022, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

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Mark Bruce, Chair  
Tahoe Regional Planning Agency,  
Governing Board

Attachment E – Exhibit 1

Proposed Amendments to the Bijou/Al Tahoe Community Plan

**EXHIBIT 1: PROPOSED AMENDMENTS TO THE  
BIJOU / AL TAHOE COMMUNITY PLAN**

Amend Appendix A: *Bijou/Al Tahoe Community Plan Standards, Section Two: Public Service/Recreation Theme*, Subsection B: *Height, Special Standard*, as follows:

*Added language shown in red and underlined. Deleted language is shown with a strikethrough.*

**SECTION TWO – PUBLIC SERVICE/RECREATION THEME**

**DISTRICTS**

**MAP AND USE MATRIX IDENTIFICATION**

Town Center

4

A. PERMITTED USES

Refer to use matrix for district uses.

B. HEIGHT

Standard

Refer to TRPA Code of Ordinances Chapter 37.

Special Std.

The following shall apply to

Lake Tahoe Community College property:

**Lake Tahoe Community College and Lake Tahoe Unified School District properties:**

Height issues for these sites shall be addressed by TRPA on an individual project basis, and may be in excess of Chapter 37 based on project setback, visibility, or other design criteria.

**City of South Lake Tahoe Recreation and Aquatics Center:**  
The maximum height permitted is 42 feet, with no minimum cross slope or roof pitch requirements, provided TRPA makes Findings 1, Finding 3, Finding 4, Finding 5, Finding 7, and Finding 8 of Section 37.7.

C. BULK

Standard

Refer to Redevelopment Design Element, Sections 1 and 2

D. COVERAGE

Standard

Refer to TRPA Code of Ordinances Chapters 30.

E. SETBACKS

Standard Refer to City Wide Design Manual Section 3 of Chapter 1 & 2.

Special Std. In addition to the City Wide Design Manual, the following shall apply to specific properties located with the Town Center District, including:

The vacant 7.5 acre parcel north of Al Tahoe and west of Johnson Boulevard (Adjacent to the existing El Dorado County Government Center) shall required a minimum of a 50' setback from Johnson Boulevard and an increased interior sideyard setback of 20' in that area of the property adjoining the residentially developed district.

The vacant 12 acre parcel, north of Al Tahoe and east of Johnson Boulevard (adjacent to Bijou Community Park) shall require a minimum of a 50' setback from Johnson Boulevard for development.

Development on the Lake Tahoe Community College property shall have a minimum setback of 50' from Al Tahoe Boulevard.

#### F. SITE DESIGN

Standard Refer to City Wide Design Manual, Section 2, Chapters 1 & 2

Special Std. In addition to the City Wide Design Manual, the following standards shall apply to the entire Town Center:

1. A natural forest setting shall be preserved by designing projects that maintain the maximum number of trees, shrubs, boulders, and other natural amenities at a project site. Landscaping shall be designed to blend with the native surroundings, including trees, shrubs, ground covers and flowers.
2. Sidewalks shall connect all buildings within project area.

#### G. ARCHITECTURAL TREATMENT

Standard Refer to City Wide Design Standards, Section 2 of Chapters 1 & 2 and City Lighting Standards.

Special Std. In addition to the City Design Standards, the following standards shall apply:

3. Buildings shall be designed with interest (no box forms, variations in elevation, etc.) and shall incorporate

architectural features which blend with the surrounding buildings.

4. Wood siding or natural appearing siding shall be used on the exterior of all remodeled newly constructed buildings.
5. Roofs shall have a minimum pitch of 7-5:12 and a maximum roof pitch of 12:12. The South Lake Tahoe Aquatic and Recreation Center may have a minimum pitch of 0:12.
6. Real stone shall be incorporated into the building design. Manufactured stone may be used on a project only if the applicant demonstrates the application of the stone will appear “real.”
7. All projects shall incorporate days use amenities, including; outdoor furniture, bicycle racks and trash receptacles.

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## STAFF REPORT

Date: March 2, 2022

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Update on Measuring What Matters: The Thresholds and Monitoring Update Strategic Initiative

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### Summary and Staff Recommendation:

Staff will provide an update on Measuring What Matters: The Thresholds and Monitoring Update Strategic Initiative, and the work to leverage the partnership's significant investments in science and planning that will guide the update of threshold standards in the first six categories; air quality, fisheries, soil conservation, vegetation preservation, water quality, and wildlife.

### Requested Action:

Discuss and nominate three members to the Threshold Update Initiative Stakeholders Working Group.

### Background:

Following the 2015 Threshold Evaluation, the TRPA Governing Board identified the review and updating of the threshold standards and performance measures as a strategic initiative for the agency. The goals of the initiative are:

- A representative, relevant, and scientifically rigorous set of threshold standards.
- An informative, cost-efficient, and feasible monitoring and evaluation framework to support adaptive management towards threshold standard attainment.
- A robust and repeatable process for review of threshold standards in the future.

Since the initiative began, significant progress has been made on the clean-up of dated standards and the design of a revised structure for new standards. The first substantive revision – conversion of the air quality nitrogen emission standard to a new Transportation and Sustainable Communities goal -- took a number of years. In order to better keep up with the changing challenges to the Basin, our goal is to accelerate the pace of other substantive threshold modifications and we look to you to help support this goal.

While TRPA and partners have been working on the strategic initiative to update threshold standards, the Environmental Improvement Program (EIP) partnership has been working to refine the plans, priorities, and science that underpins the actions the partnership implements to achieve the thresholds

and improve the Region's resiliency. That work complements the revised threshold standards work on system structure and provides the groundwork for updating a broad swath of the threshold standards. At the December 2021 Tahoe Interagency Executive Steering Committee (TIE) meeting, the partnership endorsed making the threshold standard update a central component of its 2022 workplan, and at the February meeting it reviewed the proposal for updating the standards (Attachment A). The proposal reflects a survey the current EIP goals and plans and new categories of threshold standards oriented to current and anticipated future challenges. The proposal sets the stage for the next phase of the partnership's work and charts the course for creating a more resilient Tahoe. The following sections of this staff report (Proposal Framework, Proposal Content, and Proposal Process) outline that course.

The threshold standards establish goals for environmental quality and express the desired outcomes for the Tahoe Region. The standards shape the goals and policies of the Lake Tahoe Regional Plan. The first set of threshold standards were adopted in 1982. To help reach these goals, a collaborative partnership of over 80 entities implements projects as part of the Environmental Improvement Program. The EIP has been the organizing program for the basin's restoration priorities for the last twenty-five years and guides millions of dollars of public and private investment in the basin.

After the Bi-State Compact was amended in 1980, TRPA and partners were afforded 18 months to develop the first set of threshold standards. Multi-agency teams worked diligently to meet the timeline and adopted standards that reflected the issues at that time. The region had just emerged from a post Olympics development boom, during which it was widely believed that development was causing environmental degradation and threatening Tahoe. The findings and declarations of the Compact summarized the sentiment of the time succinctly, *"Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands."* It was the threat from unconstrained development that was front of mind when the original thresholds were developed. The nearly 150 threshold standards adopted in 1982 articulate goals that can be broadly grouped into two categories, 1) the desire to protect something that might be lost to development, and 2) the desire to restore something that was damaged by development.

The 1982 threshold standards guided the development of the 1987 Regional Plan which included specific development caps and controls. The Regional Plan complemented action by many partners to control development through land acquisitions, permitting and enforcement, and advocacy for further environmental protections. While these actions alleviated much of the pressure, it soon became clear that more proactive capital improvement projects would be necessary to reach the desired outcomes set in 1982.

Ten years later after the 1987 Regional Plan was adopted, the Environmental Improvement Program (EIP) was born. The program is rooted in the collective desire to accelerate attainment of the threshold standards through cooperative action. Twenty-five years later, EIP partners have invested over \$2.6 billion to complete more than 700 lake-saving projects. These investments are critical to building

systemic resiliency in the Tahoe Basin and preparing for new threats posed by climate change, population growth, and visitation. While our projects and programs have grown to address these emerging threats, we have not been as diligent in reviewing our threshold standards to ensure they continue to reflect what we are trying to accomplish.

The initial threshold standards set the course for the Region forty years ago but were never intended to be immutable. The multi-disciplinary team that authored the 1981 threshold study report suggested the standards should be reassessed at least every five years and wrote: “environmental thresholds are not static standards that once in place remain forever.”

Over fifty years ago lawmakers wrote: “The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.” The sentiment is as true today as it was fifty years ago. The Region is still threatened, but the threats have changed. Challenges such as climate change, catastrophic wildfire, traffic congestion, lack of affordable housing, population growth and redistribution, invasive species, and biodiversity loss, have replaced “deficiencies of environmental control” related to development as the primary dynamics.

As the EIP partnership has matured and adapted over time to address the needs of today, partners have centered much of their focus around building resilience in the Tahoe region. Resilience refers to the capacity of systems to cope with and adapt to stressors and disturbance while retaining the functions and benefits that people value. The interdependence and interconnectedness of the natural and social systems of our Region and beyond inform what we do and how we work. Creating healthy functioning environmental and social systems increases their ability to withstand the threats of today and tomorrow. The new thresholds should reflect our desired outcomes for social and ecological resilience: resilient forests, resilient lake ecosystems, and resilient communities.

#### Proposal Framework:

The proposal recommendations are rooted in our ongoing engagement with the Tahoe Science Advisory Council to review and update the threshold standards and how we measure and report progress towards those goals. Following two years of work with the Council, in April 2019 TRPA adopted a new adaptive management structure for managing information related to the threshold standards. Subsequently, the TIE endorsed the use of a complementary structure for EIP performance measures. The structure clearly defines three types of metrics and what role they play in our system.

#### Metric Types

Input Performance Measures (PMs) are the resources and quantity of work done. They are the basic measures of resources used, actions taken, and funds expended. Input PMs are important because they enable managers to meet grant reporting requirements, and track funds expended

and project activity. For example, the number of Projects Implemented, Dollars Spent, and Miles of Street Sweeping are input PMs.

Output Performance Measures are the benefits or value arising from work done. They are the core performance reporting metrics. They provide the right combination of implementer control, attribution to actions, and relevance to desired outcomes to justify their reporting and incentivize effective actions. These metrics represent the multi-benefit value produced through the actions/strategies of project implementers. For example, fine sediment load reduction and volume of urban stormwater reduced are output PMs.

### Threshold Standards

Threshold standards articulate the goals of the Tahoe partnership. They are used to:

- (1) Describe desired social and ecological conditions.
- (2) Articulate shared statutory goals and how progress toward meeting those goals should be measured; and
- (3) Inspire focused action to drive progress towards meeting shared goals.

Threshold standards are the quantifiable goals that are publicly valued and accepted as the end-result of programs. They are the long-term indicators of success. They provide a numeric perspective on quantifiable environmental and social values. They are often slow in responding to actions taken, challenging to attribute to individual management actions, and relatively expensive to measure. For example, (annual average) secchi depth is a threshold standard.

The adaptive management system structure that is the foundation of the proposed framework draws heavily from best practices and integrates four elements: (1) conceptual models – that ground threshold standards in the scientific understanding of ecosystem function, (2) results chains – that link management actions to desired outcomes, (3) management actions – that are the implementation strategies rooted in results chains to promote attaining and maintaining clearly articulated, specific and measurable goals (threshold standards), and (4) monitoring, evaluation, and learning – which provide the structure for incorporating new information into the conceptual models, results chains, and implementation strategies (i.e., design of policies, programs, and other means to accelerate threshold attainment). As adopted, the adaptive management structure provides specific criteria that new or revised thresholds standards must meet. The minimum criteria ensure that threshold standards embody three qualities:

Specific - The standard establishes a specific numeric target, and benchmark/baseline values are documented where necessary.

Measurable – The standard has clearly defined indicator(s) that link to the standard, and there are practical ways to measure progress towards attainment objectively and accurately.

Outcome-based – Standards establish a desired condition for an environmental or socioeconomic end state. Standards do not establish a means to achieve the desired outcome.

### Proposal Content

Using the above structure as guide, the attached proposal is an outline around which threshold standards will be developed. The outline incorporates standards that are currently found in six categories: air quality, fisheries, soil conservation, vegetation preservation, water quality, and wildlife. Past feedback from partners suggested that the current structure of the threshold standards felt too restrictive and reflected a siloed world view that was not reflective of systems-based approaches used for management in the Region today. The proposal includes a reorganization of the forty-year-old category structure to better reflect the integrated systems that are the focus of management. In addition to the revised structure, the proposal includes “tagging” of potential standards as included in multiple systems. For example, standards for aquatic invasive species were placed in the “Watersheds and Water Quality” system but also include a “tag” for “Biodiversity” because control and removal of aquatic invasive species not only improves water quality, but also supports recovery and resilience of native species. The standards outlined leverage the significant time and investments the partnership has made in specific focus areas and the proposal draws heavily from EIP planning documents and EIP program activity over the last ten years as well as looking ahead to needs for the future.

The proposal is based on the significant body of work listed below.

#### Standard Structure

- EIP Blueprint for Climate Resilience (Lake Tahoe EIP, 2020).
- Guidance on Technical Clean Up of Existing Threshold Standards (TSAC, 2018a).
- Natural Resource Evaluation Systems: Assessment of Best Practices for the Tahoe Regional Planning Agency (TSAC, 2017).
- Structuring Data to Facilitate Management of Threshold Standards (TSAC, 2018b).
- Summary Science Report on Lake Tahoe Clarity and Associated Conditions, 2021 (TSAC, 2021).
- A Proposed Watershed Protection Program Evaluation Approach - An approach for funders, regulators, and permittees to design, evaluate and report watershed protection programs (EI, 2020).
- Tahoe Climate Adaptation Primer (California Tahoe Conservancy, 2021).
- Peer Review of the Tahoe Regional Planning Agency’s 2015 Threshold Evaluation Report (Hall et al., 2016).

#### Watersheds and Water Quality

- Final Lake Tahoe Total Maximum Daily Load Report (Lahontan and NDEP, 2010).
- Lake Tahoe Seasonal and Long-Term Clarity Trend Analysis (TSAC, 2020a).
- Report on the Status of the Lake Tahoe Clarity Model (TSAC, 2020b).

- Lake Tahoe Aquatic Plant Monitoring Program: 2018 Lake Tahoe Nearshore Aquatic Plant Status Report (MTS, 2020).
- Lake Tahoe Aquatic Plant Monitoring Program: Aquatic Plant Monitoring and Evaluation Plan (MTS, 2019).
- Lake Tahoe Region Aquatic Invasive Species Management Plan (TRPA, 2014).
- Lake Tahoe Region AIS Action Agenda, 2021–2030 (DeBruyckere, 2019).
- Restructure of the Water Quality Threshold Standards (TRPA, 2020a).
- Lake Tahoe Basin Stream Environment Zone (SEZ) Baseline Condition Assessment (TRPA, 2020b).
- SEZ Basin-wide Monitoring and Assessment Plan (TRPA and NCE, 2021).
- Threshold Standards and Regional Plan (TRPA, 2019).

#### Forest Health

- Lake Tahoe West Collaborative Landscape Resilience Assessment (Gross et al., 2017).
- Lake Tahoe West Collaborative Landscape Resilience Assessment Landscape Restoration Strategy (LTW, 2019).
- Lake Tahoe West Science Summary of Findings Report (LTW Science Team, 2020).
- Fire Adapted Communities: The Next Step in Wildfire Preparedness (TFFT, 2017).
- Lake Tahoe Basin Forest Action Plan: Protecting Communities Restoring Landscapes (California Tahoe Conservancy, 2019).

#### Biodiversity

- Lake Tahoe Region AIS Action Agenda, 2021–2030 (DeBruyckere, 2019).
- Lake Tahoe West Collaborative Landscape Resilience Assessment (Gross et al., 2017).
- Lake Tahoe West Collaborative Landscape Resilience Assessment Landscape Restoration Strategy (LTW, 2019).
- Lake Tahoe West Science Summary of Findings Report (LTW Science Team, 2020).
- Threshold Standards and Regional Plan (TRPA, 2019).
- Updated Goals and Objectives for the Conservation of Lahontan Cutthroat Trout (LCTMOG and LCTCC, 2019).
- Conservation strategy for Tahoe yellow cress (*Rorippa subumbellata*) (Stanton and TYCAMWG, 2015).

#### Air Quality

- Threshold Standards and Regional Plan (TRPA, 2019).

#### Proposal Process

The proposal identifies focal points for development of threshold standards for review by stakeholders. Initial review should focus on the completeness of the proposal in capturing the focus of management today. The proposal details the areas that will be the focus of standard development. Following feedback from stakeholders and discussion with relevant working groups, the proposal will be refined by

April 2022. The revised proposal will be used to develop threshold standards. Standard development will work through the relevant EIP working groups, partners, and stakeholders. The process will include and an expanded engagement with the Tahoe Science Advisory Council, and a reconvening of the APC led Threshold Update Initiative Stakeholders Working Group. The APC first convened the Threshold Update Initiative Stakeholders Working Group in 2018.

The March 9, 2022 APC presentation will provide an overview of the workplan and the role of the Threshold Update Initiative Stakeholders Working Group. The APC will then be asked to nominate three members to serve on the Stakeholders Working Group. The APC will also be asked to nominate one of the three to serve as chair of the Working Group. As the standard development progresses, staff will provide updates of progress on a quarterly basis between May and December of 2022. Beginning in January 2023 we plan to bring the new standards forward through TRPA's formal adoption process.

Contact Information:

For questions regarding this item, please contact Dan Segan, Principal Natural Resource Analyst, at [dsegan@trpa.org](mailto:dsegan@trpa.org), (775) 589-5233.

Attachments:

- A. Outline for Threshold Standard Development

Attachment A

Outline for Threshold Standard Development

## Attachment A: Outline for threshold standard development

The proposed outline below groups threshold standards into four cross-cutting categories. To show that the proposed thresholds cross multiple categories as part of a system, icons or “tags” are used as indicators. The tags are as follows:

### **Watersheds and Water Quality**

Goal: Maintain and improve lake clarity and water quality. Enhance ecosystem health and promote resilience. Prevent the introduction of new aquatic invasive species and reduce the abundance and distribution of known aquatic invasive species. Abate harmful ecological, economic, social, and public health impacts resulting from aquatic invasive species. Attain all applicable state water quality standards.

### **Forest Health**

Goal: Protect communities from damaging wildfire, restore ecosystem health and resilience, improve and enhance wildlife habitat.

### **Biodiversity**

Goal: Maintain and restore native species populations and habitat, including threatened, endangered, and sensitive species.

### **Air Quality**

Goal: Preserve and improve air quality and regional and subregional visibility. Attain all applicable state and federal air quality standards.

## Watersheds and Water Quality

THRESHOLD STANDARDS	SYSTEM TAGS
1) DEEP LAKE CLARITY – TAHOE TMDL TARGET FOR LAKE CLARITY	 
2) NEARSHORE ALGAE – TARGET FOR ALL NEARSHORE ALGAE (METAPHYTON/PERIPHYTON)	 
3) NO NEW AIS – RETAIN CURRENT STANDARD	 
4) AIS CONTROL GOAL – TARGET FOR REDUCTION IN THE ABUNDANCE AND DISTRIBUTION OF AIS FROM AIS ACTION PLAN	 
5) TRIBUTARY HEALTH – SEZ CONDITION INDEX / BIOASSESSMENT SCORE	  
6) MEADOW AND STREAM RESTORATION – USE SEZ CONDITION INDEX TO ESTABLISH A NEW RESTORATION GOAL FOR THE REGION	  

## Forest Health

THRESHOLD STANDARDS	SYSTEM TAGS
1) COMPOSITION AND AGE – PROMOTE A RESILIENT MIX OF SERAL STAGES IN THE FOREST.	 
2) STAND DENSITY – STAND DENSITY TARGETS FOR GENERAL FOREST AREA TO BE IN RESILIENT CONDITION.	  
3) STAND STRUCTURE – LANDSCAPE RESILIENCE AS MEASURED BY HORIZONTAL HETEROGENEITY.	 
4) WILDLAND URBAN INTERFACE WILDFIRE PROTECTION – PREDICTED FLAME LENGTHS ARE UNDER 90TH PERCENTILE FIRE WEATHER CONDITIONS ARE LESS THAN FOUR FEET HIGH ACROSS 90% OF THE WILDLAND-URBAN INTERFACE DEFENSE ZONE. THE AREAS WITH PREDICTED FLAME LENGTHS OVER FOUR FEET ARE GENERALLY-WELL DISTRIBUTED, DO NOT EXCEED ONE ACRE PER PATCH, AND ARE NOT WITHIN 100 FEET OF STRUCTURES OR INFRASTRUCTURE.	  
5) LANDSCAPE FIRE DYNAMICS STANDARD – LIMIT HIGH SEVERITY PATCH SIZE TO NO MORE THAN 40 ACRES.	 

## Biodiversity

THRESHOLD STANDARDS	SYSTEM TAGS
1) INDEX OF BIRD DIVERSITY – SURROGATE OF ECOSYSTEM HEALTH, INCORPORATES POPULATION TRENDS OF A SUITE OF REPRESENTATIVE SPECIES	
2) PLANT (OR OTHER SPECIES) BIODIVERSITY INDEX – SURROGATE OF ECOSYSTEM HEALTH, INCORPORATES POPULATION TRENDS OF A SUITE OF REPRESENTATIVE SPECIES	
3) LAHONTAN CUTTHROAT TROUT – ALIGN WITH VISION OF RECOVERY ENDORSED BY THE LAHONTAN CUTTHROAT TROUT MANAGEMENT OVERSIGHT GROUP.	
4) TAHOE YELLOW CRESS – ALIGN TAHOE YELLOW CRESS GOAL WITH CONSERVATION STRATEGY.	
5) DEEPWATER COMMUNITIES – PROTECTION OF DEEPWATER ENDEMIC PLANTS/INVERTEBRATES OF LAKE TAHOE.	

## Air Quality

THRESHOLD STANDARDS	SYSTEM TAGS
1) CARBON DIOXIDE - 8 HR AVERAGE – RETAIN CURRENT STANDARD	
2) OZONE – 1 HR STANDARD – RETAIN CURRENT STANDARD	
3) REGIONAL VISIBILITY – 50% STANDARD – RETAIN CURRENT STANDARD	
4) REGIONAL VISIBILITY – 90% STANDARD – RETAIN CURRENT STANDARD	
5) SUBREGIONAL VISIBILITY – 50% STANDARD – RETAIN CURRENT STANDARD	
6) SUBREGIONAL VISIBILITY – 90% STANDARD – RETAIN CURRENT STANDARD	

Bi-State Compact Definition - “Environmental threshold carrying capacity” means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.”

# 2021 ANNUAL REPORT

The Year Lake Tahoe Was Spared



**TRPA GOVERNING BOARD**

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Photo: CAL FIRE

Cover Photo: Sarah Underhill

## To the TRPA Governing Board and Lake Tahoe Community,

This TRPA Annual Report reflects back on a year that tested the resilience of the Lake Tahoe Region like no other. On top of 18 months of COVID pandemic disruptions, the Caldor Fire in August and September inflicted new loss and destruction across more than 221,000 acres of forest in and around Tahoe at an astonishing rate. Our neighbors just out of the basin to the west lost 1,000 homes and businesses, and much cherished forestland is forever changed.

In fact, fires burned all around us in 2021—68,000 acres at the Tamarack Fire near Markleeville, and nearly 1 million acres at the Dixie Fire to our north. Yet Lake Tahoe communities, remarkably, were spared. More than 30,000 residents safely evacuated from South Lake Tahoe and neighboring communities and not a single home or life was lost.

The fires affected us all on both personal and professional levels. We watched and hoped that TRPA's historic role in the formation and work of the Tahoe Fire and Fuels Team, plus the basin partnership's years of preparation, would pay off. We wondered if the collaborative forest health policy improvements and forest fuel reduction projects we have stood behind for years would have the desired effect.

Thanks to the resolve of many heroic firefighters and a fortuitous change in wind direction, the answer was a resounding yes.

The unwavering commitment of more than 21 Tahoe Fire and Fuels Team partners to hazardous fuel reduction and community wildfire protection helped save our communities and stem the destruction of a major wildfire.

For fifteen years, TRPA has stood on the same steadfast commitment to building and strengthening partnerships in everything we do.

In bringing forward affordable housing solutions, methods to reduce the threat of aquatic invasive species, adaptations to climate change, and new public-private partnerships in sustainable recreation and tourism, TRPA and our partners are confronting Lake Tahoe's most intractable challenges by working together. As TRPA continues making progress on the Strategic Initiatives set by our Governing Board, I welcome you to join us in this collaborative work. Thank you for doing your part to improve Lake Tahoe's future for all.

Sincerely,



Joanne S. Marchetta  
Executive Director  
Tahoe Regional Planning  
Agency



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

# TRPA STRATEGIC INITIATIVES

Set by the Governing Board, these strategic initiatives reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.

**Building Resiliency: Climate Change and Sustainability** ● Increase the long-term resilience of the natural and built environments by reducing greenhouse gas emissions and combining natural resource protection with healthy communities.

**Keeping Tahoe Moving: Transportation and Sustainable Recreation** ● Implement the Regional Transportation Plan to improve transportation systems for residents and commuters, and meet visitor recreation needs while protecting the environment.

**Tahoe Living: Housing and Community Revitalization** ● Implement strategies that result in affordable housing options, environmental redevelopment, and walkable, bikeable communities.

## **Restoration Blueprint: Environmental Improvement Program**

**Implementation** ● Lead the restoration of Lake Tahoe's environment and revitalization of its communities through collaboration and public/private investments.

## **Measuring What Matters: Thresholds and Monitoring Update** ●

Streamline and improve the threshold standards and monitoring programs TRPA uses to measure progress in conserving and restoring Lake Tahoe's environment.

**Digital First: Innovation** ● Help property owners navigate the permit process with transparency and predictability across agencies.

## Initiative Highlight – Building Resiliency: Climate Change and Sustainability

Orienting the Tahoe Basin to climate resilience means adapting all of Tahoe’s systems. In response, every TRPA initiative includes strategies to strengthen the sustainability and resilience of Tahoe’s environment, communities, and economy. Working across teams and with partners, emphasis on systemic change in Tahoe’s transportation and visitation management, forest health, community revitalization, and threshold measures of success are the first actions needed to further reduce greenhouse gas emissions and help meet the climate change goals of California, Nevada, and local governments.

### Key 2021 Accomplishments

- Updated the regional greenhouse gas emissions inventory. The report spotlights the potential for reducing regional emissions by removing buildings located in sensitive stream environment zones.
- Supported development of climate adaptation action plans and programs, including the California Tahoe Conservancy’s Lake Tahoe Climate Portfolio and the bi-state Climate Resilience Action Plan.
- Advanced forest management policy changes to increase the pace and scale of forest health treatments needed to reduce the catastrophic loss of forest land in wildfire.
- Furthered transportation and sustainable recreation programs with grant writing, project management, and weekly recreation and tourism coordination to address new visitor management challenges.

### Future Focus

- Support new transportation revenue generation initiatives for transit and parking improvements along high-use recreation corridors.
- Ensure the continuation of basin-wide investments in electric vehicle infrastructure.
- Accelerate climate adaptation with updates to climate action plans, the Environmental Improvement Program, environmental threshold standards, and the Code of Ordinances.

### PROJECT SPOTLIGHT

#### Electric Boat Charging Station

Homewood High and Dry Marina installed the first on-the-water electric boat charging station at Lake Tahoe. The alternative fuel source combines cutting-edge technology with environmental stewardship to welcome electric watersport recreation to the basin.



Photo: Ingenuity Electric

## Initiative Highlight – Keeping Tahoe Moving: Transportation and Sustainable Recreation

**R**ecreation demand at Lake Tahoe is growing. To meet it, Tahoe partners are creating interconnected transportation options for travel without a personal automobile. Tahoe’s sustainable transportation future includes climate resilience, greenhouse gas emission reduction, an improved recreation experience, equitable transit, and the prosperity of the region. TRPA and partners will achieve that sustainable future with strategic investments in capital projects, transit, multi-use paths, and parking management to meet visitor, resident, and commuter demand while protecting the Tahoe Basin’s unique natural resources.

### Key 2021 Accomplishments

#### 2020 Regional Transportation Plan and Initiatives:

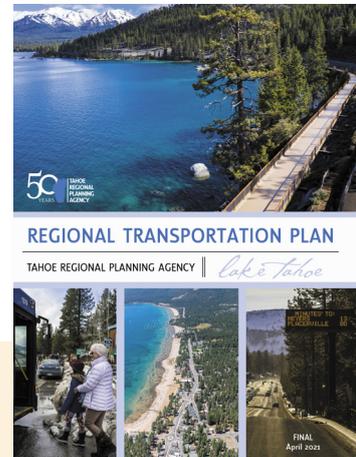
- Adopted the region’s first new environmental threshold category. With the Transportation & Sustainable Communities threshold goals and indicators, TRPA and partners will align transportation and land use projects and plans with actions that reduce vehicle miles traveled in the basin.
- Awarded \$11 million through the Linking Tahoe Regional Grant Program. The seven award-winning projects will reduce congestion, expand regional trails, support sustainable recreation and tourism, and enhance climate resiliency.
- Facilitated alignment on revenue options through the Bi-State Consultation on Transportation Working Group.

#### Sustainable Recreation and Tourism:

- Organized a new 30-member collaborative partnership on recreation and tourism issues. Convened the first Tahoe Sustainable Recreation and Tourism workshop that established a path forward for land managers and visitors authorities to achieve a shared vision for the future of tourism.
- Supported partners’ launch of summer ambassador programs at recreation areas to expand stewardship, encourage responsible behavior, and monitor impacts.

### Future Focus

- Create partnerships to accomplish transportation improvements in Tahoe’s busiest recreation corridors.
- Secure new revenue sources with state and local partners to close the gap in transportation funding in the basin.
- Establish a Future of Tourism action plan with sustainable recreation management strategies to address growing visitor and recreation pressures.



### PROJECT SPOTLIGHT

#### Regional Transportation Plan Adoption

The TRPA Governing Board unanimously adopted a new Regional Transportation Plan in 2021. The plan emphasizes improvements to transit, technology, trails, and equity of access to further reduce greenhouse gas emissions and reliance on the automobile. A special focus on corridor improvements to manage visitor demand will help solve traffic congestion, parking, and overcrowding issues in Tahoe’s busiest recreation corridors.

## Initiative Highlight – Tahoe Living: Housing and Community Revitalization

**T**he Tahoe Living initiative identifies local and regional actions that increase the availability of affordable and achievable housing for residents. The initiative supports the Regional Plan, Sustainable Communities Strategy, and California Regional Housing Needs Assessment.

### Key 2021 Accomplishments

- Approved the 249-unit Sugar Pine Village deed-restricted, mixed-rate affordable housing project in South Lake Tahoe on 10 acres of state-owned land. The collaborative approach will be a model for future housing projects.
- Authorized permitting of accessory dwelling units (ADUs) for workers on thousands of single-family parcels in the Tahoe Region. Money-saving incentives are available for deed-restricted ADUs in walkable areas.
- Included new incentives for housing and transit-oriented development in the updated Placer County and South Lake Tahoe Area Plans and the new Washoe County Area Plan.

### Future Focus

- Implement Tahoe Living working group recommendations that support the production and reservation of affordable and achievable housing options.
- Develop policy changes regarding height, density, and land coverage that further encourage deed-restricted housing options.
- Support regional, affordable, and achievable housing projects.

### PROJECT SPOTLIGHT

#### Silver Dollar Workforce Housing

The project is the first to take advantage of the achievable housing bonus unit program approved by TRPA in 2021. The 20-unit deed restricted housing project in the City of South Lake Tahoe will be constructed as several separate buildings located on a 2-acre site and will have common area recreation facilities, guest parking, landscaping, and water quality best management practices. The site is within a 5-minute walk to transit. Construction is anticipated to start in the summer of 2022.



Photo: Sudhausen Design & Drafting

# TEAM HIGHLIGHTS



## LONG RANGE & TRANSPORTATION PLANNING

The Long Range and Transportation Planning Division keeps the Lake Tahoe Regional Plan and Regional Transportation Plan up-to-date and ensures that programs and projects are achieving and maintaining environmental thresholds. The team builds, maintains, and convenes multi-sector partnerships for coordinated implementation of plans and projects across all levels of government and the private sector.

### Key 2021 Accomplishments

- Approved the Washoe County Tahoe Area Plan, the sixth area plan approved by the Governing Board since the 2012 Regional Plan Update. The plan incorporates incentives for redevelopment in town centers. 89 percent of town center areas are now under a locally-managed area plan.
- Approved a mobility mitigation fee that replaces the dated air quality fee. The new program will implement the Transportation & Sustainable Communities threshold standard and help offset in-basin vehicle trips.

### Future Focus

- Address regional recreation challenges through development of a sustainable recreation and tourism strategy.
- Complete a Regional Trails Plan that incorporates natural trails into the Active Transportation Plan.
- Support local government area plans to accelerate environmental restoration and community revitalization.

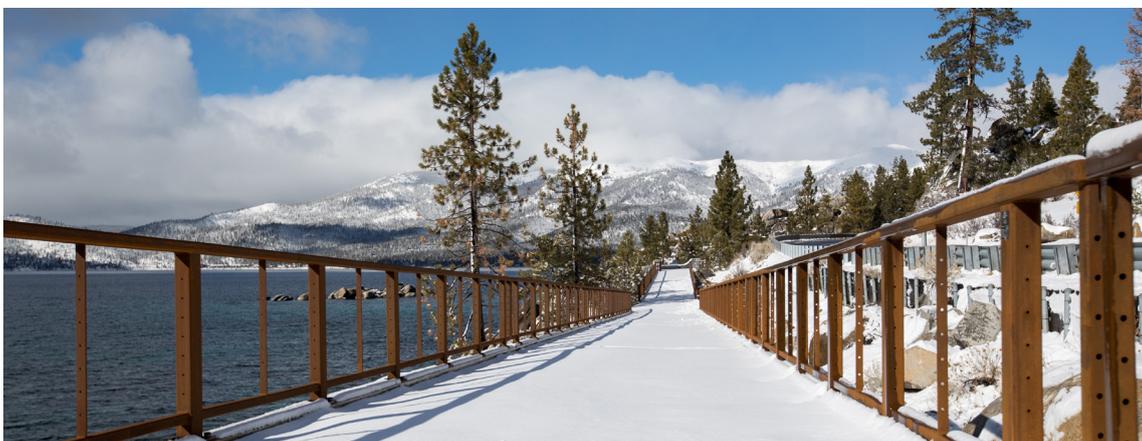


Photo: Drone Promotions

## CURRENT PLANNING

The Current Planning Division works with private property owners and partner agencies to review project applications that further environmental improvement and economic investments in Lake Tahoe communities. Customer service and timely review of projects are top priorities for this division to facilitate efficient project implementation by the public and private sectors.

### Key 2021 Accomplishments

- Continued to advance the Digital First strategic initiative goal of all-digital permit applications for efficiency. 81 percent of applications were submitted electronically, up from 58 percent in 2020.
- Met standards for the timely review of 93 percent of project permit applications. Permit applications increased 30 percent to a record 1,156 application submittals.
- Helped private property owners achieve defensible space through 1,412 tree-cutting permits (for 6,744 individual trees). 94 percent of tree-cutting permits were submitted online.
- Registered 88 percent of all moorings and buoys that existed before the updated Shoreline Plan, completing the first phase of mooring registrations. Initiated Phase II mooring permits with the release of approximately 200 additional moorings.
- Further implemented the unanimously approved 2018 Shoreline Plan with release of 12 additional pier allocations following the 12 released in 2019 (15 multi-parcel and nine single-parcel piers).

### Future Focus

- Improve customer service while ensuring Regional Plan compliance.
- Assist fire and rescue partners in applying for new public safety pier allocations under the Shoreline Plan.
- Redesign the agency's lobby area to support the customer appointment system.

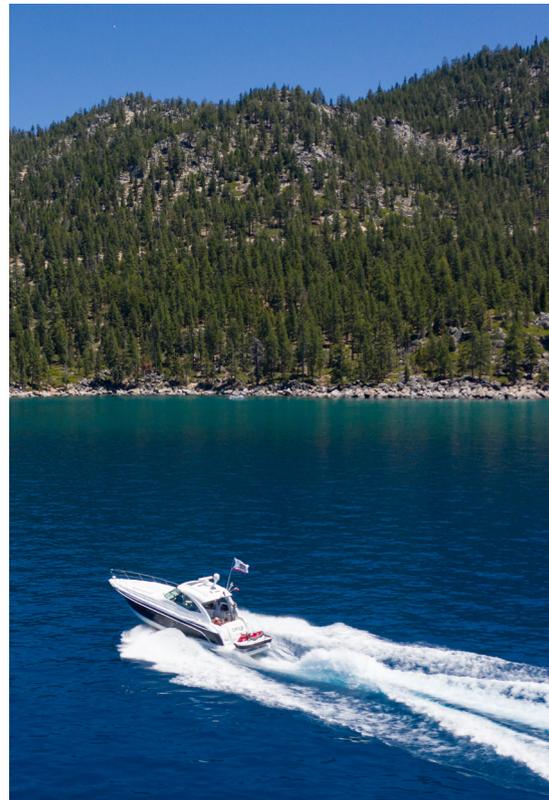


Photo: Drone Promotions

## Code Compliance and Enforcement

Permitting and compliance staff ensure all projects meet TRPA Code of Ordinances and environmental standards. Primary responsibilities include code enforcement, inspection of permitted projects, monitoring of memorandum of understanding (MOU) partners, and inspection and enforcement of best management practices to reduce stormwater pollution.

### Key 2021 Accomplishments

- Completed 840 inspections within one week of request. Many of these inspections were done virtually during the pandemic providing a safe environment for both the public and staff.
- Completed 180 pre-grade inspections within three days of request. Performed 210 final inspections.
- Completed 100 audits of projects reviewed and approved by local government MOU partners. Local governments met requirements a high percentage of the time, and corrective measures are monitored for completion.
- Invested more than 1,100 hours on the lake educating the public on boating rules such as the carbureted two-stroke engine ban, noise ordinances, and the 600-foot no-wake zone. The watercraft education team removed 30 vessels from unauthorized moorings and ordered 580 corrective actions related to no-wake zone and other violations.

### Future Focus

- Implement an automated winterization notification for all open construction projects to improve communication with contractors.
- Strengthen partnerships with marinas and boat rental operators to improve safety and no-wake zone compliance among boat and personal watercraft renters.
- Continue shoreline monitoring and bolster compliance on buoys, no-wake zones, and noise levels.
- Improve long-term project monitoring, inspection technology, project security procedures, and MOU training.



Photo: Drone Promotions

## ENVIRONMENTAL IMPROVEMENT

The Lake Tahoe Environmental Improvement Program (EIP) celebrated 25 years working collaboratively to achieve the environmental goals of the Tahoe Region in 2021. The notable accomplishments of EIP partners are led and supported by TRPA's Environmental Improvement Division. Local, state, and federal agencies, private entities, scientists, and the Washoe Tribe of Nevada and California work with TRPA in an unparalleled partnership delivering projects to restore forests and streams, manage stormwater, and prevent and control aquatic invasive species, among other programs.



### Key 2021 Accomplishments

- Led the multi-disciplinary TRPA Caldor Fire Recovery Team to engage on post-fire environmental rehabilitation, monitoring, permitting, and communications.
- Collaboratively developed a basin-wide priority list of EIP projects for federal funding resulting in approximately \$16 million in new appropriations for projects under the Lake Tahoe Restoration Act.
- Led the annual update of EIP online reporting through LakeTahoeInfo.org resulting in updated project information, performance measures, and funding expenditures on over 300 EIP projects.
- Awarded more than \$1 million in mitigation funds to local jurisdictions and land banks for restoration projects, new maintenance equipment, water quality improvement projects, and sensitive land acquisition.

### Future Focus

- Continue to strengthen the collaborative EIP partnership by working with all sectors to align priorities, develop multi-jurisdictional projects, develop funding strategies, and increase the pace and scale of restoration basin wide.
- Streamline EIP project permitting processes to "Cut the Green Tape" in support of a similar California policy to implement environmentally beneficial projects more quickly and cost-effectively.
- Drive accountability by updating EIP performance measures and regional threshold standards.



Photo: TRPA

## Stormwater Management

**R**educing polluted stormwater runoff from urban areas and roads is the foundation of the EIP’s water quality focus area. Local jurisdictions continue to exceed targets set by the Lake Tahoe Total Maximum Daily Load (TMDL) to reduce nitrogen, phosphorus, and fine sediment pollution. While TRPA improves parcel-scale BMP compliance each year, the program works with partners at a watershed scale to address stormwater runoff such as implementing neighborhood area-wide strategies and innovative green infrastructure.

### Key 2021 Accomplishments

- Supported local jurisdictions after the Caldor Fire by mapping areas at risk from debris flows. Conducted outreach to private property owners and distributed sandbags to burned properties in preparation for an unprecedented rain event in October.
- Issued 241 parcel-scale BMP certificates: 216 for single-family residential parcels, nine for multi-family residential parcels, and 16 for commercial parcels. Re-issued 58 BMP certificates verifying BMP maintenance and effectiveness.
- Completed an assessment and an online public survey in English and Spanish for the Ski Run “Mountain to Marina” area-wide green infrastructure project.

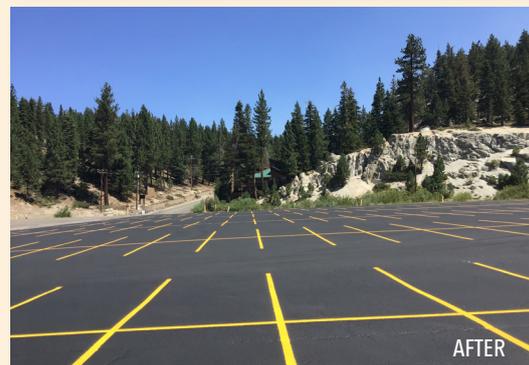
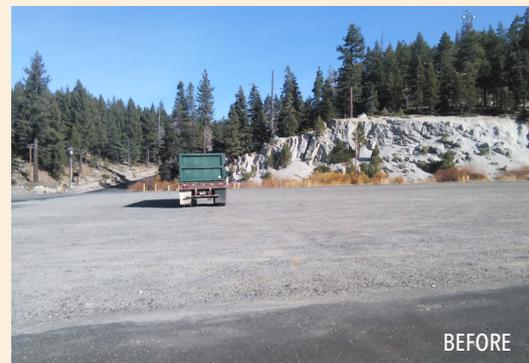
### Future Focus

- Identify new opportunities for area-wide stormwater treatment and green infrastructure.
- Continue basin-wide progress in achieving TMDL reductions by supporting local jurisdictions and reviewing plans and permit applications for BMPs.
- Provide water quality technical assistance to property owners complying with TRPA’s incentive programs including coverage exemptions and mooring registrations.

### PROJECT SPOTLIGHT

#### Heavenly’s Boulder Base Parking Lot

Heavenly contributed over \$800,000 in private matching funds to the EIP for this erosion control project to pave and improve stormwater infrastructure on a 240,000-square-foot parking lot. By rehabilitating a dirt parking area, the project reduced a major source of fine sediment to Lake Tahoe.



## Forest and Vegetation Management

In August 2021, the Caldor Fire swept up the west slope of the Sierra Nevada and into the Lake Tahoe watershed, burning nearly 10,000 acres in the basin alone. While the fire's devastation outside the Tahoe Basin was massive, changing weather, a skilled firefighting team, decades of forest fuel reduction and defensible space work, and a little luck combined to save Lake Tahoe and its communities from catastrophe. As a founding member of the Tahoe Fire and Fuels Team (TFFT), TRPA helps implement the Lake Tahoe Forest Action Plan and is committed to increasing the pace and scale of forest treatments.

### Key 2021 Accomplishments

- Coordinated with TFFT partners to deliver a multi-jurisdictional grant application resulting in an award of more than \$45 million from the Southern Nevada Public Land Management Act to complete high-priority forest health projects.
- Completed a forest management policy change to allow use of mechanized equipment over frozen ground to facilitate forest fuels reduction.
- Advanced a pivotal recommendation of the Bi-State Fire Commission. Partnered with the University of Idaho and the USDA Forest Service Pacific Southwest Research Station to complete the environmental analysis to allow mechanized equipment on slopes up to 50 percent, a regulation change that will result in more fuels reduction work on thousands of acres.

### Future Focus

- Prioritize post-Caldor Fire restoration and recovery projects with the Tahoe Fire and Fuels Team.
- Complete science-based policy changes to support implementation of forest health priorities.
- Investigate the use of innovative technologies for biomass utilization within the basin.

### PROJECT SPOTLIGHT

#### Caldor Fire Response

TRPA formed its own cross-division team to coordinate the recovery of roadway and water quality infrastructure. In addition to engaging the multi-agency response teams, TRPA also supported immediate science and monitoring and assisted private property owners post-fire.



Photo: CAL FIRE

## Aquatic Resources

Lake Tahoe faces a serious threat from the introduction and spread of aquatic invasive species (AIS). TRPA leads the multi-sector AIS partnership at Lake Tahoe, and its accomplishments are the result of the collective contribution of many organizations and individuals. Control programs are working to manage invasive species already established, and the watercraft inspection program is keeping new aquatic invasives out of the Tahoe Region.

### Key 2021 Accomplishments

- Set strategy for control of aquatic invasive weeds with completion of a robust environmental analysis for the Tahoe Keys Aquatic Invasive Weeds Control Methods Test.
- Increased invasive species funding through legislative advocacy that resulted in \$17 million for the Lake Tahoe AIS program in the federal Infrastructure Investment and Jobs Act.
- Prevented new AIS introductions by overseeing more than 15,000 unique vessel launches, including 7,438 inspections at regional inspection stations. Over 50 percent of inspected boats required decontamination.
- Intercepted 132 boats with invasive species, 28 of which had invasive mussels on board—a 40 percent increase from 2020.
- Installed bubble curtains with partners at three marinas to prevent the movement of invasive weed fragments.

### Future Focus

- Implement the Tahoe Keys Control Methods Test project, which the TRPA Governing Board approved in January 2022.
- Monitor and manage the 17-acre Taylor Tallac Creek invasive weed control project.
- Investigate emerging technologies and innovative solutions for the prevention, control, and monitoring of AIS.
- Develop multi-sector funding strategies to implement priorities of the AIS Control Action Agenda.
- Develop and permit permanent regional invasive species inspection stations.

### PROJECT SPOTLIGHT

#### Invasive Species Removal at Taylor Tallac Creek Marsh

TRPA began implementation of Tahoe's largest AIS control project to date and the first to occur in a marsh wetland. The 17-acre invasive weed removal project in the Taylor Tallac Creek Marsh used rubber mats to suffocate invasive weeds. The project should be completed by 2024 in partnership with the USDA Forest Service and the Tahoe Fund.



Photo: Tahoe Fund

## RESEARCH AND ANALYSIS

**T**RPA continuously tracks the progress and effectiveness of the region's environmental programs by monitoring hundreds of environmental threshold standards, performance measures, and management actions. The Research and Analysis Division collaborates with the science community and provides the best possible information for policy decisions, operations, and accountability.

### Key 2021 Accomplishments

- Released the 2019 Threshold Evaluation, the first evaluation presented primarily as an online, interactive dashboard, marking a major milestone for TRPA's Digital First strategic initiative.
- Supported the Caldor Fire Recovery Team with GIS spatial data and analysis of the fire to show fire closures, bulldozer lines, soil burn severity, and other associated impacts.
- Provided access for over 40,500 users to LakeTahoeInfo.org, the TRPA shared-access platform for regional data, analysis, and reporting.
- Responded to 603 unique requests from property owners, real estate agents, and local governments for permitting information.
- Converted an additional 1,532 paper project files to digital for easier access by the public and staff. Nearly 15,000 paper permit files have been digitized since 2013.
- Aided Shoreline Plan implementation by releasing a new version of the Tahoe Boating App. The app features improved content for the boating public in support of TRPA's recreation threshold and other agency programs.

### Future Focus

- Make systemic updates to the agency's permitting software and document management applications for permit process efficiencies and better customer service.
- Eliminate the agency's paper records. This multi-year project digitizes old paper permits and records and creates permanent electronic records for agency and public use.

### 2021 Field Monitoring

- Managed noise monitoring for 10 plan area locations, three transportation corridors, and three shoreline sites.
- Monitored bike and pedestrian activity at 24 sites using automated counters.
- Worked with agency partners to complete basin-wide osprey surveys.
- Maintained air quality and visibility monitoring stations.



## EXTERNAL AFFAIRS

**T**RPA supports a culture committed to public education, outreach, and community engagement to implement the Lake Tahoe Regional Plan. External Affairs leads initiatives in collaboration with many agency and nonprofit partners.

### Key 2021 Accomplishments

#### Public Outreach

- Completed the year-long project to replace the aging agency website with the launch of the modern and user-friendly [trpa.gov](http://trpa.gov).
- Published three issues of the national award-winning newspaper Tahoe In Depth, including a special Caldor Fire issue. The newspaper, mailed to every property owner in the basin, shares valuable information about Lake Tahoe's environment and communities.
- Convened sustainable recreation and tourism partners for consistent regional communication about outdoor recreation issues and COVID pandemic response.
- Promoted stewardship among Tahoe Basin residents and visitors through the Take Care Tahoe partnership and an associated regional billboard campaign, social media tactics, and message coordination among partners.

#### Environmental Education

- Received a Bronze Spike Award from the Sierra Nevada Chapter of the Public Relations Society of America for the Tahoe

Commemorative Coin program, which celebrated TRPA's 50th anniversary and raised \$100,000 in environmental education funds.

- Presented at the Take Care Cape Cod Summit about Take Care Tahoe lessons learned, future stewardship initiatives, and the power of collaboration.

#### Legislative Affairs

- Continued TRPA's leadership role in Tahoe's summits by assisting U.S. Senator Alex Padilla (D, Calif.) and partners in hosting the 25th annual Lake Tahoe Summit in Kings Beach, CA and broadcast online. Bilingual event posters and a virtual exhibit showcased the 25-year history of the summit.
- Presented the first-ever Dianne Feinstein Lake Tahoe Award at the Summit. The inaugural award given to U.S. Senator Dianne Feinstein (D, Calif.) recognized her years of tireless support for Lake Tahoe.
- Testified at numerous Nevada Legislative hearings during the 2021 session to support critical policy and Environmental Improvement Program initiatives including



Take Care Tahoe billboard with a wildfire awareness message.

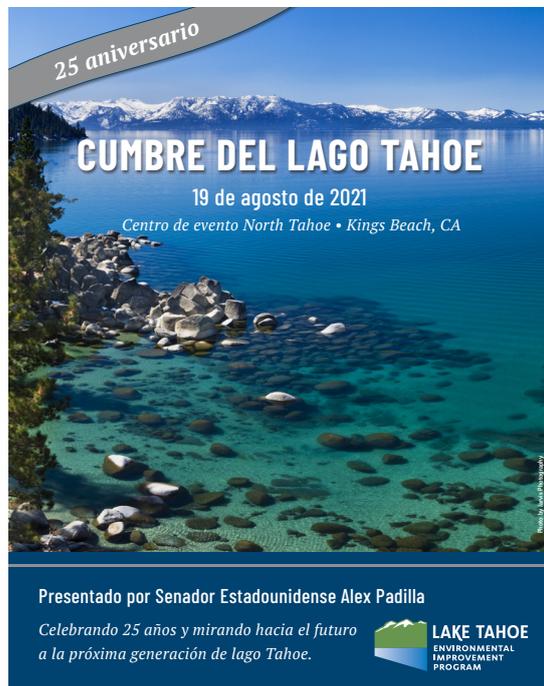
transportation, East Shore corridor plan implementation, and the Tahoe Science Advisory Council.

**Future Focus**

- Grow TRPA’s role as a leader in collaborative outreach locally, regionally, nationally, and globally to inspire sustainable actions and help achieve conservation and stewardship goals at Lake Tahoe.
- Continue to host bi-weekly sustainable recreation and tourism coordination group calls to ensure messages from land managers and visitors authorities are consistent and widely shared and work toward improving stewardship behaviors.
- Support the Tahoe Keys partnership with public awareness and education of the Control Methods Test Project.



The cover of the Fall 2021 Caldor Fire special issue of Tahoe In Depth.



2021 Lake Tahoe Summit spanish poster (top left), Julie Regan and Steve Teshara presenting the Dianne Feinstein award (top right), and keynote speaker U.S. Secretary of Interior Deb Haaland (bottom right).

## HUMAN RESOURCES AND FINANCE

The highest quality standards in human resources and organizational development, along with best practices in financial management, keep TRPA operating as a high-performing team.

Funding for TRPA’s core functions comes from a variety of sources, including the states of California and Nevada, fees for services, and competitive grants. TRPA is organized to reflect the three core functions it performs: planning, implementation, and research and analysis in a “Plan, Do, Check” adaptive management and continuous improvement framework. TRPA presently has 64 full-time equivalent positions.

### Key 2021 Accomplishments

#### Human Resources

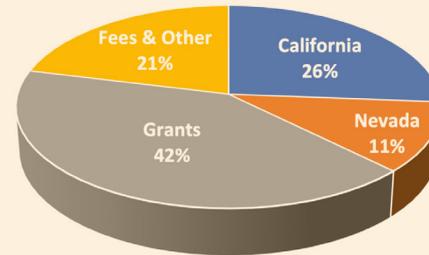
- Supported the agency and staff in shifts between pandemic hybrid work and stay-at-home work as COVID variants resurged.
- Supported the work of the Diversity, Equity, and Inclusion Team in reviewing recruiting processes and holding virtual trainings.
- Successfully recruited for several open positions in a highly competitive marketplace.

#### Facilities and Finance

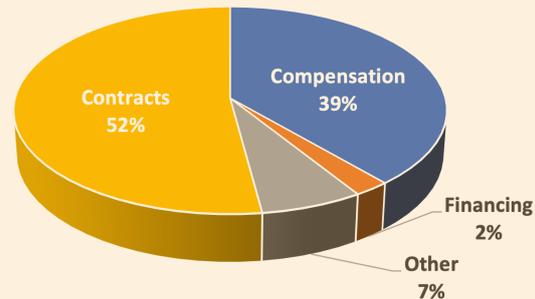
- Began planning and implementing deferred maintenance on the TRPA building, utilizing proceeds from refinancing the agency’s long-term debt. Projects include a redesigned front lobby to modernize and improve visitor access and customer service.
- Maintained a balanced budget through a transparent process with regular reports to the Governing Board and annual reports to Nevada and California legislatures.
- Supported internal teams with grant and contract management. TRPA manages \$7.9M in grant revenue and over \$10M in contracts.

### 2021-22 TRPA BUDGET: \$19.4M

#### Revenues



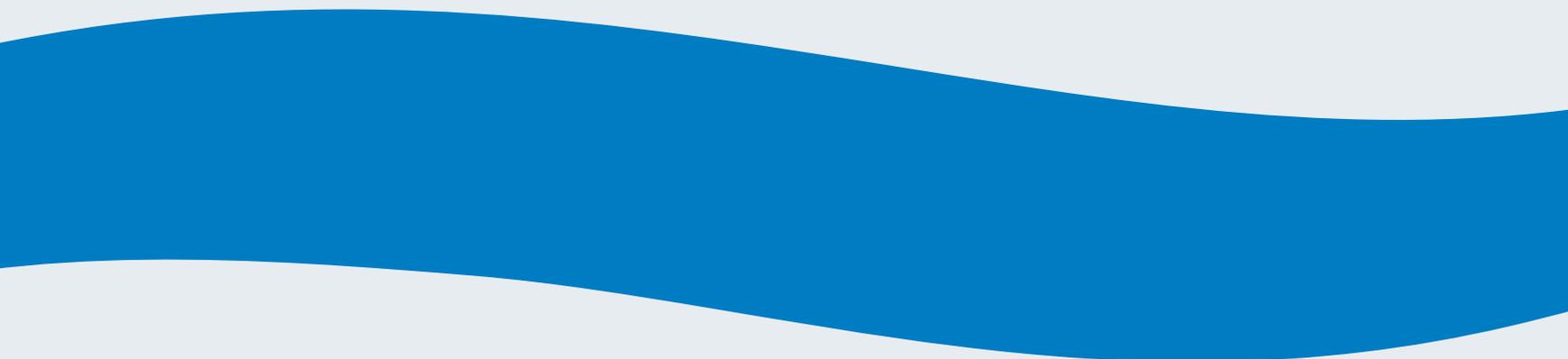
#### Expenses



### Future Focus

- Improve the diversity and inclusiveness of the workplace by ensuring TRPA’s hiring and recruitment practices are exemplary.
- Protect the health and well-being of staff with support and services.
- Permit and begin construction of deferred maintenance activities including the front lobby redesign, roof replacement, and other upgrades.
- Maintain the highest financial standards and cultivate resources to support the environmental restoration of Lake Tahoe.





# VISION

a lake environment that is sustainable, healthy, and safe for the community and future generations.

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February 2022