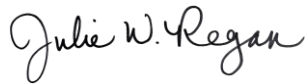


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on **Wednesday, May 8, 2024**, commencing at **9:30 a.m.**, **on Zoom and at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting. 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 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.

May 1, 2024

A handwritten signature in cursive script that reads "Julie W. Regan".

Julie W. Regan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA and Zoom

May 8, 2024
9:30 a.m.

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.

Written Public Comment:

Members of the public may email written public comments to 'publiccomment@trpa.gov'. We encourage you to submit written comments (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting. Late comments may be distributed and posted after the meeting. Please include the meeting information and agenda item in the subject line. For general comments to representatives, include "General Comment" in the subject line.

Verbal Public Comment:

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 of the Board shall have the discretion to set appropriate time allotments for individual speakers (usually 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 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. Public comment will be taken for each appropriate action item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments including agendaized informational items.

Accommodation:

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. The

meeting agenda and staff reports will be posted at <https://www.trpa.gov/meeting-materials> no later than 7 days prior to the meeting date. For questions please contact TRPA admin staff at virtualmeetinghelp@trpa.gov or call (775) 588-4547.

- IV. DISPOSITION OF MINUTES
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- V. PUBLIC HEARINGS
 - A. Discussion and possible recommendation for approval of the proposed amendments to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominiums, and Design Standards for Mixed-Use Development **Discussion and Possible Action/Recommendation** **Page 33**

 - B. Discussion and possible recommendation for approval of the proposed amendments to the Tourist Core Area Plan Mixed-Use District regarding Parcel 029-441-024, City of South Lake Tahoe **Discussion and Possible Action/Recommendation** **Page 105**

- VI. REPORTS
 - A. Executive Director **Informational Only**
 - 1) Upcoming Topics **Informational Only**

 - B. General Counsel **Informational Only**

 - C. APC Members **Informational Only**

- VII. PUBLIC COMMENT

- VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

April 10, 2024

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Stahler called the meeting to order at 9:35 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Ms. Ferris, Mr. Hill, Ms. Setzer (for Ms. Jacobsen), Mr. Hitchcock (for Ms. Roverud), Mr. McNamara, Ms. Stahler, Mr. Stephen, Mr. Teshara, Mr. Young

Members absent: Mr. Drake, Mr. Drew, Mr. Letton, Mr. Ferry, Ms. Moroles-O'Neil, Mr. Smokey

II. APPROVAL OF AGENDA

Ms. Stahler deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

Ms. Anne Nichols, North Tahoe Preservation Alliance, said it was a year ago, April 26, 2023, that the TRPA approved the Boulder Bay, now called Waldorf Astoria Project. Yesterday, a notice of default was filed, and the project is in foreclosure. Ms. Nicols said that having followed this since 2007, we're looking at almost 20 years and the BMPs have never been done, we're on our second failed development attempt. It's a huge project, over 800,000 square feet, when the original project was 140,000.

Ms. Nicols said the TRPA is just chasing large projects as the solution to all ills, and we don't have the infrastructure for it. It's been pointed out a million times, but it doesn't seem like anyone listens and the Governing Board isn't listening. Maybe the APC can make some sense. We need to have smaller, feasible projects. These 600 million dollars projects are so expensive to build, it's just foolish. In the last decades we could have had something reasonable. Ms. Nicols said she is just hoping that there could be some financial realism about these things, not the pie in the sky, give them another floor, give them more this, more that.

Ms. Nicols said she is upset that affordable housing is being called achievable housing workforce housing. She said it's not the same because achievable has no income cap. In any case, it will have to be subsidized because all we get are these luxury condos. She added that we took out 146 condos or motor homes at the Tahoe Beach Club and now there are 5-million-dollar condos. She added that they just bought Motel 6 and that was another 123 units that could have been

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converted to accommodate housing. Same thing with the Lakeside Inn and 123 rooms. That's 266 rooms we could have had for workforce housing. So, let's think about this more carefully, more analytically.

IV. DISPOSITION OF MINUTES

Mr. Hitchcock moved approval of the:

November 8, 2023, meeting minutes

December 6, 2024, meeting minutes

February 14, 2024, meeting minutes

Mr. Young seconded the motion.

Motion passed.

V. PUBLIC HEARINGS

[Agenda Item No. V.A. Active Transportation Plan Update](#)

Ms. Kira Richardson, TRPA Senior Transportation Planner, presented the item. She began by explaining that active transportation refers to any mode of travel that involves walking, biking, or rolling. She said that rolling is a broad term that could include scooters, one-wheels or assisted devices such as a wheel or a power chair. This can also include devices that are electric or human powered, so there is a broad umbrella of travel modes under active transportation.

In terms of where TRPA fits into the larger active transportation picture in the Tahoe basin, Ms. Richardson said TRPA's primary role is in support through plans like the Active Transportation Plan (ATP) and the Regional Transportation Plan and technical assistance in project design. She said the Active Transportation Plan (ATP) provides technical support, project prioritization, robust data analysis, and design toolkits, which are all hopefully useful to locals as they plan and implement their active transportation projects. Also local jurisdictions, especially in California, can adopt this Active Transportation Plan (ATP) as their own plan, which makes them eligible for certain funding sources.

Ms. Richardson said one of the specific roles that TRPA plays is in bicycle and pedestrian monitoring. The monitoring program, which is outlined in, and informed the ATP is also something that TRPA does specifically working with the local jurisdictions for active transportation. Through this program we work with local jurisdictions to collect bike and pedestrian counts all over the region. We also help collect pre and post project counts, which are helpful in implementing more projects in the future and ensuring that our region remains competitive for grants.

During the development of the plan, TRPA worked with a technical advisory committee, made up of representatives from several organizations. The technical advisory committee also vetted analyses and project priorities.

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Ms. Richardson said that TPRA conducted significant public and stakeholder outreach and numerous valuable comments were received and incorporated into the final plan. Although not summarized in the packet, a summary of these comments and their incorporation will be included in the packet for the TRPA Governing Board's approval later in the month.

Ms. Richardson outlined the key changes in the updated Active Transportation Plan. She said the update marks a significant shift in policy from a strong emphasis on constructing class one multi-use paths, to reducing the stress of on-street facilities within town centers. Class one paths are still valued, but recognized as time-consuming and costly to build, so the focus will now include other improvements to lower network stress. The ATP website (trpa.gov/ATP) features web maps where users can view all proposed projects and delve into the data more interactively.

New to the ATP is the Bicycle Levels of Traffic Stress (LTS) Analysis, a comprehensive, quantitative analysis assessing the entire roadway network in the Tahoe Basin, ranking segments based on stress levels for cyclists. Stress levels range from 1 (lowest stress) to 4 (highest stress), with an additional category of 4.5 for especially high-stress areas, such as roads with high speeds, multiple lanes, and no shoulders.

The Pedestrian Experience Index (PEI) is another new quantitative analysis, this time focusing on pedestrian experiences, particularly in town centers. It considers the density of commercial businesses to highlight areas with higher quality pedestrian experiences. The analysis currently emphasizes town centers but may be adapted in the future to better represent other valuable pedestrian areas like shared use paths through forests. Future updates to the Pedestrian Experience Index may account for high-quality pedestrian facilities located outside of town centers.

Ms. Richardson said the updated plan features a more streamlined project list, reduced from 200 projects in 2018, to just over 100. This revision involved close work with local jurisdictions to align the project list with local needs and priorities, including integration of safety-focused projects from the recently endorsed Vision Zero strategy. The project list is organized into tiers (priority 1, 2, and 3) based on public input, regional significance, data from LTS and PEI analyses, and Vision Zero strategy. The prioritization guides integration into the Regional Transportation Plan, although projects ranked lower can still be implemented earlier based on circumstances.

Also included in the ATP are recommendations for Winter Maintenance of Active Transportation facilities. One example is the innovative use of snow accumulation to pilot roadway designs, "sneckdowns", to test traffic calming measures without initial investment in infrastructure. The plan also includes information on different devices for snow removal on bike paths, including technologies like snow brushes and the "snow dragon," a device that melts snow and filters the meltwater, enhancing water quality. There is an emphasis on maintaining active transportation facilities during winter to ensure year-round network accessibility, particularly for individuals with disabilities, for whom snow can pose significant barriers.

The final major update in the plan is a discussion on future Facilities and Innovations. First the introduction of Class 2B facilities, basically just a bike lane with a painted buffer. Next are Class 4 facilities, which are similar to 2B, but include a vertical separation to protect cyclists and pedestrians.

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Ms. Richardson added that the City of South Lake Tahoe recently piloted the use of planter boxes as physical barriers. Another benefit of these solutions is that the buffers used to separate vehicle traffic from bike lanes can be removed during winter months for easier maintenance. Both vertical and painted buffers also contribute to narrowing the lanes for vehicle traffic, which helps reduce vehicle speeds, enhancing safety for all road users.

Ms. Richardson said the plan also includes suggestions for improvements to Shared Use Paths. With the increase in popularity of e-bikes and scooters, there are suggestions in the plan to widen paths and add more signage to better accommodate these devices and improve navigation. By making on-street facilities safer, the plan aims to encourage e-bikers and scooter riders to use these spaces, reducing conflicts on sidewalks and shared paths with pedestrians and slower cyclists.

The draft Active Transportation Plan was released on February 27, 2024, with a public comment period ending on March 24th. The feedback received has been integrated into the plan, and staff are seeking APC recommendation for approval by the TRPA Governing Board.

Commission Comments/Questions

Mr. Young said he appreciated the presentation and added that he was curious about the stress-level metrics, this looks like something he could apply in his jurisdiction. He noted he did not see a pedestrian measurement and wondered how that metric was determined. Ms. Richardson said the Pedestrian Experience Index (PEI) was different to the bicycle analysis, and included several factors. She added that the methodologies are included in an Appendix to the ATP.

Mr. Young highlighted the specific challenges of maintaining active transportation facilities during winter, especially the need for specialized equipment and training to manage these facilities effectively. He would be interested in hearing from other jurisdictions on how they are experiencing and addressing those challenges.

Mr. Hitchcock asked about the procedure for including future projects in the ATP. Ms. Richardson said the next iteration of project list development will be via the Regional Transportation Plan, scheduled for update/adoption in 2025. There will be an opportunity to add projects to that list. The Active Transportation Plan is scheduled for update every four years, but there is an opportunity for additional technical amendments (including the project list) on an as needed basis.

Mr. McNamara asked how the data for bicycle and pedestrian use is aggregated. Ms. Richardson said the Bicycle and Pedestrian Monitoring program collects all the data, using a series of counters located on paths around the region. The data is all available on [LakeTahoeInfo.org](https://www.laketahoeinfo.org). Ms. Richardson added that the Vision Zero Strategy contains more information about crash data and hot spots, and all of that information will be included in the Regional Transportation Plan.

Mr. McNamara noted the increase in adaptive riding bicycles and asked if that would be a consideration in future path planning. Ms. Richardson said that it is a requirement that all facilities comply with the American with Disabilities Act (ADA).

Public Comment

Ms. Ann Nichols, North Tahoe Preservation Alliance, said she didn't see the project list in the packet, and requested it be emailed to her. She said it was very interesting where the money is proposed to be spent, but also the map about bike level stress shows the Crystal Bay Hill as moderately low stress for bicyclists, which is like just crazy. She has lived there for 54 years and it's the scariest section there is. So you need to fix your maps, again there's a disconnect between what you think on South Shore is going on North Shore. The walkable claim on these new projects is also a misnomer. In the winter, it really is not walkable/bikeable in most of these areas. Some places have some sidewalks, and some are kept clean, but other than that, it is impossible.

Mr. Doug Flaherty, TahoeCleanAir.org said staff suggest that portions of the ATP be built on the concept of a bicycle levels of stress and pedestrian experience index analysis. TRPA, TTD and the TMPO would be negligent if they did not include a wildfire evacuation stress test, as part of the plan. In this case, a cumulative roadway by roadway, or path by path, wildfire evacuation capacity analysis, evaluating wildfire evacuation, life safety impacts on residents and visitors, who are driving walking, biking, and parking during a wildfire evacuation. TRPA, TTD and the TMPO should immediately begin including with its transportation plans, a discussion regarding the critical life safety impacts of wildfire smoke and rapid fire spread, caused by burning brands connected with the significant increased numbers in use of outdoor trails, walkways, bike lanes, and public transportation, as supported within the plan.

Mr. Flaherty continued; the plan depicts the continuation of the East Shore Trail from Sand Harbor to approximately Thunderbird, directly along the shore zone of Lake Tahoe, in much the same manner as the trail. This proximity to the Lake Shore zone should not be allowed without a new or supplemental EIR/EIS. This due to changing and new information since the original US Forest Service and TRPA environmental analysis concerning wildfires and wildfire evacuation, and additionally, the now-known substantial number of daily East Shore Trail users, which will create significant increase in vehicle miles traveled. A newer supplemental EIR/EIS is needed to analyze data and identify the true environmental and public safety impact of this new segment of the East Shore Trail. We need to find out what kind of impact this will have on our once pristine Nevada East Shore land and water, including parking. Finally, keep the pristine East Shore true, say no to trail two (the stretch from Sand Harbor to the Thunderbird).

Commission Comments

Ms. Carr identified the interesting comment regarding the intersection between these types of active transportation modes and emergencies. This does appear to be a very good plan for promoting, enhancing, and protecting people in active transportation on a normal day. She is wondering where the discussion belongs when it is not a normal day, and for example, a fire blows up quickly. She would ask that TRPA considers where this discussion should occur, perhaps in an emergency management group, to talk about the promotion of active transportation modes, and what that means during emergencies.

Mr. Hester responded that TRPA are actively engaged in a couple of efforts that are going to address that. One is working with the Tahoe Fire and Fuels Team (TFFT), and the MAC (Multi Agency Coordinating Group), who are looking at evacuation. In some cases, they look at how

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trails that are wide enough can be used as part of an evacuation system and/or fire breaks. He's not saying they have been identified yet, but that's something being considered in that effort. The second item is a recently awarded PROTECT (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation) Grant for \$1.75 million dollar to work on emergency communications for transportation during emergency and peak time event, and also to work on identifying and thinning evacuation routes. So, there's a lot of work going on around that.

Mr. Young added that the key to making those two efforts responsive to comments is to make sure that the TRPA staff and others represented in those efforts, are bringing up active transportation uses and issues during those discussions. Then we'll find out if we need a special effort to accommodate those things. Mr. Hester acknowledged the direction.

Mr. Young made a motion to recommend that the Governing Board adopt the Active Transportation Plan (ATP).

Mr. Hitchcock seconded the motion.

Ayes: Ms. Chandler, Mr. Alling, Ms. Carr, Ms. Ferris, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Stahler

Due to an oversight, Commissioners Hitchcock and Setzer were not called during the roll call for this item.

Motion Passed.

VI. PUBLIC HEARINGS

[Agenda Item No VI.A. Amendment to Washoe County Tahoe Area Plan](#)

TRPA Associate Long Range Planner, Michelle Brown, and Washoe County Planner Courtney Weiche presented the item. Ms. Brown explained that Washoe County are proposing an amendment to their area plan to allow kindergarten through twelfth grade schools on sites of three acres or larger, with a special use permit, in the Wood Creek regulatory zone.

TRPA staff have reviewed the proposed amendment and determined that it complies with the TRPA Regional Plan and the Code of Ordinances. The item was reviewed by the Regional Planning Committee on March 27, 2024, and is scheduled for consideration by the Governing Board on April 24, 2024. Ms. Brown reminded the APC that this is not a project approval, but a request for a zoning area amendment to include a new land use category under a special use permit. She said that the Special Use Permit process requires a higher level of review, including additional documentation, public noticing, and a public hearing. Ms. Brown added that there are currently two active temporary use permits within the Wood Creek regulatory zone that could be affected, the first is a permit for a kindergarten through eighth grade school, under a six-month extension, expiring on September 7, 2024. If the proposed amendment is approved, a special use permit would be needed to continue this use. The second active permit was granted in November 2023, to establish a kindergarten through eighth grade school. This will also

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require a special use permit if the amendment passes.

Ms. Brown handed over to Washoe County Planner, Courtney Weiche, who described the location of Wood Creek Regulatory Zone, bordered by Mount Rose Highway to the east, College Drive to the north, Village Boulevard to the west, and Tahoe Boulevard to the south. The Wood Creek Regulatory Zone primarily hosts single-family dwellings, but also allows multi-family dwellings and a variety of public service and resource management uses. The Wood Creek zone also includes a Special Designated Area on two parcels designated for public service uses on publicly owned parcels.

Referring to public outreach, Ms. Weiche said that the applicant to the county held a neighborhood meeting in June 2023, with notice sent to 198 properties, attended by 20 people. Concerns raised included traffic, noise, parking, environmental impact, fire safety, and potential negative impacts on public schools. The applicant provided a response to each concern, which was included in the county staff report. In June 2023 a development code amendment was submitted to Washoe County – for TRPA purposes this is treated as an amendment to the Tahoe Area Plan for TRPA purposes. At a September 2023 informational hearing for this item by the TRPA Regional Plan Implementation Committee (RPIC), TRPA received nearly 100 written comments with a mix of opposition and support. Public testimony (11 comments) at the meeting was in support. Both the Washoe County Planning Commission and County Commissioners have reviewed and unanimously recommended approval of the amendment, pending final TRPA approval. On April 27, 2024, the Regional Plan Committee (formerly known as RPIC), heard a presentation similar to that being heard by APC today and passed a motion to recommend approval to the TRPA Governing Board.

Ms. Weiche said there are 27 regulatory zones within the Tahoe Area Plan. The requested school use type is permitted outright only in the Incline Village commercial regulatory zone, and is permitted with a special use permit in the Incline Village residential and Fairway residential regulatory zones.

Regarding the project applicants, Ms. Weiche said St. Clare's Catholic School was founded in 2018, and is the only Catholic school in the North Tahoe area. Faced with the non-renewal of their lease for the 2022-2023 school year, they sought a new location, leading to this amendment proposal. The second applicant is Village Church, also located within the Wood Creek Zone, and they too wish to operate an elementary school in addition to the existing preschool. Both entities are currently operating under temporary use permits. St. Francis is hosting St. Clare's school, and Village Church is seeking to expand its educational offerings. St. Clare's and Village Church agreed to collaborate and submitted a joint application for the code amendment to allow school operations within the Wood Creek regulatory zone.

If approved, the amendment would adjust the regulatory text to allow schools from kindergarten through secondary level as a permissible use, subject to obtaining a special use permit. This would apply specifically to parcels of 3 acres or more. Obtaining a special use permit involves a detailed review process that includes neighborhood notification, a meeting, and public hearings. This process ensures the proposed use does not adversely affect surrounding land uses, transportation systems, public facilities, or environmental resources.

Ms. Weiche said that between the TRPA and Washoe County, over 200 public comments have

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been received, with mixed reactions. Key concerns include traffic, noise, parking, environmental impacts, and potential negative effects on local public schools. There were no agency comments received that opposed the application.

Commission Comments/Questions

Mr. McNamara asked if anyone could summarize why the schools could not be located where zoning currently allows, and what was the main objection to them not being located in the village center where we are trying to promote a walkable, livable community. The applicant's representative, Ms. AnnMarie Lain, Dowl Consulting, explained that the preferred location for St. Clare's is within their church due to their religious education requirements, and the current zoning regulations limited available options for school locations. She added that there has been significant growth in private school enrollment in Nevada, which is also part of the rationale for the proposed amendment.

Mr. McNamara asked about the proposed enrollment. Ms. Lain pointed out that the current proposal is a development amendment code request and that a subsequent special use permit will be submitted if approved. St. Clare's will be requesting a student roll capacity of 60 students, whereas the Village Church will be requesting a student roll and staff capacity of 186 students. All to be located within the existing buildings/footprint. Mr. McNamara asked if any other location options were proposed. Ms. Lain replied that no other options were available. Ms. Lain continued that collocating schools in existing facilities that are greatly under-utilized during the day aligns with both the Regional Plan and the Tahoe Area Plan.

Ms. Chandler said her major concern is that we are talking about private schools. Those schools will be charging tuition, which makes it a business as well as a school. As a proponent of public education she is also concerned about how this affects the public school system who will lose state/government contributions for 240 students. Ms. Lain said the Religious Land Use and Institutionalized Persons Act protects individuals and religious assemblies from discriminatory land use regulations. While this amendment is not specifically for faith-based education or private schools, there is no separation in the Tahoe Area Plan, it is for schools in general. Denying a development code amendment based on a potential negative impact to public schools, perceived or real, would be a violation of the Religious Land Use Act. That said, Ms. Lain added that St. Clare's has been operating for over five years, primarily serving the immediate community. These students currently enrolled in St. Clare's would likely not attend local public schools regardless of the amendment, due to their specific educational preferences.

Mr. John Marshall, TRPA General Counsel, offered legal guidance. There is nothing in the ordinance presented that violates any federal laws regarding religious protection in the proposed amendment. In looking at the land-use issues, he recommended that the APC should focus on the primary policy question: whether schools of any type (public or private) are desirable in the regulatory area.

Mr. Teshara thanked Mr. Marshall for the clarification. He thinks there is a legal issue out there, but that's not the issue before us today. Mr. Teshara reiterated that there are existing school uses at these sites, and supported the process moving forward given the future opportunities for public input through the special use permit process. He added that the item was recently heard at the March 27, 2024, meeting of the Regional Plan Committee and he has read all the

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comments from that meeting, and he is comfortable with where this is headed.

Mr. Hitchcock asked about the practical impact of the amendment. Ms. Weiche replied that this amendment only affects parcels of 3 acres or more, and the only qualifying private parcels are those where the subject applicants are already located.

Public Comment

Ms. Shawn Comstock, 33-year resident of the Wood Creek area, said I have been a neighbor of both churches, which have been there for 50 years. Some comments over the last meetings have stated that there have been no problems with the churches. On Sundays, we hear their beautiful bells for an hour. That is when they have their participants, and then they leave.

She continued; I have been through two major remodels with the church. In 2019, we received a letter that the church was going to do another remodel. The project description said the applicant is proposing to add office and classroom space to the existing church. The proposed expansion will not result in any intensification of the existing use but will facilitate classroom offices and for the use of administration purposes. Great, the kids could come after school and on Wednesdays go to their church for faith-based education on Wednesday afternoons. The neighborhood didn't think a thing of it.

Ms. Comstock said, we received a letter from TRPA Planner, Bridget Cornell, stating that a school had come over from King's Beach and they wanted to now become a Catholic school with a temporary permit. Fine, six months. Then another temporary permit, and we were like, "Oh my gosh." We started emailing Bridget Cornell and letting her know about the increased noise, the increased traffic, the increased trash. She says, "Don't worry, it's temporary." Well, another year goes by. They've had four temporary six-month permits. We received these in a letter from DOWL Engineering. Meeting, neighborhood meeting, maybe, maybe not. All the comments on the first neighborhood meeting were from children from the school, from people who don't even live in our neighborhood. Nobody in our neighborhood got these. Four of us got these. I went around to the neighbors, and I got them to agree that we do not want full-time K-12 schools at both sites.

Ms. Comstock continued, Dowl Engineering gave us the dates of the meeting, TRPA, Washoe County. If you look at the schedule, the September 27th TRPA meeting last year is not on this Dowl Engineering report, that they put at the neighborhood meeting. Nothing was right to us neighbors at all. If you please look at Wayne Ford's letter in that huge packet, Wayne is a neighbor and a residential planner. He will show you step by step how this was presented to our neighborhood the wrong way.

Ms. Comstock said it should not go any further from this Planning Commission to the Governing Board. You folks really need to see this, how many of you have actually been on Mount Rose Highway, which is our evacuation route, with these two schools coming and going, activities.

Mr. Tim Gilbert, Elder at the Village Church said they are trying to get a school started, and wanted to add a little more history. He said; at the beginning of the process we went throughout the town and looked for appropriate places that we could increase the level of our preschool, already active for over 20 years. It's a Christian preschool so those little kids get

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introduced to Jesus Christ and that's where our heart is in all of this. I know this is just for schools only but the reason for our application is that first of all, the costs of the places that we looked at were large, and none of the facilities that we looked at could accommodate what we wanted to do with the preschool and a playground, all the things that we already have on our property. So that's when we first approached the county, we wanted to add on to our building to do this. That is not what we are pursuing now. We're pursuing having the use approved so that we can use our existing facility to house grades greater than the preschool that's already existing for us.

Mr. Gilbert said the bottom line is that we want to teach kids about Jesus Christ, and that is our motivation. We would be teaching those little ones that are in our care to be good neighbors and we would respond in like ways to the comments that are being brought up by our neighbors. So, I'm not saying that TRPA can lean on that, but that is a true part of all of it. We wanted to do this for a very long time. It's been a good idea for us for a very long time. We are just now able to do it. It doesn't change our footprint; we want to use the existing facility to do this, and that's the same thing going on with Saint Clare's as well.

Mr. Scott Comstock, resident of the Tahoe Wood Creek Regulatory Zone, said I support school choice as well as faith-based education. However, our neighborhood is not zoned to house schools. All of the schools in Incline Village are located in the central area of town that is easily serviced by the North Lake Tahoe Fire Department, and Washoe County Sheriff's Department simultaneously in case of a wildfire. The town is currently working on a wildfire evacuation plan. With these two schools located adjacent to a wildfire evacuation route, with up to 120 students each, they will certainly have to totally revamp their wildfire evacuation plan. The Saint Francis of Assisi Church and Village Church have hired a professional land use planning firm, Dowl Engineering, to push this rezoning of six parcels in our residential neighborhood. They're a well-oiled machine that has an organized letter-writing and public comment campaign with opinions that don't reflect the feelings of the Washoe County taxpayers that live in the Tahoe Wood Creek Regulatory Zone.

Mr. Comstock continued, right from the start, Dowl Engineering invited the required property owners of the neighborhood to a neighborhood meeting and filed the paperwork for the proposed zoning change within days. The comment cards were passed out at the end of the neighborhood meeting, but were never explained. Dowl said, "Don't worry, all of your live comments are being recorded or taped to review later." Somehow the data collected from the neighbor's cards included comments from many parents of current students, founders, students, and teachers at the proposed school, who do not live in the neighborhood, shockingly in favor of their schools. Please listen to the recording of the first neighborhood meeting from June 2, 2023, to get an accurate depiction of the overwhelming opposition to the rezoning. There's also a petition signed by over 50 residents of the Wood Creek neighborhood that says they're strongly opposed to this rezoning.

Mr. Comstock said both churches appear to be extremely confident that the rezoning will be adopted. Back in August of 2023, the proposed schools made announcements that they were expanding their enrollments and accepting applications for new students. They erected signage, released information to the community, and even held ribbon-cutting ceremonies. Residents worry that they're treating the zoning change as a mere formality, more of an annoyance than anything. They seem to be disrespecting the process and, in turn, disrespecting the agencies

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involved. Please rethink this rezoning proposal. Do some independent studies and help them find a location that's properly zoned for schools. Dao does a very good job of making it look like this is supported, but in reality, it is not. Please vote no. Remember, this is not a vote for or against school choice. It is a vote for or against rezoning a residential neighborhood to put the schools in.

Ms. Paige Roodhouse, Executive Director founder of St. Clare's, offered background about who we are and what we're doing in our community. We're a small Catholic monastery school, founded by parishioners. My husband and I are also parishioners of St. Francis Catholic Church. We operate the school as a ministry of the church and are seeking to be allowed to permanently operate in our spiritual home to provide a religious education to the children of our community. Access to the sacraments of Holy Communion and Confession as well as the opportunity to participate in adoration of the Blessed Sacrament are essential components of Catholic education that only take place within our Catholic home. We are a 501(c)(3) nonprofit pre-K through 8 Catholic school. We've been serving the North Tahoe area for 5 and a half years. The first 4 years we operated out of a different religious community, the Hebrew congregation of North Tahoe. We are operated as a small private, licensed school and exempt school by the Nevada Department of Education.

Mr. Roodhouse continued, we currently serve 20 families and 42 students. We're also a licensed childcare provider serving the community by offering childcare for children as young as two and a half, which is a critical infrastructure component for working parents as this is not provided by our public schools. Our Montessori school enriches our community by providing access to a world-renowned education model that is based on a self-paced differentiated learning model, which is great for students with learning differences. We charge less than half the tuition charged by the other private schools such as Lake Tahoe School in our area. We also offer aggressive financial aid to enable families with financial hardship to attend; currently, 25% of the students that attend St. Clare's receive full financial aid scholarships. As we said, we serve our local community, 37 to 42 students and their families are residents of Incline Village.

Allowing St. Clare's to operate at St. Francis Church optimizes the use of a building that is already functioning as a community-use building. Hundreds of people come and go from our church on a weekly basis. The students and staff use the building from 8:15 to 2:50 during the week, a time during which the church doesn't have much use. After the school day, the parish comes alive again with ministry meetings, faith formation activities, weddings, funerals, etc.

There is a huge precedent in Washoe County for co-locating Catholic schools with Catholic churches. All four Catholic schools in Reno are co-located within a Catholic church. The reason is that an essential part of Catholic education is participation in the sacraments that only take place within our spiritual home.

We have a robust emergency operations plan, currently 87 pages long. It's been fully vetted by local law enforcement and fire departments. We worked extensively with Lieutenant Peter Sewell at Washoe Sheriff, as well as with Fire Inspector Jeffrey Smith at North Tahoe, to create the plan and then to review it annually. Emergency services are aware of our presence and location and are confident in their ability to respond in the event of an emergency. Because there are far fewer people on church property during school hours than during the church's major services, our presence during the school week does not pose an impediment to area

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evacuations. The bottom line is if it isn't safe to have our small school operate at St. Francis during non-peak church hours, then it also isn't safe for parishioners to gather each weekend by the hundreds at mass.

Commission Comments/Questions

Mr. Young offered a reminder that this is about a rezoning of whether this use is appropriate in this regulatory zone. There are a lot of residential regulatory zones throughout Incline Village, and there may be some really good questions about whether this spot is legitimate. As seen on the map, this location is right at a major crossway. It's also limited to the larger parcels. Mr. Young said that the analysis of whether this location as a regulatory zone is appropriate for a school has been done. And it has been concluded by Washoe County, at least, that it's an appropriate spot for a school.

Mr. Young said a lot of the comments heard today are relevant to what might happen next if this eventually goes forward, and that's the special use permit process. A lot of the concerns heard today are extremely legitimate. A lot of the over-positivity of the applicants may not be appropriate. It is a little off-putting when people come forward, and it just sounds like they've already won. That's really frustrating to the community.

Mr. Young reminded that the Washoe County special use permit process is robust. We commonly apply significant conditions to all approvals—conditions like hours of operation, lighting, noise. We don't know what's going to happen with this special use permit process, but it will be robust, and there will be significant conditions if this goes forward, and if this reaches that process. It will include significant public input, and likely will include a lot of neighbors showing up to make sure that their concerns are addressed, mitigated, or if they can't be, that this simply doesn't go through.

Mr. Young said, continuation of these two uses is not guaranteed. They're operating on temporary permits for a reason. It's temporary because it might not be appropriate to be permanent, or the way they're operating currently might have to be significantly mitigated to make it appropriate. And that's what we would find out through a special use permit process. That's the thing that makes Mr. Young more comfortable with this rezoning. I have a hard time, on the basis of just rezoning, looking at this location and saying that it's not appropriate to allow schools. It's really appropriate in its location and its functionality and the way you get in and out there; it's appropriate. And I know about the analysis that went into it. And so, I'm going to have to support this, but I would like people to feel comfortable in understanding just how robust Washoe County special use permit process is, and will be for any applicant that wants to go forward with this.

Mr. Hitchcock made a motion to recommend approval of the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff summary

Ms. Carr seconded the motion.

Ayes: Ms. Setzer, Mr. Alling, Ms. Carr, Ms. Ferris, Mr. McNamara, Mr. Hill, Mr. Young, Mr. Hitchcock, Mr. Teshara, Mr. Stephen, Ms. Stahler

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Nays: Ms. Chandler

Motion passed.

Mr. Hitchcock made a motion to recommend adoption of Ordinance 2024-___, amending Ordinance 2021-06, to amend the Washoe County Tahoe Area Plan as shown in Attachment C.

Ms. Carr seconded the motion.

Ayes: Ms. Carr, Mr. Hill, Mr. Alling, Ms. Ferris, Mr. Hitchcock, Ms. Setzer, Mr. McNamara, Mr. Young, Mr. Stephen, Mr. Teshara, Ms. Stahler

Nays: Ms. Chandler

Motion passed.

VI.B. [Updates to Environmental Threshold Carrying Capacities \(Threshold Standards\)](#)

TRPA Chief Science and Policy Advisor, Mr. Dan Segan, presented, bringing back an item last heard in October 2023 regarding changes to four threshold standards. Mr. Segan said staff had brought back two of those unchanged to today, one with grammatical revisions, and one with a substantive revision.

Mr. Segan said threshold standards are at the top of the regulatory pyramid. They guide everything that the agency does. They form our core mission and the mission of the environmental improvement program. Threshold standards are those big goals that we're trying to achieve both through our Regional Plan and through implementing projects of the Environmental Improvement Program. Those standards are things like lake clarity, restoring wetlands within our region, preserving habitat for important species, and preserving air quality within the region. These are our large goals. The vast majority of those goals date back to 1982, and we've been in a multi-year process to revise and update those goals along with numerous partners.

The Governing Board first identified the updating of the threshold standards as a core strategic initiative for the agency in 2015. We have been working diligently with the Tahoe Science Advisory Council on a comprehensive process to both define what threshold standards are and the role they should play in our system, as well as reviewing all of those standards within our system. We've also been working with the Tahoe Interagency Executive Steering Committee (TIE SC), the committee that guides the Environmental Improvement Program within our region.

The proposals brought forward today were developed by subcommittees of the Tahoe Interagency Executive Steering Committee. We're working in three subject areas today: the Tahoe Watershed Improvement Group developed the Stream Environment Zone (SEZ) Restoration Standard; the Tahoe Yellow Cress Adaptive Management Working Group developed the Tahoe Yellow Cress proposed revisions; and the AIS Coordinating Committee developed the two revisions to the AIS standards.

The Tahoe Science Advisory Council set specific criteria which we use to develop those standards. The original set of standards that we adopted in 1982 included a broad mix of things such as regulatory controls, aspirational goals, and specific things to be achieved. In the Tahoe Science Advisory Council's review of how other systems establish their goals, these are the three core elements that they outlined that we should be seeking to do with our threshold standards. The standards should be focus on outcomes, not the mechanisms to get there, and they should be specific and measurable, to establish a finite endpoint at which we can all assess whether we have achieved our goal. These principles have guided the development of the proposals being presented today.

Mr. Segan walked briefly through each of the proposed standards and highlighted modifications made since October 2023. The first is the Stream Environment Zones (SEZs), a term unique to Tahoe and used as an all-encompassing term that includes wetlands, riparian areas, streams, and meadows. The initial standard established basically set a number of targets for restoration of these SEZs. The last time we had the thresholds peer-reviewed, a number of peer reviewers called out this sort of myopic view of streams and meadows where they're either functioning or not functioning. In the real world, we know there's tons of gray, and we've previously updated our Environmental Improvement Program to address those, recognizing not just full restoration but functional enhancement.

Many of the activities that partners do today on our wetlands and in our meadows are actually considered functional enhancement, not full restoration. So you can think of things like conifer encroachment into our meadow systems, where partners go out and take out the conifers that are reducing groundwater and restore function, but that's not considered full restoration.

Some years ago, we got a grant from the EPA that essentially helped us address this shortcoming or the sort of myopic view that was focusing only on area and not on quality. And we developed what we called the SEZ Condition Index, which basically integrates these two things. It identifies a number of factors related to the function of a stream or a meadow system, incorporates those, and we get a general quality score from that. For each SEZ, we measure the quality of it and the total area, and we multiply those two together to get a condition index. We've summed that for all SEZ within the region, to get the overall condition of our streams and meadows within the Tahoe Basin. (All this information information is online, including all the surveys that contributed to identifying how well each SEZ was functioning).

This is a standard for which no proposed change is being made, but we've suggested that we want to enhance the overall quality and function of meadows and wetlands from 79% of the regional possible total to 88% of the regional possible SEZ Condition Index. We've almost attained our last restoration goal, and we are now doubling down on that and saying restoration continues to be important, and we want to continue to support and account for these projects as part of the EIP. So that's the first standard, which is unchanged.

The second one is the Tahoe Yellow Cress standard. The basic story of the existing Tahoe Yellow Cress standard, which establishes the goal of 26 sites, was established after the 1981 monitoring season. And we had only three years of data on the species dynamics. We basically knew very little about it and picked the highest number of sites that we'd seen in those three years and said that should be our goal for all time.

What we didn't know at that time, and what we've since learned through subsequent monitoring, is that lake level has a dramatic impact on the number of population sites that we see. In short, when the lake is really high, we have far fewer occupied sites, and when the lake is low, we need to be protecting far more sites because there's more opportunity for colonization.

That understanding is incorporated both into the species conservation strategy that allowed us to avoid the listing of Tahoe Yellow Cress through Fish and Wildlife, and we are now proposing to bring that forward as part of the threshold standard. And this is one of the standards where the substance of the standard has not been changed since October, (the substance of the standard being the number of occupied population sites that we are targeting). Mr. Segan added that we have tried to modify the text of the standard to be a little more coherent to an average reader of it. So we are now saying, "maintain at least the number of occupied Tahoe Yellow Cress survey sites for each lake level as established in the table."

The last group of standards that we are proposing revisions to are the Aquatic Invasive Species (AIS) control standards. At the October hearing, these ones garnered the most attention. APC asked that the Threshold Update Initiative Stakeholder Working Group (TUISWG) take a second look at these before bringing them back. The six standards on the board today (slide 15) are standards that the Science Council highlighted as not meeting the specific, measurable, and objective criteria. The existing control standards use words like "reduce" or "abate", without actually specifying how much of a reduction in abundance or distribution would satisfy our goal, or how much of an abatement of the harmful ecological, social, or public health impacts would be enough. This is an area we've targeted to try to set specific and measurable goals that everyone can look at and say, yes, we've invested enough and achieved our goal, or no, we have not achieved our goal, there's still far more work to do.

There are two aspects to our AIS program; the prevention program, which aims to stop new AIS from getting into the lake. We have a threshold standard for that, and we are not proposing any modifications to it; it will remain in place. The standards today are really focusing on that control side. The standards proposed in October were that, we should place all known aquatic invasive plant infestations in the surveillance category in the main lake and associated areas, and establish a second threshold standard for the Tahoe Keys, consistent with the work being done there, that would be a 75% reduction in aquatic invasive plant abundance by 2045.

The questions APC raised were twofold (slide 18). First, what happens to standards for aquatic invasive species for which we are not setting standards? The thought raised at the meeting was, we are doing work on Asian clams today, we just had New Zealand mud snails identified, so what does it mean that we're not proposing standards for those today? Are those falling off our radar? Why did we recommend plants only today and then what happens to the other ones? And then the third question on the board that you asked us to bring to the Threshold Update Initiative Stakeholder Working Group was, why a date of 2045 for the Tahoe Keys given that the Control Methods Test has not yet been done and we don't have a plan to attain that goal by 2045, and does that send the right message that we're arbitrarily giving a date to attain that? What would that do to the overall process. Those are the questions that we brought to the Stakeholder Working Group in February 2024.

We had a long conversation at that meeting about why to identify standards for some and not

others. In part that was rooted in specific and measurable objectives, outcome-based, but really what the group came up with was that we should be considering a four-part test to identify when it may be appropriate to set a threshold standard. Mr. Segan walked through some of the discussion, and the committee's direction to us to incorporate this into an overall process to make it more explicit, both to APC and to other stakeholders within the region.

The committee first said we need to have a clear definition of what the issue is we want to solve. That seems simple enough. Second, we need to be able to quantify the extent of the issue or problem. Third, we need to be able to define where we want to go or what we think the solution looks like. That again is consistent with this idea of specific and measurable: be able to both measure the problem and define what we think the solution looks like in those terms. And then fourth and finally, we need to be able to identify a viable way to get there. As a reminder, the thresholds are at the top of our regulatory pyramid, and one of the findings that you are asked to make as part of approving anything is that it will be consistent with achieving and maintaining those, and that the Regional Plan and the Environmental Improvement Program together, can achieve and maintain those. And the reason that was highlighted here is for things like New Zealand mud snails, where we are working to both quantify the extent of the problem, and to identify opportunities to address the problem, we don't have viable control alternatives right now that we can use. So for things like that, the thought was that it would be best kept within the AIS Coordinating Committee and within their strategic action plan where they have goals for both surveying to better understand the extent of the problem, and also testing mechanisms to better control that problem. And I think you can view all of that work as leading up to potentially identifying a threshold standard if and when we can satisfy these four criteria.

Mr. Segan questioned, so what happens in advance? Do we just forget about those? The answer is certainly not. The AIS Coordinating Committee continues to work on all AIS, not just AIS for which we are proposing threshold standards for, and within our regulatory documents, the suggestion was that we continue to include those in the goals and policies of the Regional Plan. Mr. Segan added that we can include both the desire to monitor as well as to address the concerns related to those, and prevent further spread. We should continue to maintain those within the goals and policies of the Regional Plan and regularly revisit those goals and policies to see if it is now ripe to adopt a threshold standard for this specific issue.

The third and final issue that APC referred to TUISWG (Threshold Update Leadership Stakeholder Working Group), was whether the 2045 date was appropriate for the Tahoe Keys, given that the Controlled Methods Test (CMT) is not yet done. Would it be better to wait until the test is complete and we have a viable plan to achieve it, and then align the attainment date in the threshold standard with the plan, if and when we have it adopted. That's also the model we followed for the VMT threshold standard brought forward in 2021, where we identified a plan to achieve it, and then adopted the plan and the attainment date in the threshold standard.

So the proposed standards related to AIS being brought forward today are twofold. The first is unchanged: that there are no active infestations outside of the Tahoe Keys. The second has a couple of modifications that came out of the Commission discussion and then went back to the AIS Coordinating Committee (slide 24).

The first change was suggested by the committee and then agreed upon by the AIS Coordinating Committee: that we should be evaluating overall abundance based on a running average

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abundance. We're conducting surveys every year and we shouldn't allow environmental variability within an individual year to unduly influence our assessment of attainment of the standard. Therefore, we'd include a rolling average. The second change was for clarification; we added the word "plant" ahead so that we're specifying that this standard concerns aquatic invasive plant abundance.

The third change is to clarify that reductions above 75% would also be consistent with achieving and maintaining the standard. So, we added the words "by a minimum of 75%" rather than "by 75%." The fourth change, which I already discussed, is the removal of the target attainment date.

The fifth and final change is to include the baseline year against which we are going to measure progress within the standard. Again, this is consistent with the guidance from the Science Advisory Council that we provide as much of the specific and measurable within the standard itself and leave less ambiguity.

Commission Comments/Questions

Mr. Young said the Tahoe Yellow cress issue is interesting, and almost like we should have guessed that water level can play a role in where it shows up and its ability to invade. He was curious if it's surviving under the water or if it needs to re-invade when water levels go down. Mr. Segan responded that he is not an expert in Tahoe Yellow cress, but it is his understanding that the seeds survive under the water. Mr. Alling that the root stock also remains viable under water.

Mr. Young said Mr. Segan talked about the importance that everything be measurable, and mentioned that we wouldn't establish the threshold until, if, and when, those four standards mentioned can be met. Mr. Young was curious why there would be an 'if.' It seems like you would want to just keep working away until you are able to meet those measurables, and then start measuring—that's not something you'd want to give up on. Is there a time when it's foreseeable that you just wouldn't be able to get there, when you actually wouldn't be able to meet those four standards. Mr. Segan said it's certainly possible in the sense that maybe we can't identify a viable way to get there. Mr. Young said it seems like that's something you wouldn't want to give up on. You've identified that it exists. So central to pursuing it and dealing with it, is the sense that we can start measuring it. The idea that we just wouldn't ever be able to establish a threshold because we can't meet those four standards is really fascinating. Mr. Segan clarified the difference between not trying to address and prevent, and establishing a threshold. There is certainly a line where it doesn't mean that we're not working on it. New Zealand mud snails are a great example where there's a lot of work being done to prevent spread, but they are a known colonizer and invader all over, and no one has a viable way to remove them yet. So not having a threshold including it as a policy in the Regional Plan allows us to continue working on it, and memorialize the intent to work towards the ultimate goal we have in mind, but that we wouldn't adopt a threshold standard until we think that we can achieve that goal. So we're not setting up false expectations.

Mr. Young asked how new species are identified, is it by accident or through an annual survey for example? Mr. Segan said it's discovered through surveys for other invasive species. Mr. Young added that he is really interested in the 75% mark. He foresees a time when we're at 65

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and going to get there. Then what, we keep going, we don't stop at 75? Those numbers are really important, but I like to have a sense that they're not the end of the game. Mr. Segan said the notion that it's not the end of the game has come up with a lot of these threshold standards, especially as we've talked about the update process. In other places we've said it's our intent to review the threshold standard if and when we reach that. The clearest example of that is the SEZ standard that we're asking you to update today. Where roughly 40 years ago we said we were going to restore 1,100 acres of SEZ, we're just under that right now, and we're asking you to put that in the rear-view mirror and adopt an additional goal for more restoration because we can see ourselves attaining it. I imagine it would be a similar discussion when we hit the 75%.

Mr. Alling said the proposed updates are good and reflective of all the great thought that's gone into all this. In response to Mr. Young's question about the 75%, he thinks it's important to note that 75% is the minimum. It isn't just the goal, that's right where it starts. Mr. Alling agrees that these things can be hard, and that thresholds can be modified in the future to continuously raise.

Regarding the proposed standard for SEZ to enhance quality and function of meadows and wetlands from 79% to 88%, he asked how they came up with the 88% number. Mr. Segan said we developed it through a bottom-up process through the working group. The inventory used to come up with a condition index, identifies the condition of each SEZ in the region today. We asked the partners in that group to identify projects that they would like to see incorporated in a 20-year restoration target, or in addition to the projects that are already listed in the EIP tracker, for which projects are planned. We included all of those in the new restoration target, and then did a secondary exploration of the success in past restoration and identified the likely improvement in functional condition based on having a restoration project. We know restoration doesn't get you to 100% function in general, or if it does it takes a long time. There is a factor that says future restoration projects are likely to perform a little bit better than past restoration projects, and that helped us arrive at that 88% calculation. But just to be clear on that, there are no specific projects that are required to be in there, and you can meet that target in a number of different ways.

Mr. Alling asked if it would be beneficial to include the same language, by putting a minimum in front of that 88% knowing that even higher is better. Mr. Segan agreed.

As Chair of the Threshold Update Initiative Stakeholder Working Group, Ms. Carr thanked Mr. Segan and the TRPA team for taking the time to put the process on pause last fall and engage the working group in what turned out to be really fantastic discussion about the various aquatic invasive species, how we ensure that we don't lose sight of them, and where various goals and belong in the absence of a threshold.

Mr. Hill appreciated the discussion between the members today, and said he is totally supportive of this change towards the quality and functionality of an SEZ, versus just the area of SEZ. Based on the research and new information that we're getting on functionality and quality; he asked if they see potential in the future for revising how SEZs are identified, maybe using different indicators for more urban settings. Mr. Segan said they talked about it a little bit in the group, and we can imagine that as both technologies change and the way that we monitor changes, we could revisit those definitions, and how we identify them in the field.

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Regarding the 75% reduction in the Tahoe Keys, Ms. Chandler it's really important to understand that after the first year of the CMT when herbicides were used, there was actually a reduction of 95% in the invasive species in the areas where the herbicide was applied. Therefore, by setting a target like 75%, it allows for fluctuations from year to year, because the exact methodology that will be used in the future is still uncertain. The process of completing the third year this year is underway, and likely another EIR/EIS will be required to continue the types of treatments that have been used. A baseline was set, which was relatively low, and it is also crucial to remember that the water level and water temperature are important factors affecting treatment outcomes.

Ms. Stahler agreed with Mr. Young's comments related to the proposed AIS standard. She thinks that having it live in the Regional Plan Goals & Policies makes sense, but there is also a desire to have continued effort in addressing the four questions. She wondered if the working group proposed a mechanism to keep advancing those question. Mr. Segan said they did not discuss that specifically, but the working group did provide direction that we develop a process whereby we continually reevaluate, and transparently display to the public where we are with regard to each. I think we can memorialize that intent within that. Ms. Carr added that they did talk about the AIS committee actively continuing to work on all those non-plant issues under their work plan. The AIS Coordinating Committee are continually working towards answering those four questions. Once those questions are tackled, they could be integrated into a future threshold update.

Public Comment

Mr. Doug Flaherty, TahoeCleanAir.org, expressed concern that the TRPA is caught up in what he termed "regulatory capture," where the agency's actions are more about self-preservation rather than genuine environmental preservation. He criticized the presentation as embarrassing, suggesting it demonstrated the TRPA's focus on lowering the standards to avoid failure rather than addressing the actual issues. Mr. Flaherty argued that the TRPA's approach has been more about talking than doing measurable work, questioning what has been accomplished in the past 50 years. He suggested that the leadership should resign if they believe the current recommendations are sufficient and urged the APC to demand measurable outcomes and concrete preservation actions rather than extending target dates indefinitely. He concluded that this is a failure, there is a huge bureaucratic machine that talks about self-preservation, not lake preservation. The APC should table this and send these people back to come up with some measurable dates, times, quantifiable solutions, and metrics.

Ms. Ann Nichols, North Tahoe Preservation Alliance, criticized the ongoing lack of enforcement and tangible results, highlighting specific examples like the Tahoe Beach Club development and the lack of BMPs (Best Management Practices) at the Boulder Bay Crystal Bay site for over 15 years. Ms. Nichols emphasized the issues of microplastics and lead cable in the lake, pointing out that without firm enforcement mechanisms or definitive timelines, effective action is unlikely to occur. She called for more skepticism and accountability from the group.

APC Comments/Questions

Referring to the removal of the 2045 date from the Tahoe Keys threshold, Ms. Carr said there was a lot of discussion about this at the Threshold Update Initiative Stakeholder Working Group.

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A very good reason for removing that 2045 date is that it was too far out, and we certainly didn't want to imply that we had all of those years to accomplish the goals of what the Tahoe Keys is trying to do right now. We want to keep the pressure on for all the projects and the solutions that could be brought to the invasive species in the Tahoe Keys, and felt that 2045 was just too far out. As Ms. Chandler mentioned, we don't know what the solutions are because we're still in the testing phase. When we know what the long-term plans would be, then I would imagine that we would be reopening this threshold add some time-limited values.

Mr. Alling made a motion to recommend approval of the required findings (Attachment B) including a finding of no significant effect.

Mr. Young seconded the motion.

Ayes: Mr. Alling, Ms. Carr, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

Motion passed.

Mr. Alling made a motion to recommend adoption of Ordinance 2024-___, amending Ordinance 2019-02 (Exhibit 1) updates to the threshold standards for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cress conservation; including an addition to Exhibit 1, page 205, SC11) to insert the words "a minimum of" before 88%, and a spelling correction on page 209, VP22) "demota".

Mr. Young seconded the motion.

Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

Motion passed.

VI.C. [Proposed technical clarifications to the Phase 2 Housing Amendments in the Code of Ordinances](#)

Ms. Alyssa Bettinger, TRPA Senior Planner, presented the item. The Phase 2 Housing Amendments are part of the Tahoe Living Strategic Priority, which is one of the Governing Board priorities. This priority looks at how we can update TRPA's policies to better align with and encourage the development of affordable and workforce housing. Without this type of housing, there are environmental impacts from more workers having to move out of the basin and commute back in, as well as negative social and economic impacts to our communities.

The Tahoe Living Strategic Priority receives a lot of input from the multidisciplinary Tahoe Living Working Group, and we've been analyzing and making policy updates in distinct phases. Back in 2021, we passed Phase 1 of the housing amendments, which encouraged accessory dwelling units, and property owners to convert old motels into long-term housing. Phase 2 is the subject of this item, and work started on Phase 3 this year. Phase 3 is looking at TRPA development rate systems and identifying the inequities of some policies in the region.

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The proposal before you today would make two amendments to the code language that was passed by the Governing Board in December of last year. The Phase 2 amendments were designed to further implement the Regional Plan by encouraging compact development in and near our town centers. We did this by passing incentives that allow more flexibility with coverage, height, parcel level density, and parking, specifically for deed-restricted housing or mixed-use developments with a 100% deed-restricted residential component. The technical amendments proposed today would further clarify the Governing Board's intent at that December meeting. The two amendments are not substantive code changes; they are just clarifying the intent.

The first amendment is to Chapter 30, and it clarifies that any property receiving the coverage incentives passed under the Phase 2 amendments would be required to tie into an area-wide stormwater treatment system. This amendment is a cleanup. It is removing an erroneous clause that was left over from an earlier version of the proposal. Referring to the errata, Ms. Bettinger said we are also removing the word "or" at the end of subsection 30.4.2.b.5.a. Projects will need to meet requirements in all subsections, not just 'a'.

The second proposed amendment would clarify the distribution of remaining bonus units within the TRPA pool to the affordable, moderate, and achievable deed restriction categories. To date, the affordable category has used the majority of units. Some are still going through the permitting process, but 482 affordable units have either been built or are going through the permitting process. There's a common misconception that moderate-income units are built more often than affordable units, but records show that this is not correct, likely because moderate-income housing typically qualifies for significantly fewer federal and state subsidies than affordable housing does.

In December 2023, the Governing Board made a motion to limit the number of achievable housing units to 25% of the pool. In doing so, they left the remaining 75% of the pool available for both affordable and moderate-income units. This was a change from when affordable housing had its own dedicated set-aside from the TRPA pool, which was 50%. And again, although moderate-income housing projects are less common, there was concern that this left the potential for moderate-income projects to access a larger share of the bonus units previously reserved exclusively for affordable housing.

Staff does believe that the grouping of affordable and moderate-income projects was an unintentional result, rather than an affirmative policy choice by the board. As a result, staff are proposing that the code language be amended to confirm that 50% of the pool be reserved exclusively for affordable housing. That would leave 25% available for moderate-income housing, which the affordable bucket could pull from, and then 25% would be available for achievable. Moderate-income units could pull from that top-tier bucket as well.

APC Comments/Questions

Ms. Setzer asked if someone was in an area where multi-family is allowed outside of a town center, and wanted to take advantage of the 70% coverage, would they have to meet criteria A, B, C, and potentially D if it were an ADU? Ms. Bettinger confirmed that was correct.

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Public Comment

Ms. Ann Nichols, North Tahoe Preservation Alliance, said this confusion happens at the Governing Board hearings because we can never hear John Hester; he's so soft-spoken. Also, there are changes being made to the motion on the fly, we don't even know what they've decided, and certainly, we don't get to public comment on it to help you guys with your mistakes. Mountain Area Preservation had to file a lawsuit to let you know that this totally not cool. Four months later, you try to fix it, but the problem is still there. There's no income cap on achievable housing, and most of the projects coming forward are for achievable housing. This whole process needs to be changed.

Ms. Sophia Heidrich, Mountain Area Preservation (MAP) Advocacy Director, supported the proposed amendments. During the December Governing Board, there was quite a bit of discussion around the bonus units pool as staff mentioned. Particularly regarding the number of achievable housing units available to utilize the new Phase 2 housing incentives. In limiting the number of achievable units, the Governing Board also lumped the affordable housing units in with the moderate housing units, effectively removing the requirement for any affordable housing to be built under the new incentives. While this might be a minor technical change to the language in the amendments, it could have major implications. That is one of the key points that MAP pointed out to TRPA staff following the hearing, and subsequently included in the legal filing.

Ms. Heidrich said affordable housing is the largest housing need for most of the Tahoe Basin, so it's critical that the 50% affordable housing requirement be reinstated into the Code. We do have a number of other outstanding concerns related to the Phase 2 housing amendments, including that there is no income cap on the achievable housing definition. Those concerns are detailed in our legal filing and in our administrative procedures. That said, we appreciate TRPA staff for addressing this issue, and we support the changes that are before you today. It is important to ensure that the code language is as clear as possible, and that the biggest portion of the bonus unit pie is dedicated to affordable housing.

Mr. Doug Flaherty, TahoeCleanAir.org, said the TRPA is obviously trying to take some steps to backpedal, which often doesn't work very well. The bottom line here is community safety as it relates to the wildfire impact on the populations in dense town centers. While you've made some modifications regarding housing, you continue to ignore the public safety hazards associated with dense town centers, which serve as dangerous evacuation choke points during wildfire evacuations. And that goes back to the continued insistence on the part of your leaders that a roadway-by-roadway wildfire evacuation capacity assessment is not done.

It's one thing to strengthen our law enforcement and fire capabilities by working together and having unified command meetings and improving our communications. That's not the same as analyzing roadway-by-roadway wildfire evacuation capacity. You guys continue to use law enforcement and fire's commitment to work together as some sort of replacement for a wildfire evacuation capacity analysis. They're two different things. So, while these code changes discuss housing issues, you're still not quite understanding that what you're creating are very hazardous choke points within town centers.

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Ms. Nyobe Burden said she supports, and agrees with MAP that the achievable definition still needs work, specifically it needs an income cap, like affordable and moderate has. It's apparent by applications coming forward that 'achievable', at least on the north shore, is the most attractive, yet does not address the most need that is necessary for the workforce on North Tahoe. There are no affordable or moderate options at this point.

Ms. Erin Casey, CEO of the newly formed Tahoe Housing Hub, spoke in appreciation of the staff's efforts to address the region's housing issues and respond to public feedback. She praised the tremendous job being done and raised a couple of points for consideration, one of which included a query about the bonus unit program for TRPA. Ms. Casey questioned whether an existing home could be eligible for a bonus unit if the homeowner is willing to deed-restrict it, and if such an action would affect the availability of achievable bonus units in the future.

She also highlighted the requirements set by the state of California for jurisdictions to build a certain number of housing units across various affordability categories, including an "above moderate" category defined as anything above 120% AMI. Ms. Casey pointed out that according to state requirements and local assignments within the basin, a significant proportion of new units needed falls into this above moderate category. She recommended that these factors be considered when analyzing the percentage of bonus units and the affordability levels to which they should be available.

Finally, Ms. Casey noted that while the "achievable" category primarily focuses on residents, it is the only option that provides an incentive for projects exceeding 120% AMI. She mentioned the Martis Fund and other local programs that have historically supported projects catering to income levels up to 180% AMI. Ms. Casey suggested that there is potential to enhance support for the achievable category, emphasizing the importance of aligning these efforts with state and local requirements to effectively meet the community's housing needs.

APC Comments/Questions

Ms. Setzer provided additional comments regarding the practical challenges of implementing the coverage adjustment introduced in Phase 2 of the Tahoe Living Working Group's efforts. She highlighted that while the theory behind the coverage adjustment was sound, its actual application has proven less effective, particularly because of the limited stormwater management infrastructure currently approved by TRPA in Placer County. With only one proposed and two constructed small stormwater areas, they are largely unable to utilize the coverage amendment due to the lengthy approval and construction process for stormwater systems.

Given these constraints, Ms. Setzer proposed exploring alternative mechanisms during Phase 3 amendments that could allow higher coverage while still achieving environmental benefits. She shared an example of a developer interested in maximizing density on a site along Highway 28 in a village center who faced obstacles due to coverage limits, and instead proposed building luxury single family homes, which does not align with the area plan or meet housing needs.

Ms. Setzer suggested that Phase 3 looks at scaling the residential units of use. The recent housing assessment by the Mountain Housing Council indicated that east Placer alone requires 1,800 units up to 245% of the area median income (AMI). With only about 900 bonus units

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remaining basin-wide, she argued that this would be insufficient to meet the demands across all communities, let alone just for Placer. Ms. Setzer expressed eagerness to collaborate on more creative solutions to advance workforce housing opportunities, stressing the necessity for amendments that could be practically utilized to address the significant housing needs in the region.

Mr. Young agreed with Ms. Setzer and acknowledged the challenges identified in effectively implementing these changes due to stormwater management requirements. He recognized that while the intention was to mitigate potential environmental impacts from increased coverage, this has inadvertently become a substantial barrier to utilizing the incentives. Eric predicted that the issues around stormwater management and coverage limits would necessitate future revisions to make the incentives more accessible and effective. There have to be alternatives to mitigating the increased impact.

Mr. Teshara agreed with Mr. Young that this is a positive step forward, but is not making the progress needed. When we hear from the very few developers willing to try and do affordable housing, it is still very difficult – we are just changing the barriers. Mr. Teshara asked for clarification on how many of the 946 units have already been committed to projects, and emphasized that it may not be accurate to keep using the 946 number if some of those are already committed. Ms. Bettinger referred to the table on slide 4 and acknowledged Mr. Teshara’s comments.

Bonus Unit Tracking	Affordable	Moderate	Achievable
Number constructed since 2018	1	5	3
Permitted, Construction Underway	146	0	1
Permitted, Construction Not started	159	2	34
Applications in Review/Not Issued but Units Reserved	155	0	230
No Application but Units Reserved	21	0	0
Total Utilized	482	7	268

Mr. Young made a motion to recommend approval of the Required Findings as described in Attachment C, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary

Mr. Alling seconded the motion.

Ayes: Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

Motion passed.

Mr. Young made a motion to recommend adoption of Ordinance 2024-_____, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment B, including the errata sheet circulated today, April 10, 2024

Mr. McNamara seconded the motion.

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Ayes: Ayes: Ms. Carr, Mr. Alling, Mr. Hill, Mr. McNamara, Mr. Stephen, Mr. Teshara, Mr. Young, Ms. Chandler, Ms. Setzer, Mr. Hitchcock, Ms. Stahler

Motion passed.

VII. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester that upcoming topics for the May APC meeting will include the amendment package with mixed-use development, climate change, and dark. Additionally, there is a field trip planned to the Meeks Bay project, which was requested by Ms. Carr. This field trip will hopefully involve the Native American tribe and/or the Forest Service. The plan is to visit the site in the morning and then return in the afternoon for a meeting to review the Environmental Impact Statement (EIS) related to the project.

Another field trip in planning, as requested by Mr. Alling, will focus on forest health and the NV Energy Corridor. The details for this are still being finalized, but it is likely to occur on a Governing Board day as a joint trip with the Governing Board members.

B. General Counsel

TRPA General Counsel, Mr. Marshall, said there isn't much to update on at the moment, largely because the courts are moving very slowly these days. We have pending motions and several pieces of litigation that have been sitting for a while, primarily due to the overwhelmed nature of the federal courts.

Regarding the specific litigation we've discussed previously—the MAP lawsuit—we are proceeding at a pace. We are currently assembling the administrative record, which we hope to complete in the next couple of weeks. We filed our answer yesterday, and once we file the administrative record, it will set us on a briefing schedule according to local rules. This schedule allows 45 days for the plaintiff (MAP) to file their opening motion for summary judgment, followed by 45 days for TRPA to respond and cross-move if necessary.

The case has been assigned to a magistrate judge, as both parties agreed to reach out to the magistrate rather than going directly to the federal district court in an effort to potentially speed things up.

C. APC Member Reports

Mr. Alling brought attention to a notable project that has recently been approved via a decision memo from the United States Forest Service. The Burke Creek Riparian Restoration Project, located at the bottom of Kingsbury, involves significant restoration work in the meadow area.

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Mr. Alling expressed enthusiasm about the project, noting that it's one he has been involved with for several years. He highlighted that there would be considerable activity in the area during the middle of the summer as the restoration efforts get underway.

Mr. Hitchcock announced an exciting development regarding a project that has been in the proposal stages for many years—the Green Belt Pedestrian Bike Path. The project is now fully funded, it will be located near McDonald's and will connect to the hospital district neighborhood. The project will feature various enhancements including signage, SEZ restoration, as well as an adventure play area and a plaza for public enjoyment outdoors.

Chief Stephen, on behalf of the Regional Chiefs said it was great to hear about the PROTECT grant. He said that law enforcement and fire chiefs meet monthly to focus intensively on improving evacuation routes and access points. They plan to be aggressive in the coming years, and the grant they received will further assist in these efforts. Additionally, meetings with the Department of Transportation and Caltrans are also focused on this topic, indicating a strong push forward. There's a lot of work to do, but every bit of progress helps.

VII. PUBLIC COMMENT

Mr. Doug Flaherty, TahoeCleanAir.org, said that in California, there was a California State Supreme Court decision regarding marijuana users versus the city of San Diego. I'm not an attorney, but from what I've read, among other things, it says that if there's a zoning change that would cause a physical change to the environment, then technically, the zoning change is considered a project.

There's much more to it than that but basically, take a look at the TRPA approval by the Governing Board on February 28, 2023, when they approved the TVAP, which is an overarching plan that included significant changes to land use with regards to Placer County, as I read it, that TRPA TBAP was a project under the California State Supreme Court ruling. If that's true, here we go past December 31, 2024, where there have been discussions about all projects having to have a finding of net zero VMT. The TRPA board approved that after December 31, 2024. In my opinion, the TBAP approval was a project according to CEQA. TRPA did not find a net zero VMT in their findings. I think it was in violation of your thresholds and all the other stuff we talked about regarding funding levels and that type of thing.

VIII. ADJOURNMENT

Mr. McNamara moved to adjourn

Chair Stahler adjourned the meeting at 1:05 p.m.

Respectfully Submitted,



Tracy Campbell
Clerk to the Advisory Planning Commission

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The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.

DRAFT



STAFF REPORT

Date: May 1, 2024

To: TRPA Advisory Planning Commission

From: Jacob Stock, Senior Planner

Subject: Adaptive Improvements to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominiums, and Design Standards for Mixed-Use Development

Project Summary:

Staff will present an overview of proposed amendments to the TRPA Code of Ordinances to implement best practices for climate resilience and adaptation, address the need for mixed-use minimum standards to encourage walkable communities, and take an interim step to address the impacts of condominium subdivision on affordable housing needs in our region. These proposed amendments build on the work of the Phase 2 Housing Amendments, Sustainability Action Plan, and lessons learned from local area planning and Code implementation.

Staff requests that the Advisory Planning Commission (APC) discuss the proposed amendments and consider a motion to recommend approval of the proposed amendments to the Code of Ordinances.

Required Motions:

To recommend adoption of the proposed amendments to the Code of Ordinances, APC must make the following motion(s), based on the staff summary:

- 1) 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 Ordinances amendments as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2024-___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

Project Description/Background:

Climate Resilience:

In December 2013, the TRPA Sustainability Action Plan was adopted to guide TRPA and local jurisdictions in developing and implementing climate sustainability strategies and actions under a consistent regional framework. Since the plan’s adoption, TRPA and partners have fully or partially implemented more than 80 percent of recommended actions in the plan. These planning efforts resulted in approximately 198 climate resilience-related projects across the Region. TRPA staff are directed to implement the remaining actions of the Sustainability Action Plan as they relate to standards in the Code of Ordinances.

During the summer of 2022, a graduate student intern from the University of California, Davis, Kamryn Kubose, completed a research project exploring best practices for land use regulation in climate-smart communities. Her project resulted in a 100-page memo covering traffic congestion; energy conservation; energy generation; zero-emissions vehicles; waste diversion; sustainable construction and development; water conservation; carbon sequestration, forestry practices, and vegetation; adaptation and resilience; and workforce housing. She and her TRPA supervisors presented to the TRPA Governing Board and facilitated a work planning and prioritization workshop in October 2022. The Governing Board directed staff to develop regulatory code amendments supporting complete implementation of the Sustainability Action Plan including amendments addressing traffic mitigation, solar energy generation, electric vehicle charging, and dark sky preservation that could be completed on an initial environmental checklist.

Beginning in January 2023, Ms. Kubose was joined by a team of UC-Davis graduate students to develop proposed code language following the Governing Board's direction. The graduate student team conducted detailed code research, facilitated stakeholder engagement, and wrote draft code amendments. On May 24, 2023, TRPA staff and the graduate student team provided an informational presentation on their recommendations to Regional Planning Committee (RPC). TRPA staff have since addressed RPC's recommendations and worked closely with stakeholders from local government, the development and private consulting industry, and Liberty Energy, along with Permitting staff to develop the current proposal (Exhibits B and C to Attachment A). The proposal includes new requirements for traffic mitigation planning at temporary events, strategies to streamline rooftop solar installation while maintaining scenic threshold protections, provisions supporting the continued development of appropriate EV charging infrastructure, and a reorganization of the Code's exterior lighting requirements including new provisions for dark sky preservation. Staff drew from a range of best practices to develop this proposal including successful local codes, the California Building Standards Code, Dark Sky Alliance recommendations, and Leadership in Energy and Environmental Design (LEED) standards.

Affordable Housing Requirements for Subdivisions and Design Standards for Mixed-Use Development:

The mixed-use and affordable housing elements of this proposal were adapted at the Governing Board's direction from an amendment to the Washoe Tahoe Area Plan (TAP).

On March 8 and March 22, 2023, respectively, APC and RPC considered a proposed Washoe County TAP amendment to allow subdivision of buildings in Special Area 1 of Incline Village's commercial town center. Both bodies found that the Area Plan and Code of Ordinances did not fully address standards for mixed-use development and the impact of condominium subdivision on the need for affordable housing. They recommended that the County consider policies to encourage affordable and workforce housing and a more specific definition and minimum standards for mixed-use development before the amendment was applied to the remainder of Special Area 1. Following APC and RPC's recommendation, staff developed mitigation measures to define and set minimum standards for mixed-use development and to ensure that a portion of new condominiums in Special Area-1 would be deed-restricted with a mix of affordable and moderate housing. On June 28, 2023, the Governing Board approved the amendments to the TAP, including mitigation measures, directing staff to explore regional standards for mixed-use and deed-restricted condominium housing.

TRPA staff has since researched best practices to define and set minimum standards for mixed-use development that could also apply at the regional level and support walkable communities. On May 24, 2023, TRPA staff initiated the process to set regional standards, presenting to RPC on mixed-use standards for the basin as a whole, including a mixed-use definition and regional standards that include

the proportion and location of residential and non-residential uses in a structure, permitted uses, mix of affordable and market-rate units, density, parking, and minimum design standards. These proposed amendments follow Governing Board direction to develop regional standards for mixed-use and propose regional conditions to ensure that new condominium development includes a 10 percent mix of affordable and moderate-income housing on or off site (Exhibit A to Attachment A). Additionally, the proposed amendments adapt Section 39.2 (Subdivision Standards) to ensure consistency with existing definitions for affordable- and moderate-income housing.

The requirement for 10 percent deed-restricted housing in condominium developments reflects the mitigation measures the Board adopted into the Washoe Tahoe Area Plan in June 2023. This requirement responds to the need for local workforce housing created by new market-rate development along with the existing gap in housing units affordable to local workers. Needs assessments by the Mountain Housing Council and Tahoe Prosperity Center found a gap of just over five thousand workforce housing units for lower and moderate-income residents. This gap represents roughly 10 percent of the total units in the basin. A 10 percent deed-restriction requirement is also consistent with Placer County's affordable housing ordinance and the City of South Lake Tahoe's inclusionary zoning ordinance. This proposal would not replace these existing local ordinances, but rather would apply to jurisdictions that do not have an equivalent program. Developers could use bonus units to obtain development rights and incentives for the deed-restricted housing. Staff plans to explore more comprehensive measures to mitigate the impact of market-rate housing on workforce housing through the next phase of the Tahoe Living Strategic Initiative.

Environmental Review:

TRPA staff completed an Initial Environmental Checklist (IEC) pursuant to Chapter 3: Environmental Documentation of the TRPA Code of Ordinances and Article VI of the Rules of Procedure (Attachment C). Staff experts reviewed the IEC and completed revisions. The IEC finds that the proposed amendments would not result in significant effects on the environment.

Regional Plan Compliance:

TRPA staff completed a Regional Plan Compliance Measures Checklist (Attachment D) and determined that the proposed amendments are in compliance with the Regional Plan. The proposed amendment was reviewed by RPC and unanimously recommended to the Governing Board for approval. Recommendations of the APC and RPC will be considered by the Governing Board in determining whether to find the Area Plan amendment in compliance with the Regional Plan.

Additionally, staff advise that the proposed amendments will advance the following goals and policies of the Regional Plan:

- The Regional Plan Housing Element.
- Goal 1 of the Transportation Element which seeks to protect and enhance the environment by promoting energy conservation and reducing greenhouse gas emissions including through support for mixed-use and transit-oriented development.
- The Sustainability Action Plan goals and policies including establishing efficient light standards (4-10), standards for renewable energy (4-13), supporting EV charging networks (4-18), and addressing event impacts (4-32).

Opportunities for Public Input:

To-Date:

Climate Resilience:

- October 2022—Workshop with the TRPA Governing Board to prioritize amendments
- Winter/Spring 2023—Stakeholder workshops with representatives from local government, the development and private consulting industry, and Liberty Energy
- May 2023—Presentation and feedback from the Regional Planning Committee
- November 2023—Stakeholder review of proposal draft
- February 14, 2024—APC informational presentation
- March 27, 2024—RPC Informational Presentation
- April 24, 2024—RPC Hearing

Mixed-Use:

- May 2023—Presentation and Feedback from Regional Planning Committee
- June 2023—Governing Board adoption of amendments to the Washoe Tahoe Area Plan including elements of this proposal
- November 2023—Stakeholder review of proposal draft
- February 14, 2024—APC informational presentation
- March 27—RPC Informational Presentation
- April 24, 2024—RPC Hearing

Planned:

- May 8, 2024—APC hearing
- June 26, 2024—Governing Board hearing and consideration of approval

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or jstock@trpa.org.

Attachments:

- A. TRPA Ordinance 2024-__
 - Exhibit A: Proposed Mixed Use Code Amendments Table
 - Exhibit B: Proposed Climate Code Amendments Table
 - Exhibit C: Proposed Exterior Lighting Standards
- B. Required Findings/Rationale
- C. Initial Environmental Checklist
- D. Compliance Measures Checklist
- E. Transportation Plan for Large Temporary Activities

Attachment A

TRPA Ordinance 2024-__

Attachment A

TAHOE REGIONAL PLANNING
AGENCY ORDINANCE 2024-__

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 2, 13, 21, 22, 30, 34, 36, 37, 39, AND 90 REGARDING STANDARDS FOR CLIMATE RESILIENCE, DARK SKY PRESERVATION, AFFORDABLE HOUSING REQUIREMENTS FOR CONDOMINIUMS, AND DESIGN STANDARDS FOR MIXED-USE DEVELOPMENT.

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 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other provisions of the Tahoe Planning Compact.

- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are 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), Regional Plan Committee (RPC), and Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC and RPC have 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 TRPA Code of Ordinances amendments 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 findings required by Section 4.6 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 87-9, as previously amended, is hereby amended by amending Chapters 2, 13, 21, 22, 30, 34, 36, 37,39, and 90 of the TRPA Code of Ordinances, as set forth in Exhibits A, B, and C to this Ordinance.

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 sixty (60) days following adoption of this ordinance.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on June 26, 2024, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency,
Governing Board

EXHIBIT A TO ATTACHMENT A
PROPOSED MIXED-USE (MU) CODE LANGUAGE

Code Section	Rationale	Proposed Code Language
36.14	Design standards for MU, including market rate. This amendment separates design standards applying to all M-U from standards specific to 100 percent deed-restricted developments. Standards specific to 100 percent deed-restricted developments were approved in the Phase 2 Housing Amendments.	<p>36.14 Mixed-Use Design Standards</p> <p>Mixed-use developments approved after [effective date] shall meet the definition of mixed-use in Chapter 90 and the following design standards:</p> <p>a. The ground floor shall include one or more permissible pedestrian-oriented non-residential uses that include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses.</p> <p>b. Mixed-use developments shall must accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor street frontage area or 60 percent of the ground floor area. Up to 10 percent of the ground floor area dedicated to non-residential uses may be substituted for uses accessory to the residential component if an equivalent area is dedicated for non-residential uses elsewhere in the development.</p> <p>a-c. Deed-restricted affordable and moderate housing units may be substituted for non-residential uses on the ground floor if the development has an equivalent mixed-use component pursuant to the proportions defined in 36.14-b.</p> <p>b-d. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage and shall be located off of the main frontage whenever possible;</p> <p>e. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry at exterior grade, sidewalks, and other pedestrian improvements.</p>

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		<p>↪ <u>An Area Plan may propose alternative standards for mixed-use developments that promote pedestrian-oriented design.</u></p>
39.2.3.B	Additions to existing 1:1 replacement requirement to include affordable housing.	<p>B. Existing Affordable and Moderate-Income Housing Existing residential units that are <u>affordable- or moderate-income housing, either de-facto or deed-restricted as defined by Chapter 90: Definitions</u>, shall not be subdivided unless mitigation is provided on a unit for unit basis for the loss of <u>affordable- or moderate-income housing</u>. Mitigation shall be in the form of construction of an equal number of <u>affordable- or moderate-income units</u>, conversion of other structures to <u>affordable- or moderate-income housing, deed-restriction of subdivided units to affordable- or moderate-income housing units</u>, or a combination of the above.</p> <ol style="list-style-type: none"> 1. To determine whether a unit is <u>affordable- or moderate-income housing</u>, the applicant shall submit a rental/sale history for each unit for the previous five years. TRPA shall review the history and determine whether the unit has, on the whole, been available as <u>affordable- or moderate income housing</u>. TRPA shall utilize the appropriate state and federal data on median income and rental rates and mortgages for moderate- to very low-income households in making the determination. If a rental or sale history is unavailable or incomplete, an appraisal of the structure prepared by a qualified appraiser shall be submitted by the applicant. 2. Restriction of subdivided units to <u>affordable- or moderate-income housing</u> shall include recordation of deed restrictions running with the land that requires compliance with Section 52.3.4.D.
39.2.3.M	See above	<p>M. Substitution of Local Housing Plans If a local jurisdiction adopts and implements a program that addresses the need for <u>affordable- and moderate-income housing</u> within its jurisdiction, then TRPA may by</p>

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		ordinance exempt projects within that jurisdiction from the provisions of subparagraph 39.2.3.B.
39.2.5.F	Require 10% deed-restricted housing as a condition of subdivision for pre- and post-1987 structures. Jurisdictions with inclusionary zoning requirements are exempt.	<p>F. Affordable and Moderate-Income Housing</p> <p>1. Subdivisions of post 1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995, of post-1987 residential projects <u>in designated preferred affordable housing areas</u> that do not qualify as affordable housing shall be prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Policy HS-1.2 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.</p> <p><u>2. Subdivision of eligible structures greater than 4 unit that are not subject to subsection 39.2.3.B shall only be permitted if there is an affordable and moderate-income housing component. No less than 10 percent of residential units in a subdivided structure or at least one unit, whichever is greater, shall be deed-restricted affordable or a mix of affordable and moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units shall be substantially similar to the project's mix of units, size, and design of units. However, two or more smaller affordable deed-restricted units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. Deed-restricted units may be built on site or elsewhere within a center. Deed-restricted units must be completed before market rate units can be occupied. Jurisdictions with alternative requirements that are based on a financial feasibility study and are approved by the governing body of that jurisdiction shall be exempt from this provision.</u></p>
90.2	Amend the definition of mixed-use to allow a broader mix of uses including tourist accommodation.	<p>Mixed-Use Development</p> <p>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented nonresidential uses include, but are not limited to, <u>residential, tourist accommodation</u>, retail, restaurant, personal services,</p>

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		office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.
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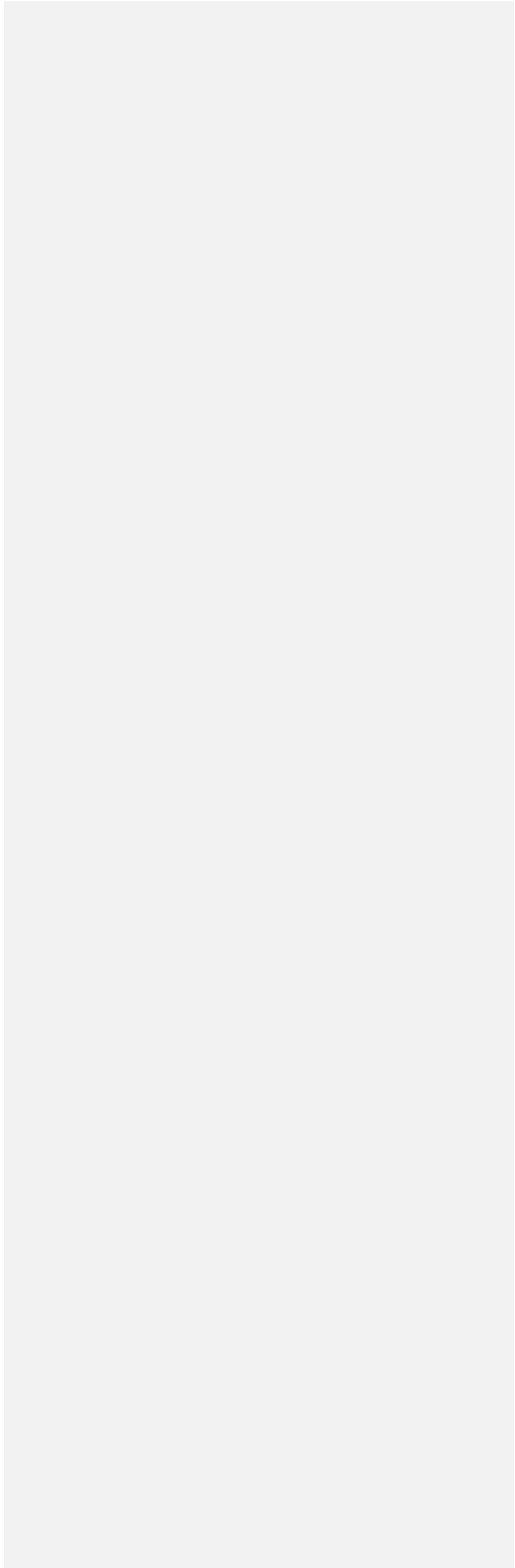


EXHIBIT B TO ATTACHMENT A

PROPOSED CLIMATE CODE LANGUAGE

Traffic reduction associated with temporary events

Code Section	Rationale	Proposed Code Language
22.7.6.	<p>Temporary activity transportation plan as a requirement of temporary use permits to require that large events consider how to reduce automobile traffic and increase the use of alternative modes.</p> <p>See City of South Lake Tahoe additional requirements for temporary events (CSLT Code, 6.55.230.A.c.i).</p> <p>TRPA permitting staff noted that requirements for Ch. 22 temporary permits could benefit from additional requirements supporting traffic reduction.</p>	<p>22.7.6. Traffic Mitigation</p> <p>A. For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic control plan.</p> <p>B. A temporary event transportation plan must be prepared for any event with the potential for more than 500 attendees. A temporary event transportation plan shall include a map of fixed route public transit stops, pedestrian access, and bike access, bike parking (existing and/or temporary) and materials for communicating alternative transportation options to event participants. The plan must include strategies for encouraging the use of alternatives to personal automobiles and should include plans for bike valet, shuttle services, and rideshare drop off locations.</p>

Electric vehicle (EV) charging

Code Section	Rationale	Proposed Code Language
90.2	Define electric vehicle charging stations and related terms in code. Additional terms and detail added to definitions from permitting improvement amendments.	<p>Electric vehicle charger</p> <p>Off-board charging equipment used to charge an electric vehicle. <u>An "electric vehicle charger level 2" means a 208–240-volt electric vehicle charger. A "direct current (DC) fast charger" means a 400-volt or greater electric vehicle charger.</u></p> <p>Electric Vehicle (EV) charging space</p> <p><u>A parking space intended for use of EV charging equipment and charging of electric vehicles.</u></p> <p>Electric vehicle charging station (EVCS)</p> <p>One or more electric vehicle charging spaces served <u>by electric vehicle supply equipment (EVSE) receptacles by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.</u></p> <p>Electric vehicle supply equipment (EVSE)</p> <p><u>The conductors, including the undergrounded, grounded and equipment grounding conductors and the electric vehicle connectors, attachments, plugs, personnel protection system, and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.</u></p> <p>Electric Vehicle (EV) capable spaces</p> <p><u>A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways to support EV charging.</u></p> <p>EV ready spaces</p>

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		A vehicle space which is provided with a branch circuit; any necessary raceways to accommodate EV charging, terminating in a receptacle or a charger.
Table 21.4-A	<p>Include electric vehicle charging station as a primary use under service station and vehicle storage and parking.</p> <p>Tesla, Inc. expressed their intentions to develop EV charging as a primary use. This and other proposed code aims to allow charging as a primary use while encouraging more distributed accessory EV charging.</p>	<p>Service Stations</p> <p>Retail trade establishments primarily engaged in the sale of gasoline and/or electric vehicle charging, which may also provide lubrication, oil change and tune-up services, and the sale of automotive products incidental to gasoline sales. The use may also include as accessory uses towing, mechanical repair services, car washing and waxing, and trailer rental. The use does not include storage of wrecked or abandoned vehicles, paint spraying body and fender work, and retail sale of gasoline as an accessory use to food and beverage retail sales when limited to not more than two pumps.</p> <p>Vehicle storage & parking</p> <p>Service establishments primarily engaged in the business of storing operative cars, buses, or other motor vehicles. The use includes both day use and long-term public and commercial garages, parking lots, and structures. Outside storage or display is included as part of the use. The use includes electric vehicle charging. The use does not include wrecking yards (see “Recycling and Scrap”)</p>
34.4.1	<p>EV capable language for commercial, multi-family and hotel/motels with more than 40 spaces.</p> <p>Encourage distributed EV charging in integrated mix of uses.</p>	<p>34.4.1. Electric Vehicle Capable Parking Spaces</p> <p>Twenty (20) percent of the total number of parking spaces on a building site with a minimum of 20 (twenty) spaces provided for all types of parking facilities shall be electric vehicle capable spaces (EV spaces) capable of supporting future electric vehicle supply equipment. EV spaces will count toward the total amount of parking spaces.</p>

	<p>Borrowed from Cal Green (5.106.5.3). Cal Green requires 20% in lot's with 10 spaces or more. See Cal Green Table 5.106.5.3.1.</p>	<ol style="list-style-type: none"> 1. The development of electric vehicle capable spaces applies to new development and redevelopment when the project requires a permit for parking lot grading. 2. Developments with 100 percent deed restricted housing shall be exempt from the above requirement.
<p>30.4.2.A.6</p>	<p>Allow limited coverage exemption and transfer of coverage.</p> <p>Permitting Improvement amendments include Sec. 30.4.6.A allowing 30 sqft. coverage exemption for EV, solar and other "small utility installations".</p> <p>Aims to encourage installation on existing coverage by allowing limited exemption with the option to transfer coverage is preferable to a large exemption.</p>	<p>6. Solar Energy Generation and Electric Vehicle Charging Facilities</p> <p>Transfers of land coverage may be permitted for electric vehicle chargers, solar energy systems, and related small utility installations.</p> <p>The maximum land coverage transferred shall be consistent with the following standards:</p> <ol style="list-style-type: none"> (1) Transferred coverage shall be the minimum amount necessary to achieve the purpose of the facility; (2) Coverage shall not be transferred to sensitive land; (3) Receiving parcels shall have installed and maintained BMPs meeting TRPA requirements and the transferred coverage shall also have BMPs installed and maintained to meet TRPA requirements; (4) When feasible alternatives exist, TRPA may require the relocation of on-site coverage for some or all of the coverage needed. On-site coverage relocation is appropriate for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without significant structural modifications or significant impacts to the usability of the parcel.

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Solar energy generation

Code Section	Rationale	Proposed Code Language
90.2	Define active, passive, and solar mounting devices.	<p>Active solar energy system A solar energy system with a primary purpose to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</p> <p>Photovoltaic (PV) System An active solar energy system that converts solar energy directly into electricity.</p> <p>Passive Solar Energy System A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. Examples of passive solar may include skylights, passive solar water heating systems such as flat-plate collectors, or structure design and/or orientation maximizing solar energy capture and retention.</p> <p>Solar Mounting Devices Racking, frames, or other devices that allow the mounting of a solar collector onto a roof, the ground, or other surface.</p>
2.3.6.A.12.	Qualified exemption for rooftop and parking lot solar energy systems. Require predictable scenic threshold standards when in scenic threshold travel routes and shoreland. QE from scenic review if system meets reflective standard. 3% reflectivity qualifier comes from the highest score given for windows in the shorezone.	<p>12. Installation of Roof-mounted Photovoltaic (PV) Systems or PV Systems Mounted Over Parking Lots</p> <p>The installation of pPhotovoltaic (PV) systems on the rooftops of existing structures or over parking lots that are deemed to be qualified exempt provided:</p> <ul style="list-style-type: none"> a) Solar roof-mounting devices do not extend beyond the rooftop perimeter and mounting devices do not intrude into setback standards established in 36.5.4. b) Structure does not create height greater than that allowed by Chapter 37. c) If the structure is located inside of a Scenic Travel Corridor, the

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		<p><u>Shoreland, or visible from Lake Tahoe, then solar panels shall be constructed of non-reflective material not to exceed 3 percent reflectivity.</u></p> <p>d) <u>The panel trim and mounting devices are designed to reduce reflectivity and blend with the panel and/or surrounding materials.</u></p>
Table 21.4-A	Expand primary use "Power Generating" to include solar facilities.	<p>Power generating</p> <p>Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, <u>solar facilities</u>, and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel <u>or solar</u> facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."</p>
36.5.4.A.1.		Decks (except decks for off street parking), stairs, canopies, building, <u>solar mounting structures</u> , or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.
36.6.1.C.	Remove requirement for project-level assessment for roof-mounted solar. This is a barrier that complicates review of solar proposals. Scenic impacts of solar panels addressed through reflectivity standard.	<p>C. Alternative Energy Production</p> <p>Solar <u>panels-energy systems</u> or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if <u>they are constructed of non-reflective material not to exceed 3 percent reflectivity, a project level assessment demonstrates that scenic threshold standards will not be adversely impacted.</u></p>
37.4.3.A.	Expand the height exemptions to include solar energy systems.	Chimneys, flues, vents, antennas, <u>solar energy systems</u> , and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less. <u>Height exemptions for solar energy systems shall not exceed the minimum height necessary for the solar energy system to function.</u>

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Standards to reduce light pollution

Code Section	Rationale	Proposed Code Language
36.8.1.	Update TRPA's lighting standards, include color temperature, shielding, and other standards to comply with international dark sky standards. Reorganize exterior lighting section for improved legibility.	[See Exhibit C]
13.5.3.F.5	Move lighting standards to single location in chapter 36. Reference 36.8.1.	<p>5. Lighting Lighting increases the operational efficiency of a site. In determining the lighting for a project, the <u>standards set forth in Section 36.8.1.E.1 shall following should</u> be required.:</p> <ul style="list-style-type: none"> a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design. b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light. c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights. d. Lights should not blink, flash, or change intensity except for temporary public safety signs.

EXHIBIT C
TO ATTACHMENT A
PROPOSED EXTERIOR LIGHTING STANDARDS

36.8. EXTERIOR LIGHTING STANDARDS

36.8.1. General Standards

- A. Exterior lighting shall be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- B. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.
- C. Outdoor lighting must serve a functional safety purpose including the illumination of entrances and pathways. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subsection 36.8.5 paragraph E.3, below.
- A.D. Exterior lights shall not blink, flash, or change intensity except for temporary public safety signs. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.
- B.E. Exterior lighting shall not be attached to trees except for the Christmas season.
- C.F. Parking lot, walkway, and building lights shall be directed downward.
- G. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.
- D.H. The commercial operation of spot searchlights for advertising or any other purpose is prohibited.
- I. Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*.

36.8.2. Outdoor Lighting – Lighting Design

The placement, including height, of all outdoor lighting shall be appropriate to serve a functional safety purpose. Exterior lighting shall utilize cutoff shields that extend below the lighting element to minimize stray light. Light shall be directed downward with no

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light emitted above the horizontal plane of the fixture and no splay of light offsite. Outdoor lighting shall be located to minimize impact on adjacent properties.

36.8.3 Lighting Levels

Outdoor lighting levels shall respond to the anticipated use and shall not exceed the amount of light required by users. The maximum color temperature of outdoor lighting is 3,000 degrees Kelvin. TRPA may authorize outdoor lighting with a color temperature up to 5,000 degrees Kelvin when required for public safety.

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36.8.4 Commercial Lighting

Outdoor lighting for commercial uses shall not exceed 2,500 Lumens per light and the total lighting shall not exceed 100,000 Lumens per acre. Commercial uses shall reduce outdoor lighting to 50 percent or less of operational lighting levels after business hours. Motion detection lighting or similar technology, activated on site, may increase lighting levels to 100 percent temporarily. TRPA staff may authorize exceptions for public safety.

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36.8.5 Cemetery Lighting

F.

~~1. 36.8.3.1.1 Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.~~

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~~2. 36.8.3.1.1 Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph F.2, below.~~

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3. Within the veterans' section of an existing cemetery, the United State flag may be illuminated subject to the following limitations:

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a.A. Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.

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B. Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.

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36.8.6 Outdoor Lighting Plan

The applicant for any project in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the application, evidence that the proposed lighting will comply with subsection 36.8. The submission shall contain the following:

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b.

1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and construction details;
2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings; and
3. A table showing the total number of proposed exterior lights by fixture type, degrees Kelvin, Lumens per fixture, and lamp type.

~~G.26.8.2.1 The commercial operation of searchlights for advertising or any other purpose is prohibited.~~

~~H.26.8.2.1 Seasonal lighting displays and lighting for special events that conflict with other provisions of this section may be permitted on a temporary basis pursuant to Chapter 22: Temporary Uses, Structures, and Activities.~~

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Attachment B

Required Findings/Rationale

ATTACHMENT B
REQUIRED FINDINGS / RATIONALE

TRPA Code of Ordinances Section 3.3—Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds the proposed Code amendments will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) was prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment. The IEC was prepared to evaluate the potential environmental impact of the proposed amendments to specific sections of the Code related to mixed-use zoning, workforce housing, alternative power sources, electric vehicle capabilities, and outdoor lighting standards within the following chapters of the TRPA Code of Ordinance:

- Chapter 2: General Provisions
- Chapter 13: Area Plans
- Chapters 21 and 22: Land Uses
- Chapters 30,34, 36, 37, and 39: Site Development
- Chapter 90: Definitions

The proposed amendments are consistent with and will implement the aforementioned chapters of the TRPA Code of Ordinance and the Regional Plan. The amendments are not anticipated to result in significant environmental effects. As demonstrated in the accompanying IEC finding of no significant effect, amendments to these chapters will not result in a significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

TRPA Code of Ordinances Section 4.4—Threshold-Related Findings

1. Finding: The amendments to the Code of Ordinances are 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 proposed code amendments will not have significant environmental impacts and will improve TRPA’s ability to implement the TRPA Code of Ordinance chapters listed above in Section 3.3. The amendments will also implement key goals, policies and actions of the Regional Plan including:

- The Regional Plan Housing Element

- Goal 1 of the Transportation Element which seeks to protect and enhance the environment by promoting energy conservation and reducing greenhouse gas emissions including through support for mixed-use and transit-oriented development.
- The Sustainability Action Plan goals and policies including establishing efficient lighting standards (4-10), standards for renewable energy (4-13), supporting EV charging networks (4-18), and addressing event impacts (4-32).

The Code amendments are consistent with and advance the Regional Plan policies and goals and all implementing elements of the Regional Plan.

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

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the IEC finding of no significant effect, these amendments will not cause the environmental threshold carrying capacities to be exceeded.

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 exceed any state, federal, or local standards. The amendments are intended to lessen emissions by allowing appropriate solar power systems and electric vehicle charging facilities, by requiring strategies to reduce emissions from temporary events, and by facilitating mixed-use development that minimizes reliance on personal automobiles. The amendments will not result in negative environmental impacts and will result in cumulative environmental benefits.

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: As discussed in Sections 4.4 above, the Regional Plan and all of its elements, as amended, achieves and maintains thresholds. The proposed amendments will support and improve implementation of the TRPA Code of Ordinances chapters listed in Section 3.3 and the relevant Regional Plan goals and policies listed in Section 4.4. Future redevelopment projects would be subject to project-level environmental review and permitting at which time the proposals would be required to demonstrate compliance with all federal, state, and TRPA regulations. Therefore, implementation of the proposed amendment would result in achievement and maintenance of the thresholds.

Attachment C

Initial Environmental Checklist

INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

PROJECT INFORMATION

Project Name: Adaptive Improvements to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominiums, and Design Standards for Mixed-Use Development

Project Assessor's Parcel Number (APN): Not Applicable

Project Address: Not Applicable

County/City: Not Applicable

Project Description: The Tahoe Regional Planning Agency (TRPA) is proposing a package of amendments to the Code of Ordinances aimed at implementing key goals, policies, and actions of the Regional Plan and Sustainability Action Plan. The proposal includes amendments to implement climate resilience best-practices, support dark sky preservation, facilitate appropriate mixed-use development, and mitigate the impact of market-rate condominium development on affordable housing. These amendments were developed through a robust process including Governing Board and stakeholder workshops, best practice and adaptive management analysis by University of California, Davis graduate students and TRPA staff, and additional stakeholder draft review. The proposed amendments are summarized below and detailed in Attachments A and B to this packet.

The proposed climate code amendments bring new language and revise existing language to address electrical vehicle charging and related uses, Photovoltaic (PV) as an alternative power source, exterior lighting design and standards, a traffic mitigation plan for temporary events, and define new terminology. The new proposed climate code language creates additional sections in the Code of Ordinances that requires electric vehicle capable parking spaces for new development or redevelopment of facilities with 20 or more parking spaces (Section 34.4.1); allows limited transfer of coverage for solar energy generation and electric vehicle charging facilities (Section 30.4.2.A.6); sets parameters for a qualified exemption of PV systems installed on roof tops, over parking lots or within a scenic route (Section 2.3.6.A.12); and requires a transportation plan for large event temporary use permits to encourage reduced automobile traffic and increase use of alternative modes of transportation (Section 22.7.6). Additional climate code amendments propose revising existing language to include electric vehicle charging station as a primary use under "Service Stations" and "Vehicle Storage and Parking" uses (Table 21.4-A); expand the primary use "Power Generating" to include solar facilities (Table 21.4-A); include solar mounting structures in setbacks under "Site Design Standards" (Section 36.5.4.A.1); remove the requirement for project-level assessment for roof mounted solar energy systems under "Alternative Energy Production" (Section 36.6.1.C); and to codify solar energy systems as rooftop appurtenances (Section 37.4.3.A).

The Code amendments proposed for the Exterior Lighting Standards (Section 36.8) involve reorganization of this section in Chapter 36, proposed new language, and revision of existing language. Additional proposed amendments to Code Section (36.8) Exterior Lighting Standards create new subsections that

address Lighting Design (Section 36.8.2), Lighting Levels (Section 36.8.3), Commercial Lighting (Section 36.8.4), and Outdoor Lighting Plan (Section 36.8.6) based on recommendations from the Dark Sky Alliance and Leadership in Energy and Environmental Design. The proposed design standards include placement, height, and shields to minimize stray light. The proposed lighting levels work in tandem with the design standards, where color temperature is measured by degrees Kelvin with a maximum of 3,000 degrees Kelvin. The proposed standards for commercial lighting target total lumens, which cannot exceed 2,500 Lumens per light, 100,000 Lumens per acre, and must reduce total lighting to 50% or more after business hours.

Other proposed code amendments contain clarifying and new language that addresses design standards for mixed-use developments (Section 36.14), the replacement mitigation requirement for affordable housing (Section 39.2.3.B), a new condition for subdivision of pre- and post-1987 structures (Section 39.2.5.F), and define "mixed-use" to allow a broader mix of uses including tourist accommodation (Section 90.2). The proposed code amendment to the subdivision standards for pre- and post-1987 structures requires that new developments greater than four units deed-restrict 10 percent of subdivided units as affordable or moderate-income housing units.

The following questionnaire was completed by TRPA staff based on an analysis of the proposed amendments. All "Yes" and "No, With Mitigation" answers include further written comments.

For information on the status of TRPA environmental thresholds click on the links to the Threshold Dashboard.

I. ENVIRONMENTAL IMPACTS

1. LAND

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

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

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will not impact impervious land cover or Stream Environment Zones. Any future project developed pursuant to the amendment must first be an approved project, compliant with TRPA’s existing land coverage, excavation, grading, and temporary and permanent BMP standards prescribed for soil conservation.

2. AIR QUALITY

Current and historic status of 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](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The following proposed Code amendment supports the reduction of emissions:

The proposed amendment to Code Section 22.7.6 addresses the preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. TRPA permitting staff also noted that temporary permits could benefit from additional requirements supporting traffic reduction.

The proposed amendments will not negatively impact air quality. Any future project developed pursuant to the amendment must first be an approved project and compliant with TRPA's emission standards for the protection of air quality.

3. WATER QUALITY

Current and historic status of 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](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-yearflood waters?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Proposed amendment to Code Section 30.4.2.A.6 addresses the transfer of land coverage for electrical vehicle chargers, solar energy systems, and related small utility installations. These standards aim to encourage installation on existing coverage by limiting exempted and transferred coverage for new installations. Both receiving parcels and transferred coverage must have TRPA approved installed and maintained BMPs. TRPA may also require the relocation of on-site coverage for parcels with non-essential coverage areas that can be reduced in size or replaced with pervious alternatives without structural modifications or impacts to the usability of the parcel. Ultimately, these standards are designed to accommodate appropriate energy installations on limited coverage, reducing the potential impact of these installations on future water quality.

The proposed amendments do not change building standards that could lead to changes in water resources and will not impact water quality.

4. VEGETATION

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

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

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. 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)?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

- f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? X
- g. 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? X
- h. A change in the natural functioning of an old growth ecosystem? X

Discussion:

The proposed amendments do not include any changes that could have a significant adverse effect on vegetative resources. Any future project developed pursuant to the amendment must first be an approved project and compliant with TRPA's standards for the protection of vegetation and other biological resources.

5. WILDLIFE

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

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

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

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. 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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments could not have a significant adverse effect on wildlife species or habitat. Any future project developed pursuant to the amendment must first be an approved project and compliant with TRPA's existing standards for wildlife preservation.

6. NOISE

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

TRPA's noise ordinances apply to single noise event from aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles and snow mobiles and to community noise levels. The proposed amendments could not have a significant impact on TRPA's noise thresholds since the proposed amendments do not generate single noise events or increase community noise levels.

7. LIGHT AND GLARE

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will support the reduction of light pollution and glare. The following proposed amendments encourage the reduction of illumination levels on exterior lighting while providing for public safety.

Proposed amendment to Code Section 36.8.1.A requires that exterior lighting shall be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.

Proposed amendment to Code Section 36.8.1.C requires that the addition of Outdoor lighting must serve a functional safety purpose including the illumination of entrances and pathways.

Proposed amendment to Code Section 36.8.2 requires that the placement, including height, of all outdoor lighting shall be appropriate to serve a functional safety purpose. This section requires that exterior lighting utilize cutoff shields that extend below the lighting element to minimize stray light and directed downward with no light emitted above the horizontal plane of the fixture and no splay of light offsite. The proposal also requires that outdoor lighting shall be located to minimize impact on adjacent properties.

Proposed amendment to Code Section 36.8.3 states that outdoor lighting shall not exceed the amount of light required by users. The maximum color temperature of outdoor lighting is limited to 3,000 degrees Kelvin, limiting the impact of exterior lights on dark sky resources.

Proposed amendment to Code Section 36.8.4 requires that commercial outdoor lighting not exceed 2,500 Lumens per light and the total lighting shall not exceed 100,000 Lumens per acre. Commercial uses shall also reduce outdoor lighting to 50 percent or less of operational lighting levels after business hours. While TRPA staff may authorize exceptions for public safety, these new standards will greatly reduce the impact of commercial lighting on light pollution over time.

Proposed amendment to Code Section 2.3.6.A.12 sets a reflectivity limit for rooftop solar panels in scenic areas at 3 percent. This limit is consistent with reflectivity levels already approved in scenic areas. As a result, these new standards will ensure that no new sources of glare are created by rooftop solar panels.

8. LAND USE

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

TRPA must regularly reevaluate use definitions in response to changing development practices and technologies. Often resulting changes effectively codify Code interpretations and existing permitting practices. The amendments propose to expand use definitions for service stations, and vehicle storage and parking to include electric vehicle charging facilities; as well as the definition of power generating facilities to include solar panels. The proposal also includes new Chapter 90 definitions related to solar and electric vehicle charging. While these facilities were not previously listed in the use table or Chapter 90 definitions of the Code of Ordinances, they update the Code to codify existing permitting practice and do not propose changing existing permitting practice.

The proposed amendments do not expand or intensify existing non-conforming uses.

9. NATURAL RESOURCES

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments would not change building standards, add uses that consume resources at a greater rate than existing permissible uses, or increase development potential that could deplete resources. The potential impacts on natural resources of any project proposed as a result of these amendments would be evaluated and mitigated if necessary. As a result, the proposed amendments could not have a significant effect on natural resources.

10. RISK OF UPSET

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

Any future project proposed pursuant to the amendment must first be an approved project and compliant with TRPA's building standards. The proposed amendment will not impact emergency evacuation or involve a risk of explosion or releasing hazardous materials.

11. POPULATION

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments do not change the amount or distribution of residential development allowed in the Tahoe Region and thus does not alter the location, distribution, or growth rate of residential units planned for the Region or displace residents. The amendments could reduce displacement of low and moderate income residents by requiring that market-rate development deed-restrict a portion of new condominium development.

12. HOUSING

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing?				
<i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will not decrease housing or decrease the amount of housing historically or currently being rented at rates affordable by lower and very-low income households in the Region. Rather, the proposed amendments actively support the preservation of existing affordable housing and development of future affordable units. The proposed amendments require a condition that new subdivided structures provide no less than 10 percent of units or at least one unit, whichever is greater, as deed-

restricted affordable and moderate-income housing units, ensuring that at least a portion of housing is provided for the local workforce (Code Section 39.2.5.F). Additionally, the proposed amendment to Section 39.2.3.B incorporates “affordable housing” throughout this section, expanding housing protections for those impacted by the conversion of de facto affordable housing.

13. TRANSPORTATION / CIRCULATION

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will not increase the daily Vehicle Miles Travelled, the demand for additional parking, impact existing transportation systems, alter waterborne, rail, or air traffic, nor increase traffic hazards. Any alteration to present patterns of circulation or movement of people and/or goods could occur on a temporary basis. The proposed amendment to Code Section 22.7.6 addresses the preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. TRPA staff noted that temporary permit requirements could support reduction of auto trips. Additionally, the proposed amendments add electric vehicle charging to the definition for parking and vehicle storage and adds Section 34.4.1, requiring EV capable spaces in parking lots with 20 spaces or greater, supporting greenhouse gas reduction goals.

14. PUBLIC SERVICES

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?:

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will not impact public facilities.

15. ENERGY

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments do not add uses, such as industrial uses, that might substantially increase the demand for energy. While electric vehicle charging stations will consume energy, these facilities are already being developed in response to existing demand and will continue to do so with or without the proposed amendments. Rather, the proposed amendments seek to ensure that these facilities are developed appropriately and consistent with the Regional Plan. Proposed standards for solar energy generation could increase the supply of locally generated electricity.

16. UTILITIES

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed code amendment 34.4.1 encourages new development or redevelopment involving parking lot grading with 20 or more parking spaces to make 20% of parking spaces capable of supporting electric vehicle charging. An electrical load calculation shall demonstrate that the electrical panel service capacity and electrical system including any on-site distribution transformer(s) have sufficient capacity and would not result in the need for additional public utilities. Thus, the proposed amendments will not result in the need for any new or altered utility systems.

17. HUMAN HEALTH

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments will not create any health hazard or expose people to potential hazard.

18. SCENIC RESOURCES / COMMUNITY DESIGN

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

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

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments would not change scenic standards that could lead to changes or a significant adverse impact on scenic resources or community design. Any future project proposed pursuant to the amendment must first be an approved project and compliant with TRPA's scenic standards and thresholds. Instead, the proposed amendments include specific requirements aimed at protecting scenic resources and community design.

Proposed amendment to Code Section 2.3.6.A.12 applies a qualified exemption of the installation of rooftop or parking lot photovoltaic (PV) systems. The rooftop PV systems cannot intrude into setback standards, exceed heights greater than allowed in Code Chapter 37, must meet reflective standards, and must abide by the scenic threshold standards when within a Scenic Travel Corridor, the shoreland, or visible from Lake Tahoe. This section specifically requires that solar panels meet a 3% reflectivity rating in scenic areas, providing a clear threshold for enforcing scenic requirements, consistent with current interpretations of the thresholds and Regional Plan.

19. RECREATION

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments require preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. No impact to recreation facilities, except to encourage usage of alternative modes of transportation. The proposed amendments would not have an adverse negative impact on recreation and may benefit recreation events by reducing associated traffic.

20. ARCHAEOLOGICAL / HISTORICAL

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendments would not change protections for historic resources or lead to greater burdens on known archaeological or historic resources. Additions, modifications, or demolition of structures greater than 50 years old requires review for historic significance under the TRPA Code. The proposed amendments do not alter that requirement. The proposed amendments could not have a significant impact on archaeological or historic resources.

II. FINDINGS OF SIGNIFICANCE

	Yes	No	No, with mitigation	Data insufficient
a. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. 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?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The proposed amendment will have no significant impact.

III. DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:



Michelle Brown	at	3/14/2024
Person preparing application	County	Date

Applicant Written Comments:

The proposed amendments to the Code of Ordinances build on a robust stakeholder process and adapt TRPA’s implementing regulations to better achieve the goals, policies, and actions of the Sustainability Action Plan and Regional Plan. The amendments do not have the potential to degrade the environment and instead apply national best practices for the climate resilience planning to facilitate “climate smart” development choices, including the transition from fossil fuels to alternative fuels and local energy production. These amendments take a long-range view of the region’s climate resilience and affordable housing needs and cumulatively increase regional resilience. Finally, the amendments will cause no direct or indirect human harm and may result in reduced displacement, fewer vehicle trips and greater resilience, reducing harm overall and in the long-term.

TRPA staff recommend approval of the proposed amendments.

IV. DETERMINATION:

On the basis of this evaluation:

- 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 Procedure 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 and 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

Date 3/14/2024

Associate Long Range Planner
Title of Evaluator

Attachment D

Compliance Measures Checklist

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The proposed amendments will not impact the BMP implementation program for water quality and SEZs.
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 proposed amendments will not impact capital improvements for erosion control.
6	Excess coverage mitigation program: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The proposed amendments do not impact 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	No change to effluent discharge.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	No impact on subdivision limitation.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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 proposed amendments will not impact land use planning and controls. The proposed amendments increase housing opportunities by adding additional mixed-use design standards and mitigation measures to include affordable housing needs through the subdivision process. This will expand options for residential development within Town Centers and could increase the likelihood of achieving walkable, bikeable communities.
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	No change to residential development priorities or IPES.
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 proposed amendments expand the list of eligible uses for transfer of land coverage to include solar energy generation and electric vehicle charging facilities. The proposed amendments encourage installation on existing coverage and transfer the minimum amount necessary for the facility. No change to limits on land coverage for new development.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	N	The proposed amendments do not change the Goals and Policies from the Land Use Element or Implementation Element of the Regional Plan regarding the transfer of development.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapters 30 and 61	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The proposed amendments will not alter existing restrictions on SEZ encroachment or vegetation alteration.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	No changes to the SEZ restoration program are proposed with the amendment.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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, IPES, Section 53.9, were not altered by the proposed amendments. No changes are proposed.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The proposed amendments will not alter or change the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The proposed amendments will not alter or change the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements.
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The proposed amendments require newly subdivided structures to provide no less than 10 percent of units or at least one unit, whichever is greater, as deed-restricted affordable and moderate-income housing units. Also, the proposed amendments incorporate “affordable housing” into the 1 to 1 ratio replacement requirement, expanding housing protections for those impacted by the conversion of de facto affordable housing. No changes to the rate of development are proposed with these amendments.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	N	The proposed amendments will not impact the BMP implementation or enforcement program for water quality and SEZs.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	N	The proposed amendments do not increase funding for EIP erosion and runoff control projects but may help to accelerate implementation. No changes are proposed with these amendments.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	The proposed amendments do not alter the artificial wetlands/runoff treatment program. No changes are proposed with these proposed amendments.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The proposed amendments maintain the RPU's incentives to hasten the transfer of development rights from sensitive lands, including SEZs, or outlying areas. No changes are proposed with these proposed amendments.
23	Improved mass transportation	WQ, Trans, Noise	N	The proposed amendments do not impact 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	Y	The proposed amendments encourage redevelopment within a Town Center and within close proximity to services and transit. This will expand options and could increase the likelihood of achieving walkable, bikeable communities.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The proposed amendment will not impact water quality, soil or SEZ protection measures related to utilities.
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</i> Chapter 60	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	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The proposed amendment will not impact water quality, soil or SEZ protection measures related to transportation, recreation, livestock, or pesticides.
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	No impact to land use planning controls.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments	
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No change to control of encroachment and coverage in sensitive areas.	
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	The proposed amendments will not make any new changes to existing programs.	
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N		
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, Scenic	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		The proposed amendments create a qualified exemption for rooftop solar. This QE will not impact water quality, soils, or SEZ protections.
WATER QUALITY/SEZ - SUPPLEMENTAL					
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The proposed amendments will not add or alter any restrictions, controls or programs in Compliance Measures 52 though 61.	
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N		

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	

AIR QUALITY/TRANSPORTATION - IN PLACE

62	Fixed Route Transit - South Shore: STAGE	Trans, Rec	N	The proposed amendments require preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. No impact to transportation services or facilities, except to encourage usage of alternative modes of transportation.
64	Demand Responsive Transit	Trans	N	
65	Seasonal Transit Services	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities	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	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	
76	U.S. Postal Service Mail Delivery	Trans	N	No impact to mail service delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ, Trans	N	No change to air or water quality controls related to Compliance Measures 77 through 78.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	No change to vehicle emissions limitations.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	No change to burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	N	No impact on BMP's for water quality or revegetation practices.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	No impact on employer-based trip reduction or vehicle rental programs.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The proposed amendments require preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. No impact to parking and transportation management, except to encourage usage of alternative modes of transportation.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
91	Waterborne excursions	WQ, Trans, Rec	N	The proposed amendments set standards to facilitate appropriate development of electric vehicle charging infrastructure.
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	Y	
95	Demand Responsive Transit - North Shore	Trans	N	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	

AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL

98	Demand Responsive Transit - North Shore	Trans	N	The proposed amendments require preparation of a transportation plan in conjunction with a temporary use permit for an event having the potential for more than 500 attendees. The plan must include strategies to reduce automobile traffic and encourage the use of alternative modes of travel, such as bicycles, shuttle services, or rideshare. The proposed amendments will not change or impact existing air quality or transportation policies, programs or services except to encourage alternative modes.
99	Coordinated Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	
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	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	

VEGETATION - IN PLACE

127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	No impact on vegetation protection.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	No impact to vegetation management.
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	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	No change to remedial action plans.
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	N	No change to BMP handbook.
135	Shorezone protection	WQ, Soils/SEZ, Veg	N	The proposed amendments will not make any new changes to shorezone protection.
136	Project Review	WQ, Veg	N	The proposed amendments do not change the permit review process or compliance requirements for the issuance of a permit.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	The proposed amendments will not make any changes to backshore development standards.
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	N	The proposed amendments do not change land coverage standards.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	The proposed amendment does not impact the Grass Lake Research Area.
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	No change to the conservation element, vegetation subelement.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	No impact on LSOG or SEZ vegetation.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	No impact on Tahoe Yellow Cress Conservation Strategy.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	No impact on noxious weed control or elimination.
146	Freel Peak Cushion Plant Community Protection	Veg	N	No impact to Freel Peak Cushion Plant protection.
VEGETATION - SUPPLEMENTAL				
147	Deepwater Plant Protection	WQ, Veg	N	No impact to deepwater plant protection.
WILDLIFE - IN PLACE				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	No impact to wildlife resources.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	No change to stream restoration program.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	No impact to BMP or revegetation practices.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	No change to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	No change to remedial action plans.
153	Project Review	Wildlife	N	The proposed amendments do not change the permit review process or compliance requirements for the issuance of a permit.
FISHERIES - IN PLACE				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	No impact on fish resources.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	No impact on tree removal.
158	Shorezone BMPs	WQ, Fish	N	The proposed amendment will not make any changes to standards for new shorezone structures.
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	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	No impact to SEZ encroachment or vegetation.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	No change to SEZ restoration program.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	No impact on stream or riparian restoration programs.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	No impact to livestock management practices.
166	BMP and revegetation practices	WQ, Fish	N	No impact on BMP or revegetation.
167	Fish habitat study	Fish	N	No change to fish habitat study.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	No impact on remedial action plans.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	No change to mitigation fee requirements.
170	Compliance inspection	Fish	N	No change to compliance inspections.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
171	Public Education Program	Wildlife, Fish	N	No impact to Public Education Program.
NOISE - IN PLACE				
172	Airport noise enforcement program	Wildlife, Fish	N	No change to noise 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	No change to vehicle restrictions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	No change to land use planning or controls.
178	Vehicle trip reduction programs	Trans, Noise	N	No change to vehicle trip reduction programs. The proposed amendments encourage the use of alternative modes of transportation.
179	Transportation corridor design criteria	Trans, Noise	N	No change to transportation corridor design criteria.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	No impact on Airport Master plan.
181	Loudspeaker restrictions	Wildlife, Noise	N	No change to loudspeaker restrictions.
182	Project Review	Noise	N	The proposed amendments do not change the permit review process or compliance requirements for the issuance of a permit.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	No change to complaint system.
184	Transportation corridor compliance program	Trans, Noise	N	No change to noise limitations or compliance programs.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
185	Exemptions to noise limitations	Noise	N	
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	
187	Personal watercraft noise controls	Wildlife, Noise	N	
NOISE - SUPPLEMENTAL				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	No impact to interagency noise enforcement MOU.
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	No impact to allocation of development.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	No change to master plan guidelines.
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	No change to permissible recreation uses in shorezone or lakezone.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	No impact to outdoor recreation facilities on sensitive lands.
193	Hiking and riding facilities	Rec	N	No impact to hiking or riding facilities.
194	Scenic quality of recreation facilities	Rec, Scenic	N	The amendment will not alter the existing scenic quality of recreation facilities.
195	Density standards	Rec	N	No change to density standards.
196	Bonus incentive program	Rec	N	No change to bonus incentive program.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	No change to required findings.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	No change to recreation sign guidelines.
199	Annual user surveys	Rec	N	No impact to annual user surveys.
RECREATION - SUPPLEMENTAL				
200	Regional recreational plan	Rec	N	No impact to regional recreation plan.
201	Establish fair share resource capacity estimates	Rec	N	No change to resource capacity.
202	Reserve additional resource capacity	Rec	N	

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
203	Economic Modeling	Rec	N	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	Y	The proposed amendments add rooftop solar installations as a qualified exempt activity conditional on the specific scenic requirements including color and reflectivity standards.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	N	No change to coverage limitations.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	No change to height standards.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	No change to driveway parking standards.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	No impact on sign regulations.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	No impact on historic resources.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	N	No change to design standards.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	No change to development standards.
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	No impact on grading standards or vegetation protection.
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	No impact on revegetation.
216	Design Review Guidelines	Scenic	N	The amendment will not alter the existing scenic quality or impact design review guidelines.

Compliance Measures Affected by the

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	The proposed amendments do not alter the project review packet, SQIP, or scenic quality ratings.
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	N	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	No impact to Nevada-side Utility Line Undergrounding Program.
SCENIC - SUPPLEMENTAL				
221	Real Time Monitoring Program	Scenic	N	No change to real time monitoring program.
222	Integrate project identified in SQIP	Scenic	N	No impact to SQIP.

Attachment E

Transportation Plan for Large Temporary Activities

ATTACHMENT E

DRAFT CHECKLIST FOR SEC. 22.7.6-B, TRANSPORTATION PLAN FOR LARGE TEMPORARY ACTIVITIES

The following is an example of text that may be included in a permitting checklist to guide applicants for a temporary activities permit.

Traffic and Transportation Plan for Large Temporary Activities

The applicant shall prepare a temporary event transportation plan when both of the following criteria are met:

- The applicant is applying to TRPA for a temporary activity permit pursuant to Section 22.7 of the Code of Ordinances; and
- The temporary activity has the potential for more than 500 attendees.

The applicant shall demonstrate adequate traffic and transportation measures by providing a written explanation and supporting materials including the following information:

- Identify potential traffic impacts and actions taken to minimize disruption to business and residential traffic flows.
- A map of fixed route transit stops accessible from the event, pedestrian access and bike access to the event, and bike parking (existing and/or temporary). The applicant may utilize tahoeopendata.org to access free web map tools.
- A description of how the event will encourage and facilitate alternative transportation methods such as cycling, carpooling, and public transit. Strategies may include bike valet, shuttle services, and designated rideshare drop off locations. Include materials such as fliers, posters, and/or email notices for communicating alternative transportation options to attendees.

STAFF REPORT

Date: May 1, 2024

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Consideration and Possible Recommendation of Approval of Proposed Amendments to the Tourist Core Area Plan

Staff Recommendation:

TRPA staff requests that the Advisory Planning Commission (APC) review the materials provided in this packet to ensure the proposed Tourist Core Area 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, including a finding of no significant effect, for adoption of proposed Tourist Core Area Plan amendments and as provided in Attachment D.
- 2) A motion to recommend TRPA Governing Board adoption of Ordinance 2024-___, amending Ordinance 2022-02, as previously amended, to amend the Tourist Core Area Plan to include the additions and revisions as provided in Attachment B.

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

Approval and Adoption Process:

Area plans and area plan amendments are typically first approved and adopted by the local jurisdiction and then by the TRPA Governing Board. Upon TRPA approval and adoption of an area plan, the plan then becomes a component of the Regional Plan. Local jurisdiction staff engage with TRPA staff early and often throughout the development and planning process of area plans and area plan amendments to ensure compliance with the Regional Plan.

The City Council approved the amendment to the Tourist Core Area Plan (TCAP) at their April 23, 2024 meeting. If the APC recommends TRPA adoption, TRPA staff anticipate bringing these amendments to the Regional Plan Committee (RPC) on May 22, 2024, for a recommendation of approval and to the Governing Board on June 26, 2024 for consideration of final approval and adoption.

Amendment Summary:

The City of South Lake Tahoe and the TRPA Governing Board adopted the Tourist Core Area Plan (TCAP) in 2013. This amendment proposes to change the zoning of a 1.29-acre portion of Assessor's Parcel Number (APN) 029-441-024 (formerly APNs 029-240-011 and 029-441-004) that is located behind the Raley's grocery store adjacent to Heavenly Village. APN 029-441-004 was the site of the Colony Inn hotel that has since been removed and the development rights banked for future use or transfer. In June 2021, the two subject parcels (APNs formerly 029-240-011 and 029-441-004) were legally consolidated into a single parcel and are now designated as APN 029-441-024. The amendment area includes the area that was formerly APN 029-240-011. As a result of the consolidation, the combined parcel is located in two different TCAP zoning districts with different permissible uses. The former Colony Inn parcel (formerly APN 029-441-004) is located within the Tourist Core Area Plan's Tourist Center Mixed Use district which allows multi-family residential use, while the adjacent parcel and amendment area (formerly APN 029-240-011) is located within the area plan's Recreation district, which allows employee housing as the only residential use.

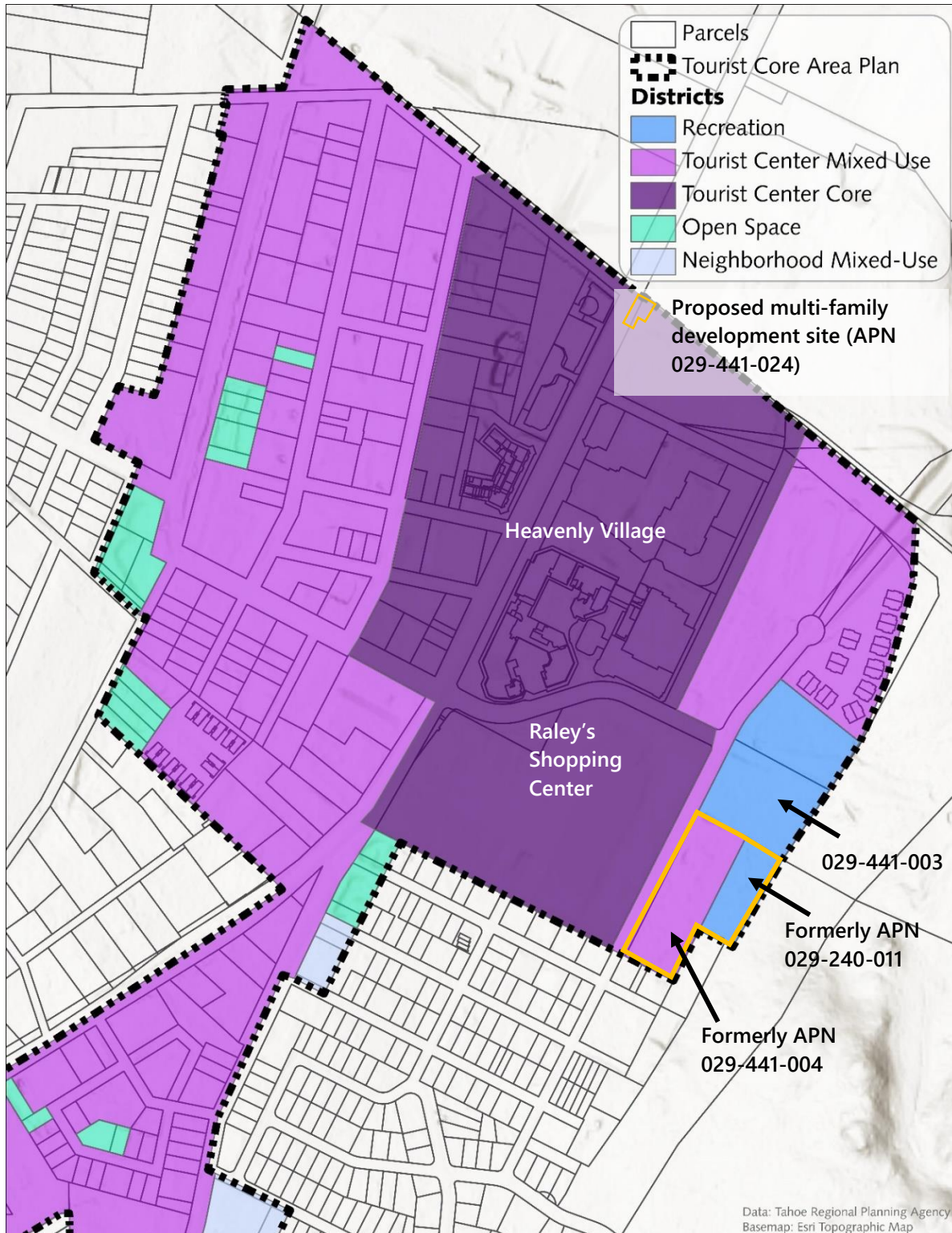
The proposed amendments, as provided in this packet, would rezone the amendment area (formerly 029-240-011) from Recreation to Tourist Center Mixed Use within the local area plan (TCAP). The proposed amendments were initiated by HVR Acquisitions with an application to the City. The City previously approved a four-unit multi-family project on the former Colony Inn property (APN 029-441-004). If the area plan amendment is approved, the applicant (HVR Acquisitions) wishes to expand the multi-family housing development project to adjacent parcel (formerly 029-240-011). The current Recreation district allows single family development as a special use and employee housing as an allowed use at 15 units per acre but does not allow multi-family development. The amendment would expand the boundary of the Tourist Center Mixed Use District, allowing multi-family residential on this parcel at a density of 25 units per acre.

The proposed amendments apply to the City's TCAP. **There are no proposed amendments to the Regional Plan's land use designations or boundaries or to existing Town Center boundaries. The entire amendment area is currently included within the regional land use "tourist" designation and within the existing Stateline/Ski Run Town Center.** The specific changes (i.e. language) proposed by these amendments are included in Attachment B.

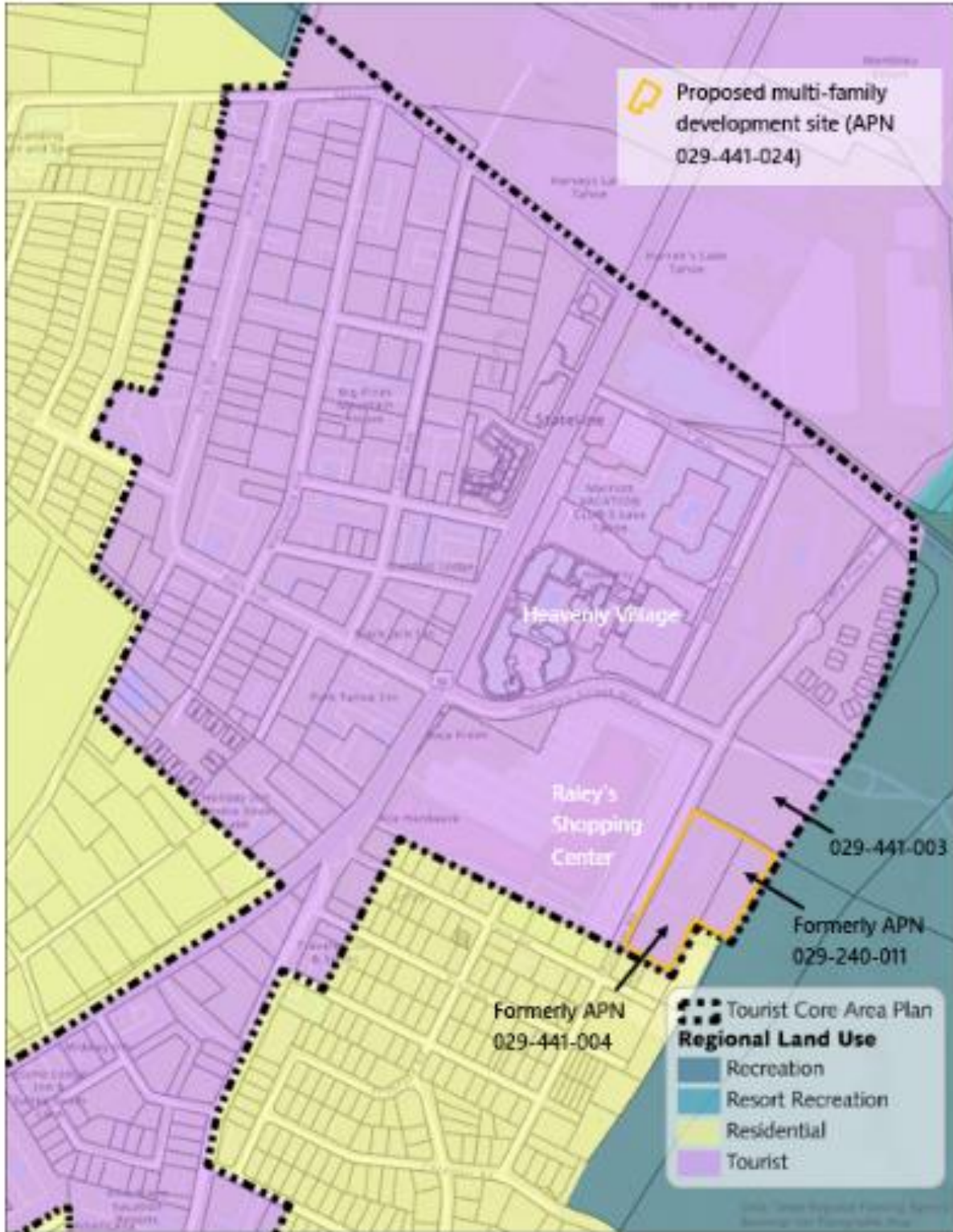
Regional Plan Committee Input:

The proposed amendment was heard by the RPC in July 2022 where the Committee decided not to take action on the item due to several concerns about impacts to the adjacent stream environment zone (SEZ), the lack of deed restricted housing, and low density in a town center. Since the 2022 meeting, the project has been revised to include additional units, three of which will be deed restricted, and the project applicant has an active application (ERSP2023-1029) with TRPA to restore the SEZ. Any future project that comes forward on the site would be required to restore the SEZ. As a condition of the project to protect the SEZ, the applicant must build a fence around the perimeter.

Location Map: Tourist Core Area Plan Showing the Zoning Districts, including the subject Tourist Center Mixed Use District (TSC-MU) and amendment area



Location Map: TRPA Regional Plan Land Use Designations and Town Center Boundaries



Environmental Review and Regional Plan Conformance:

The City of South Lake Tahoe staff and the applicant prepared the attached Initial Environmental Checklist (IEC), required findings, and Finding of No Significant Effect (FONSE) pursuant to TRPA Code of Ordinances Section 3.3 and Chapter 4 for the proposed amendments. The draft environmental document provides an analysis of potential environmental impacts of the amendment package. The IEC has been reviewed by TRPA staff. The analysis demonstrates that the proposed amendments either have no impact or less than significant impacts in all areas. The IEC, findings, and FONSE are provided as Attachments C and D.

The City of South Lake Tahoe staff and the applicant prepared the attached Compliance Measures evaluation (Attachment E) pursuant to TRPA Code Section 4.4 and found the amendments will not negatively impact a TRPA adopted threshold indicator or compliance measure. The checklist has been reviewed by TRPA staff.

The City of South Lake Tahoe staff and the applicant completed an Area Plan Finding of Conformity Checklist (Attachment F) pursuant to Chapter 13 of the TRPA Code of Ordinance. The checklist has been reviewed by TRPA staff.

Contact Information:

For questions regarding this item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

Attachments:

- A. City Staff Summary
- B. TRPA Adopting Ordinance 2024-__
 - Exhibit 1: Proposed Amendments to the Tourist Core Area Plan, Table 1: Permitted Uses by Land Use District
- C. Initial Environmental Checklist (IEC)
- D. Required Findings/Rationale and Finding of No Significant Effect (FONSE)
- E. Compliance Measures Evaluation
- F. Area Plan Finding of Conformity Checklist

Attachment A
City Staff Summary



City of South Lake Tahoe Report to Advisory Planning Commission

Meeting Date: May 8, 2024

Title: Tourist Core Area Plan/Specific Plan Amendments

Location: Tourist Core Area Plan Mixed-Use District, APN 029-441-024

Responsible Staff Members: John Hitchcock, Planning Manager (530) 542-7472

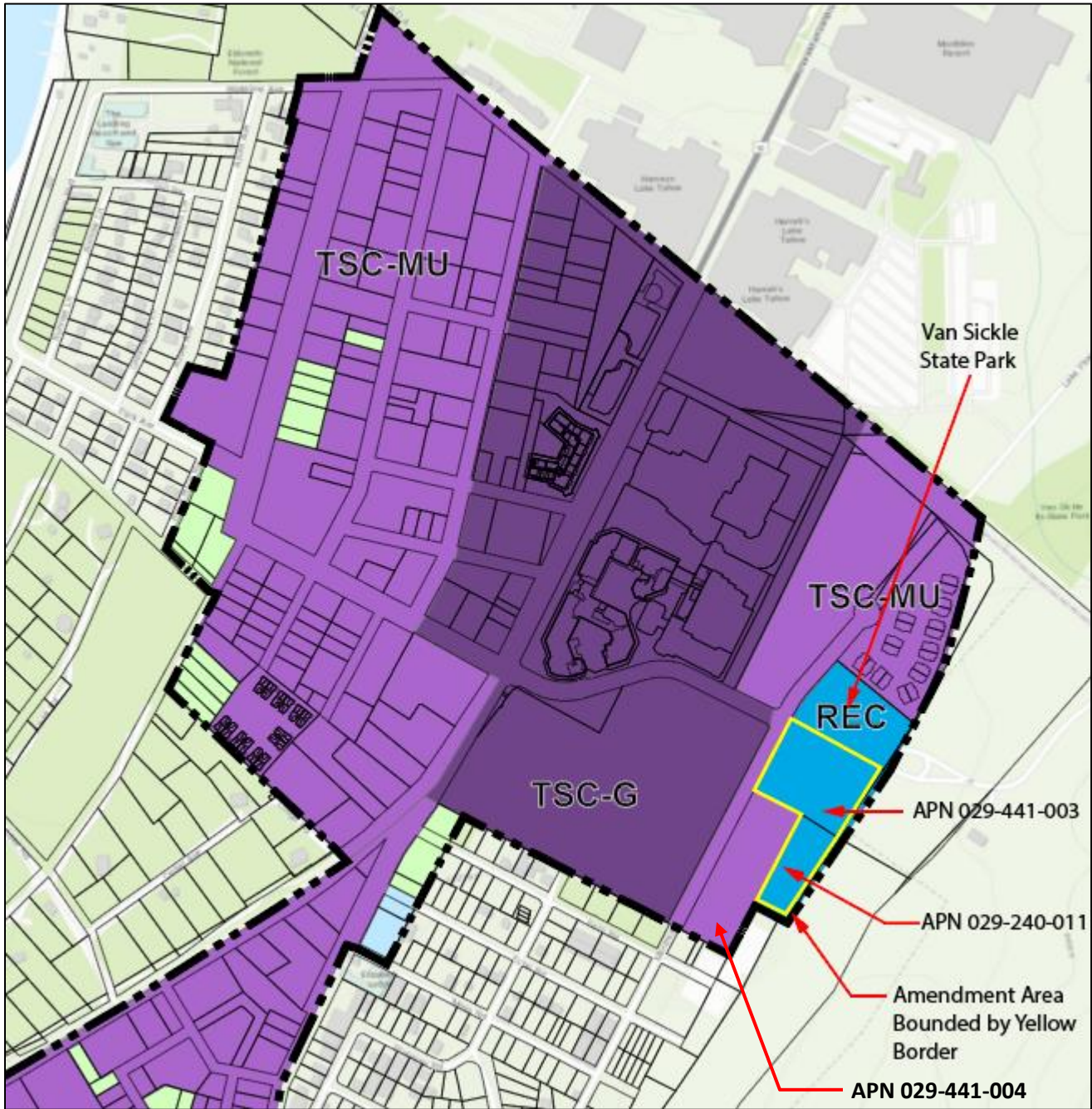
Background:

The TCAP was originally adopted by the City of South Lake Tahoe on October 14, 2013, and by the TRPA Governing Board on November 11, 2013, and has since been amended to modify land use and plan boundaries. The plan provides land use guidance for future development and redevelopment and addresses land use regulations, development and design standards, transportation, recreation, public service, and environmental improvements for the area. It encourages general improvement and enhancement for the built environment and provides a framework to change the existing conditions into opportunities for redevelopment with a focus on achieving environmental improvements, encouraging a mixed-use land use pattern that includes high-density tourist accommodation and residential uses, commercial, public facilities, public spaces and opportunities for housing in close proximity to job centers. The TCAP is the center of tourist services and recreation access in the city and has traditionally been the area with the highest concentration of services and density.

HVR Acquisitions LLC (HVR) submitted a development application in 2019 to the City of South Lake Tahoe, proposing an amendment to the Tourist Core Area Plan/Specific Plan. HVR proposed to amend the existing zoning for two parcels, APNs 029-240-011 & 029-441-003 (see Figure 1), from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU). The amendment would expand the boundary of the TSC-MU district, allowing additional land uses (multi-family, tourist accommodation, commercial and public services uses) that are not allowed in the Recreation district and would allow additional heights up to 56 feet from 36 feet and increase density to 25 units an acre.). HVR's intent in pursuing the amendment is to develop multi-residential units on APN 029-441-004, which is already zoned TSC-MUC, and on the two subject parcels that are affected by this amendment.

After conducting a public workshop on the proposed amendment and receiving comments from the public, the League to Save Lake Tahoe, the California Tahoe Conservancy, and the Nevada Division of State Parks, the applicant amended the proposal in response to concerns. Discussion and analysis of the original proposal and revised amendment and its potential impacts are provided below in the Issue and Discussion section.

Figure 1 – Location Map & Amendment Area



Issue and Discussion: The subject parcels total 5.05 acres currently in the Recreation District (APNs 029-240-011 and 029-441-003). The Recreation district allows for a variety of recreation uses, such as dispersed recreation and parks. Permissible uses in this district are primarily related to recreation uses and include cross-country ski courses, day-use areas, group facilities, riding and hiking trails, rural sports, snowmobile courses, employee housing at 15 units per acre, and single-family dwellings (a caretaker residence). Height within the Recreation district is

capped at 36 feet, but like all other districts in the Tourist Core Area Plan, a maximum of 70 percent coverage is allowed on high capability lands.

The subject parcels were previously zoned tourist accommodation (see Attachment 02, PAS 089B – California South Stateline Resort Area, but were rezoned to recreation when the Stateline/Ski Run Community Plan was adopted in 1994. Under PAS 089B, prior to 1994, multi-family and single-family dwellings were permitted with a special use permit. When the Tourist Core Area Plan was adopted to replace the Stateline/Ski Run Community Plan, the Recreation district designation and permissible uses were carried over into the Tourist Core Area Plan.

Since the adoption of the community plan, the properties have been held in private ownership, and there have not been any proposals or discussions to develop the properties with recreation-type uses. It is likely that the properties were not developed because of existing site constraints and parcel size. TRPA completed a land capability verification for the subject parcels and has verified a stream environment zone (SEZ) on both parcels. In total, approximately 46% of the parcels are designated SEZ and are not developable (see Figure 3 and Figure 4). Any development would be limited to the high capability portion located to the southwestern portion of APN 029-240-011 and the northeastern portion of 029-441-003, which is adjacent to Van Sickle State Park.

Figure 3 – APN 029-240-011 Land Capability Verification

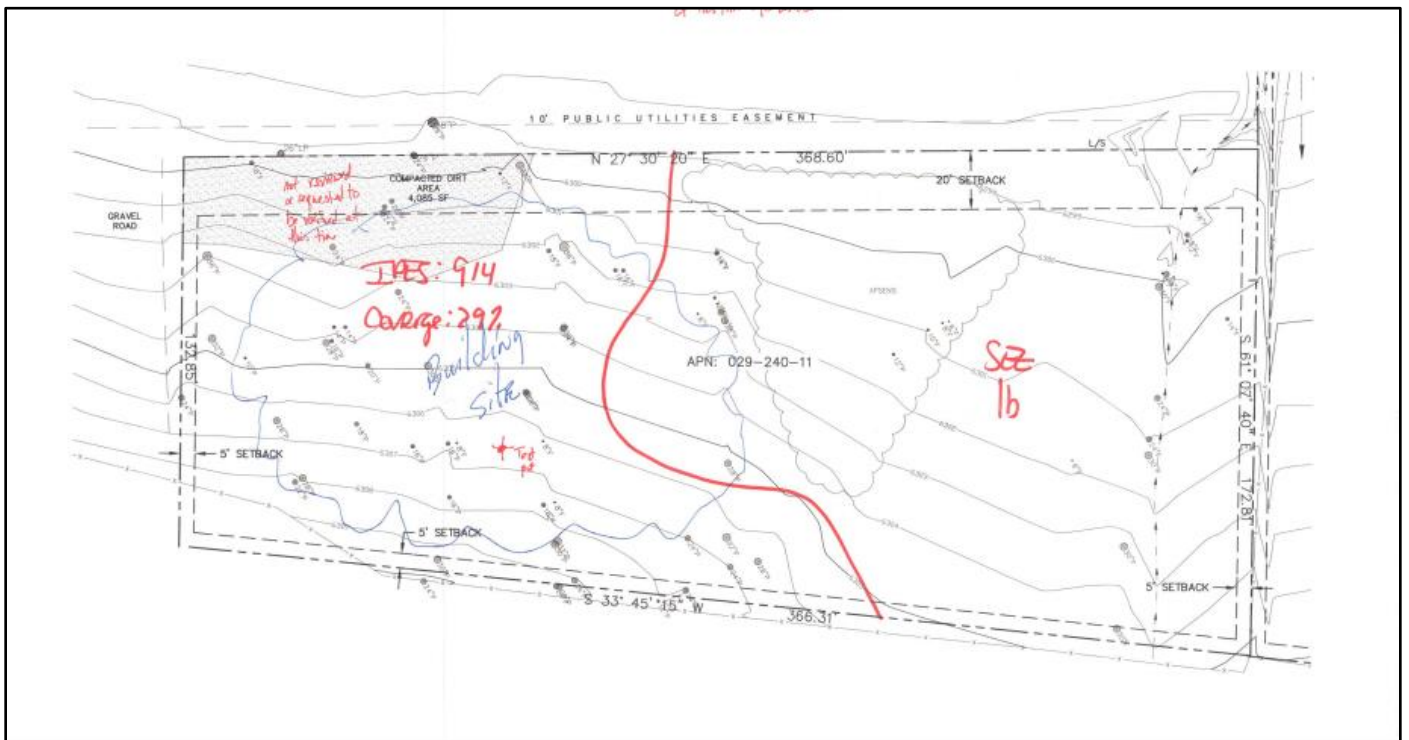
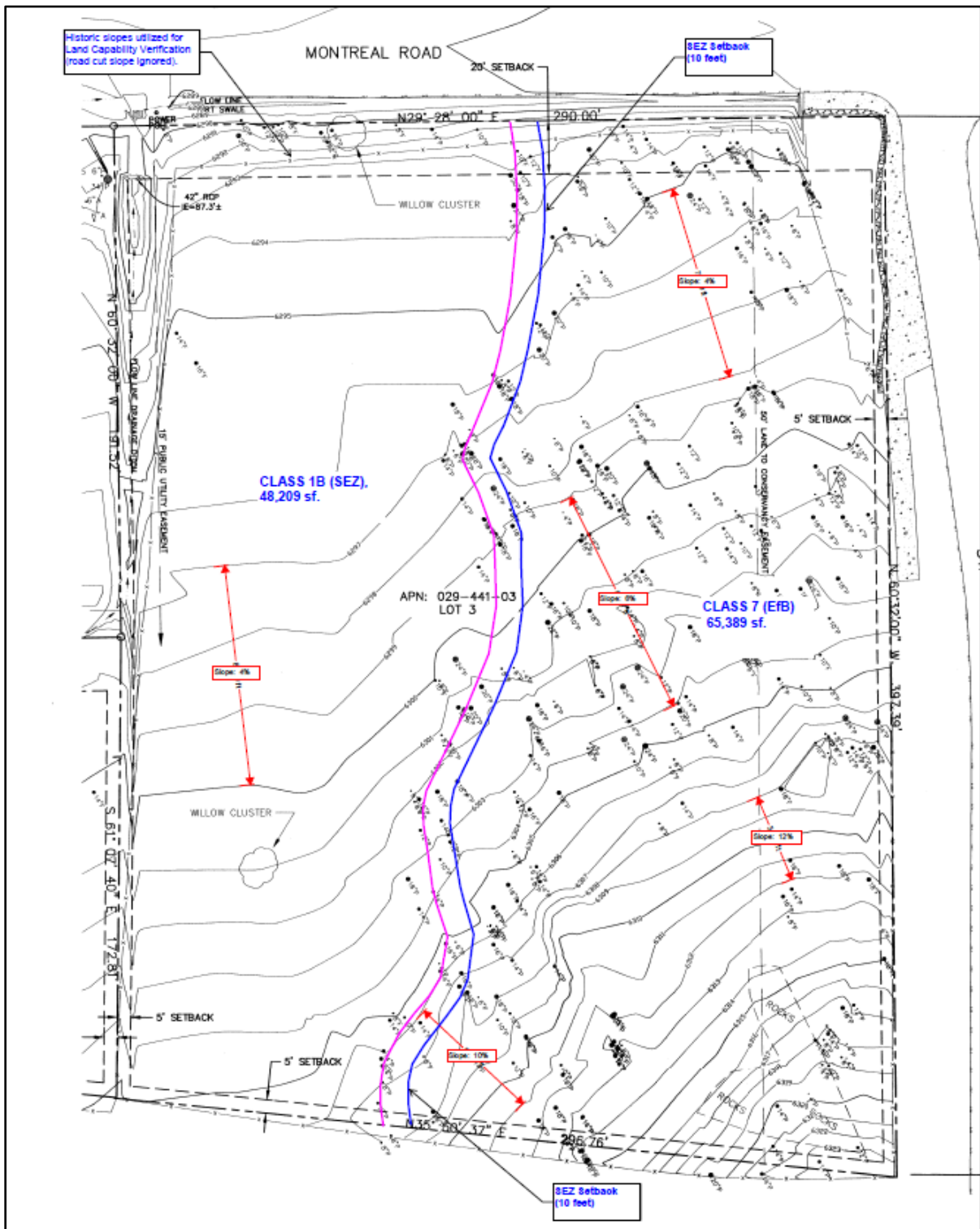


Figure 4 – APN 029-441-003 Land Capability Verification



Prior to preparing an Initial Study to evaluate the impacts of the proposed amendment, the City, in coordination with the applicant, conducted an online public scoping meeting on November 12, 2020, to take public comment on the proposed amendment and the scope of the environmental analysis. The meeting was attended by members of the public and staff members from the League to Save Lake Tahoe, the California Tahoe Conservancy, and the Nevada Division of State Parks. Commenters expressed concerns that the proposed amendment would impact the adjacent SEZ and its potential for quality habitat, result in management issues extending beyond the private development, encroachment, storage of equipment on public lands, change to the recreation character of the area resulting in scenic impacts, wildfire impacts, and creating parking issues at Van Sickle State Park.

Scenic

The developable portion of the subject parcel is approximately 540 feet from Van Sickle State Park and is well screened with mature vegetation located along the southern boundary of the Van Sickle Park property line and the adjacent parcel (see Figure 5). Any future potential project would also be required to implement the design standards of the Tourist Core Area Plan, which requires a mountain architectural aesthetic that incorporates building articulation, fenestration, pitched roofs, use of earthtone colors, natural and natural appearing materials, and onsite landscape to ensure development complements its natural setting. Incorporating the adopted design standards would reduce any potential scenic impacts or impacts to existing scenic views located onsite or offsite.

Encroachment

To reduce any potential encroachment on public lands, the SEZ, or degrade habitat, and restrict the storage of personal property on adjacent public lands, any future potential project will include a visually permeable perimeter fencing along the SEZ setback line. The fence will reduce any potential encroachment on the SEZ or on adjacent public lands.

Parking

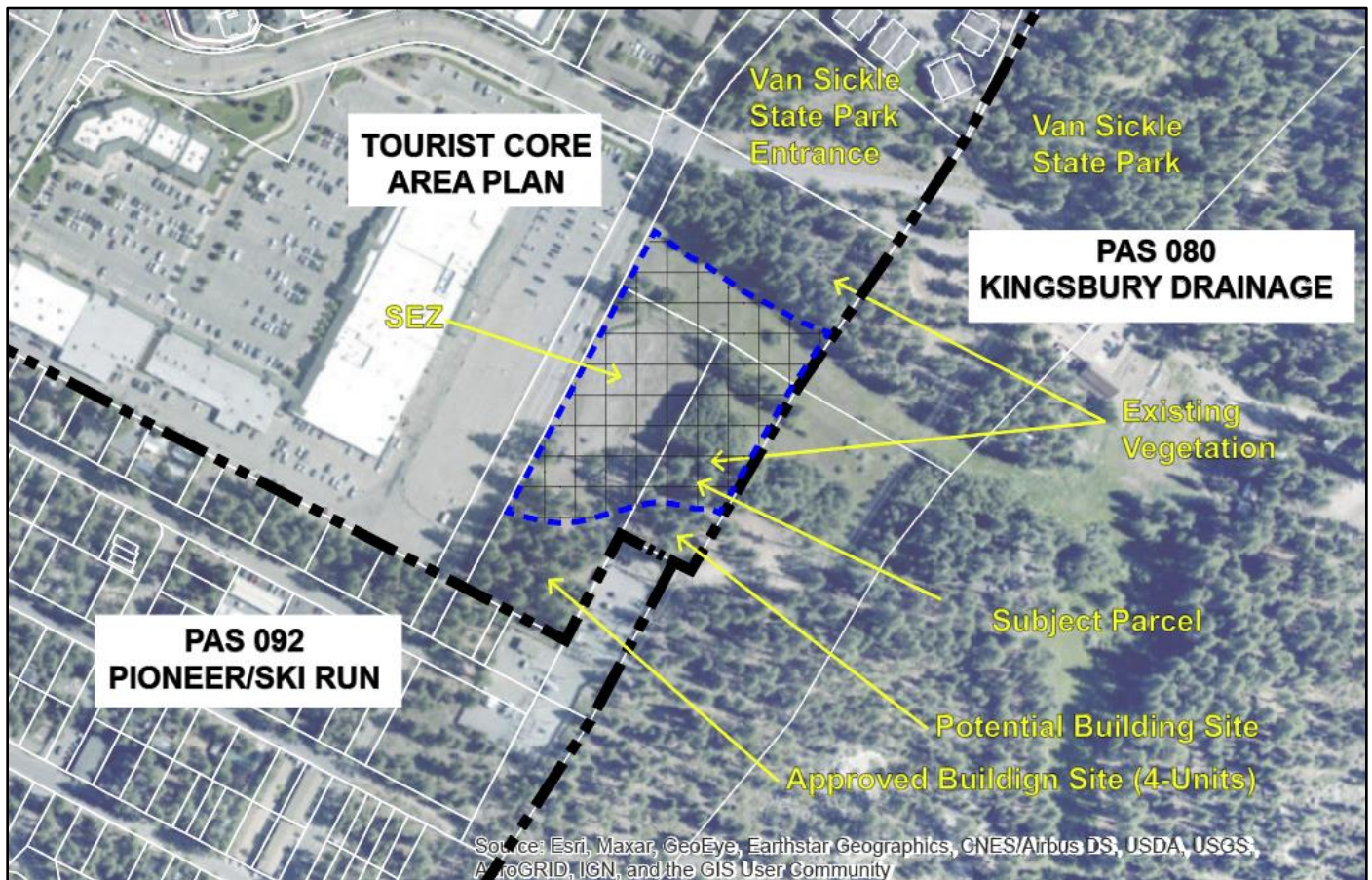
Concerns were expressed by the California Tahoe Conservancy that limited parking at Van Sickle State Park would be used by private individuals in any future residential project, thereby excluding the public from parking at the park. The City parking standards require all project types, including residential, to provide adequate onsite parking to serve the residents and guests. Any potential future projects would be required to meet the City parking standards. Moreover, due to the proximity of the entrance of Van Sickle State Park to the subject parcel, it is unlikely any future residents or guests would utilize parking at the park. As noted by CTC staff, Van Sickle Park was purposely designed to encourage pedestrian access by limiting parking and providing recreation access to a highly urbanized south shore area via existing sidewalks and paths.

Fire Risk

Concerns were also raised about the proposed amendment increasing fire risk by pushing development into the Wildland-Urban Interface Zone. It should be noted that the Recreation

District already allows development, and all development, regardless of its zoning district, is required to use materials, systems and/or assemblies in the exterior design and construction that meet California Building Code 7A requirements for construction in the Wildland-Urban Interface Zone. All potential projects are also required to meet appropriate setback requirements for defensible space and must be approved by the City Fire Inspector.

Figure 5 – Subject Parcel in Relation to Van Sickle State Park



Revised Project Description and Proposed Amendment

As a result of comments received during the scoping meeting and subsequent discussions with California Tahoe Conservancy staff, the proposed amendment was amended to address these concerns. The project description was revised to remove the parcel adjacent to Van Sickle State Park from the proposal (APN029-441-003). This parcel would remain zoned as recreation.

Subsequently, the remaining subject recreation parcel (APN 029-240-011) was merged with APN 029-441-004, which is located in the TSC-MU district, to create APN 029-441-024. However, the merge did not affect the area plan boundary, and a portion of the new merged parcel is still zoned Recreation and is the subject area of this proposed amendment (see Figure 6).

In response to concerns related to a change in recreation character and potential scenic impacts, the proposed amendment was also revised to add policies to the TSC-MU district that are specifically applicable to the subject parcel. These policies would limit the use of this parcel to residential, linear public facilities, recreation, resource management, and open space uses (tourist, commercial, and most general public service land uses would be prohibited). In addition, the density was proposed to be capped at four dwelling units an acre.

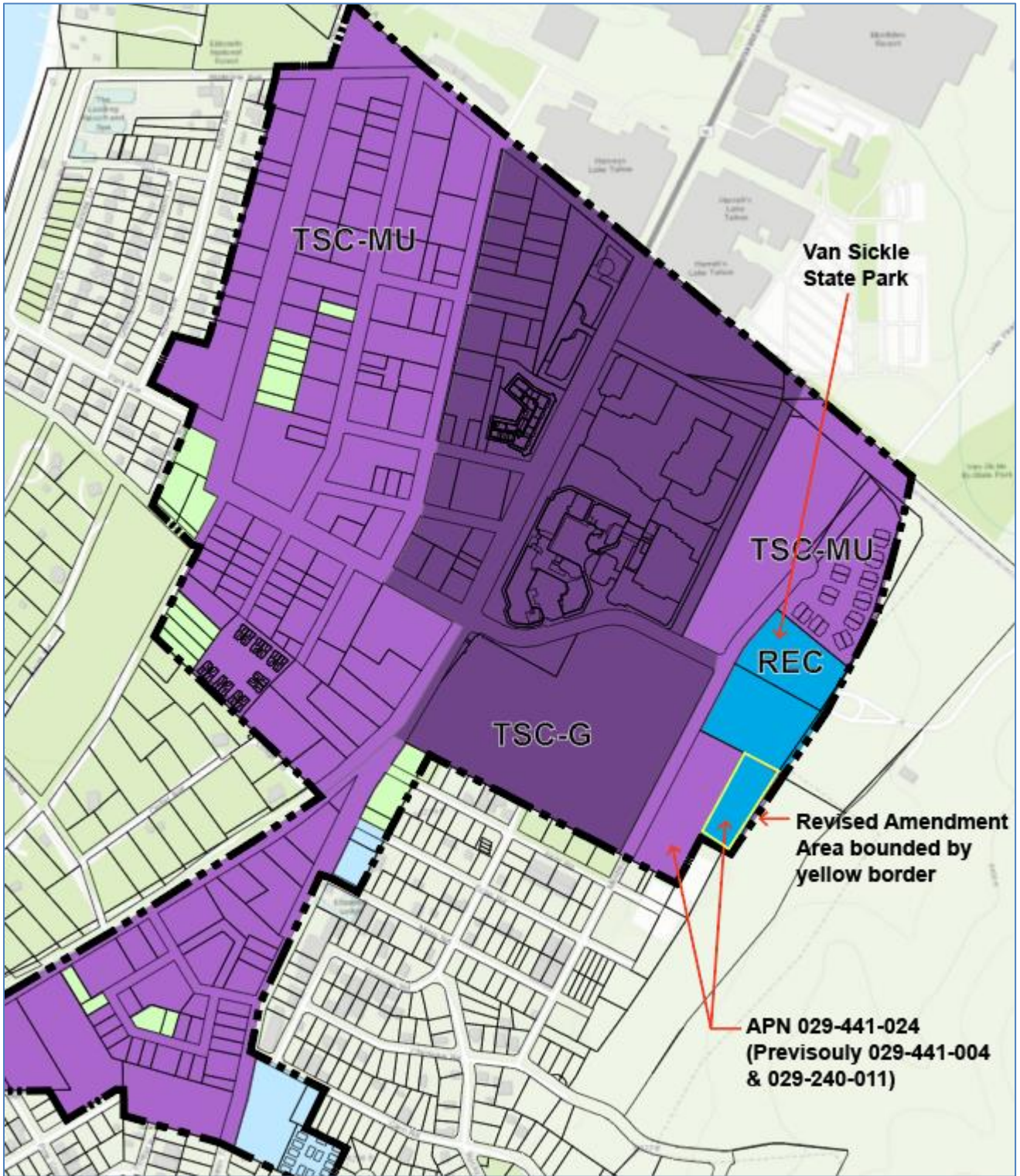
In addition to the change in the project description, the privately initiated area plan amendment was incorporated into the staff-initiated Tourist Core Area Plan Amendment to streamline the amendment process.

2024 Project Description and Proposed Amendment

On June 6, 2023, staff presented the Tourist Core Area Plan Amendment to the City Council. During deliberation, the City Council questioned the proposed reduction in density and commented that the density should be higher considering the parcel is located in a designated Town Center. In addition to supporting higher density on the parcel, the Council directed staff to remove the privately initiated area plan amendment from the staff-initiated Tourist Core Area Plan Amendment and process the amendment separately on its own merit.

As a result of the City Council comments related to density, the applicant has revised the project description to remove the density limitation of four dwelling units an acre. All other aspects of the proposal would remain the same, including limiting residential and linear public facilities, recreation, resource management, and open space uses on the parcel. If the amendment is successful, the Tourist Core Area Plan density standard would potentially allow up to 32 additional residential units. In addition, the applicant has also revised the project description to commit to deed restricting two residential units in any potential future project to TRPA-designated "achievable units."

Figure 6 – Revised Amendment Area



Initial Study

To evaluate the potential environmental impacts of the proposed amendment, Hauge Brueck Associates prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND analyzes the project's potential 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 concluded that the proposed project could potentially have impacts in the following resource areas: public services and recreation.

The IS/MND concluded that the proposed amendment could potentially impact parking demand at full build-out if the amendment were successfully adopted. The IS/MND includes Mitigation Measure TRAN-1, which requires the property owner to enter into an agreement for offsite parking or submit a parking analysis that supports a reduction in the parking demand ratio.

Tribal Consultation

Pursuant to state law, the City has completed the requirements for consultation with Native American tribes under Assembly Bill 52 and the California Environmental Quality Act (CEQA) Guidelines. Consultation letters were sent on December 14, 2020 to the Lone Band of Miwok Indians, the Shingle Springs Band of Miwok Indians, the United Auburn Indian Community, and the Washoe Tribe of California and Nevada. The City did not receive a request for consultation on the proposed area plan amendment.

Public Comment Period and Public Noticing

The IS/MND has been sent, along with a Notice of Completion, to the California State Clearinghouse for distribution to state and regional agencies for review. The IS/MND has also been available at City offices (1052 Tata Lane) and online at <https://www.cityofslt.us/DocumentCenter/View/14967/Tourist-Core-Area-Plan-Amendment-PDF>. The 30-day comment period begins on January 19, 2024, and ends on February 26, 2024.

A Notice of Availability and Notice of Intent, advertising the review period was published in the Tahoe Daily Tribune on January 26, 2024, and mailed to affected property owners on January 30, 2024. The Planning Commission conducted a duly noted public hearing on February 22, 2024, to take public comment on the proposed amendments and the Initial Study/Mitigated Negative Declaration.

On March 21, 2024, the proposed amendments and the Initial Study/Mitigated Negative Declaration was considered by the Planning Commission. The Planning Commission received a presentation from staff and the applicant's representative, took public comment, voted 3-0 to pass a resolution adopting the Initial Study/Mitigated Negative Declaration, and recommended the City

Council adopt the Tourist Core Area Plan Amendments. The City Council voted to approve the amendments on April 23, 2024.

Environmental Considerations:

California Environmental Quality Act

See "Issue and Discussion" section above.

Financial Implications:

None

Policy Implications:

City of South Lake Tahoe General Plan

The following goals and policies are applicable to the proposed amendment.

The subject parcel is currently designated as Tourist Center in the City General Plan. The Tourist Center, land use designation, is defined as follows:

This designation provides for a mixture of uses, including tourist accommodation, commercial, intensive recreation, high-density residential, and mixed-use residential. This designation is applied to areas that are currently developed as commercial/visitor centers, have excess land coverage, where vertical mixed-use projects are appropriate and are near commercial, employment, transit, and public services.

The Land Use and Community Design Element of the General Plan includes 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-2.2: 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 1-7: The City shall direct high-density residential development to sites located within walking distance of public transit and services. The City shall consider minimum density requirements in these areas.

The proposed amendment is generally consistent with the goals and policies listed above in that the amendment would potentially direct high-density residential uses within a designated Town

Center and is within proximity of commercial, recreation, employment, transit and public service uses.

Tourist Core Area Plan

The Tourist Core Area Plan was adopted by the City "to establish a framework that will achieve redevelopment and reinvestment in properties, on the ground environmental improvement, enhancement of the built environment...and increased access to recreation opportunities." The proposed amendments would rezone the subject parcel to TSC-MUC and would potentially allow for residential development beyond the one caretaker unit or employee housing that is currently allowed. The proposed amendment is consistent with the Tourist Core Area Plan Town Center and TSC-MU designation, which encourages the diversification of land uses within close proximity to employment centers, services, recreation and transit.

While the TCAP currently shows the amendment area in the Recreation District it is also included in the TCAP Town Center Overlay and included in the Transfer of Development Rights Receiving Area. The amendment is, therefore, also internally consistent with the TCAP.

TRPA Regional Plan

The TRPA Conceptual Regional Land Use Map (https://www.trpa.gov/wp-content/uploads/documents/archive/2/FinalAdoptedRegionalPlanMaps_amended1-2-2018.pdf) identifies the amendment area as "Tourist" land use and within a "Town Center" district. Town Centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the Region. The amendment is, therefore, consistent with the TRPA Regional Plan. Specifically, the amendment is compatible with TRPA Land Use Policies LU-1.1 and LU-1.2 as well as Community Design Policy LU-2.1

A precedent exists for rezoning recreation properties to allow for residential and tourist accommodation uses. These include an amendment in the 1990s to Plan Area Statement 070 to permit tourist accommodation uses within the existing Edgewood Tahoe Golf Course and the 2012 TRPA Regional Plan creation of a Resort Recreation District for Edgewood Company's "mountain parcel" and the Heavenly Ski Resort California base lodge area. These amendments allow for multi-family development and tourist accommodation uses on formerly zoned recreation properties close to employment centers, services, recreation, and transit.

Attachment B

TRPA Adopting Ordinance 2024-__

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2024-__

AN AMENDMENT TO ORDINANCE NO. 2022-02 TO ADOPT
TOURIST CORE AREA PLAN AMENDMENTS

The Governing Board of the Tahoe Regional Planning Agency (TRPA) does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 2022-02 by amending the Tourist Core Area 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 Tourist Core Area Plan amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The Tourist Core Area Plan amendments have been determined not to have a significant effect on the environment and are 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 Tourist Core Area Plan amendments. 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 Tourist Core Area Plan amendments 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 these amendments, the Governing Board made the findings required by TRPA Code of Ordinances Section 4.5, 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 2022-02, as previously amended, is hereby amended by amending the Tourist Core Area Plan as set forth in Exhibit 1.

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 Tourist Core Area Plan shall become effective on adoption.

PASSED AND ADOPTED by the Tahoe Regional Planning Agency Governing Board at a regular meeting held on _____, 2024, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Resolution 2024-048

**Adopted by the City of South Lake Tahoe
City Council**

April 23, 2024

Adopting the Tourist Core Area Plan/Specific Plan Amendments and Initial Study/Mitigated Negative Declaration

BACKGROUND

- A. The Tourist Core Area Plan/Specific Plan was adopted by the City of South Lake Tahoe City Council on October 15, 2013 (Ordinance 2013-1060).
- B. The City received an application from HVR Acquisitions to amend the Tourist Core Area Plan to rezone a portion of APN 029-441-024 to Tourist Center Mixed-Use District and limit uses to residential, liner public facilities, recreation, resource management, and open space uses.
- C. In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15070, the City of South Lake has prepared an Initial Study/Negative Declaration for the Tourist Core Area Plan/Specific Plan Amendments in compliance with CEQA.
- D. In accordance with Government Code Section 65352, the City prepared a Notice of Availability and Notice of Intent to adopt an Initial Study/Mitigated Negative Declaration for the proposed Tourist Core Area Plan/Specific Plan Amendments and circulated the Initial Study/Mitigated Negative Declaration for public comment between January 19, 2024, and February 26, 2024.
- E. Pursuant to California Government Code Section 65453, a specific plan may be prepared and adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.
- F. The City of South Lake Tahoe Planning Commission, at a duly noticed public hearing held on March 21, 2024, considered the proposed amendments and found that 1) the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis, 2) that there is no substantial evidence that the proposed Tourist Core Area Plan/Specific Plan Amendments will have a

significant effect on the environment, and adopted the Tourist Core Area Plan/Specific Plan Amendments Initial Study/Mitigated Negative Declaration.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED,
that the City of South Lake Tahoe City Council:

1. Finds that the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis.
2. Finds that there is no substantial evidence that the proposed Tourist Core Area Plan/Specific Plan Amendments will have a significant effect on the environment.
3. Finds the foregoing recitals are true and correct and made part of this resolution.
4. Adopts the Tourist Core Area Plan/Specific Plan Amendments as outlined in Exhibit 1 to this resolution.


Adopted by the City of South Lake Tahoe City Council on April 23, 2024, by the following vote:

Yes: Bass, Creegan, Wallace
No: Robbins
Absent: Friedrich


Cody Bass (Apr 25, 2024 14:13 PDT)
Cody Bass, Mayor

Date: 04/25/2024

Attest:


Susan Blankenship (Apr 24, 2024 11:03 PDT)
Susan Blankenship, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.

EXHIBIT 1 - EXISTING CONDITIONS

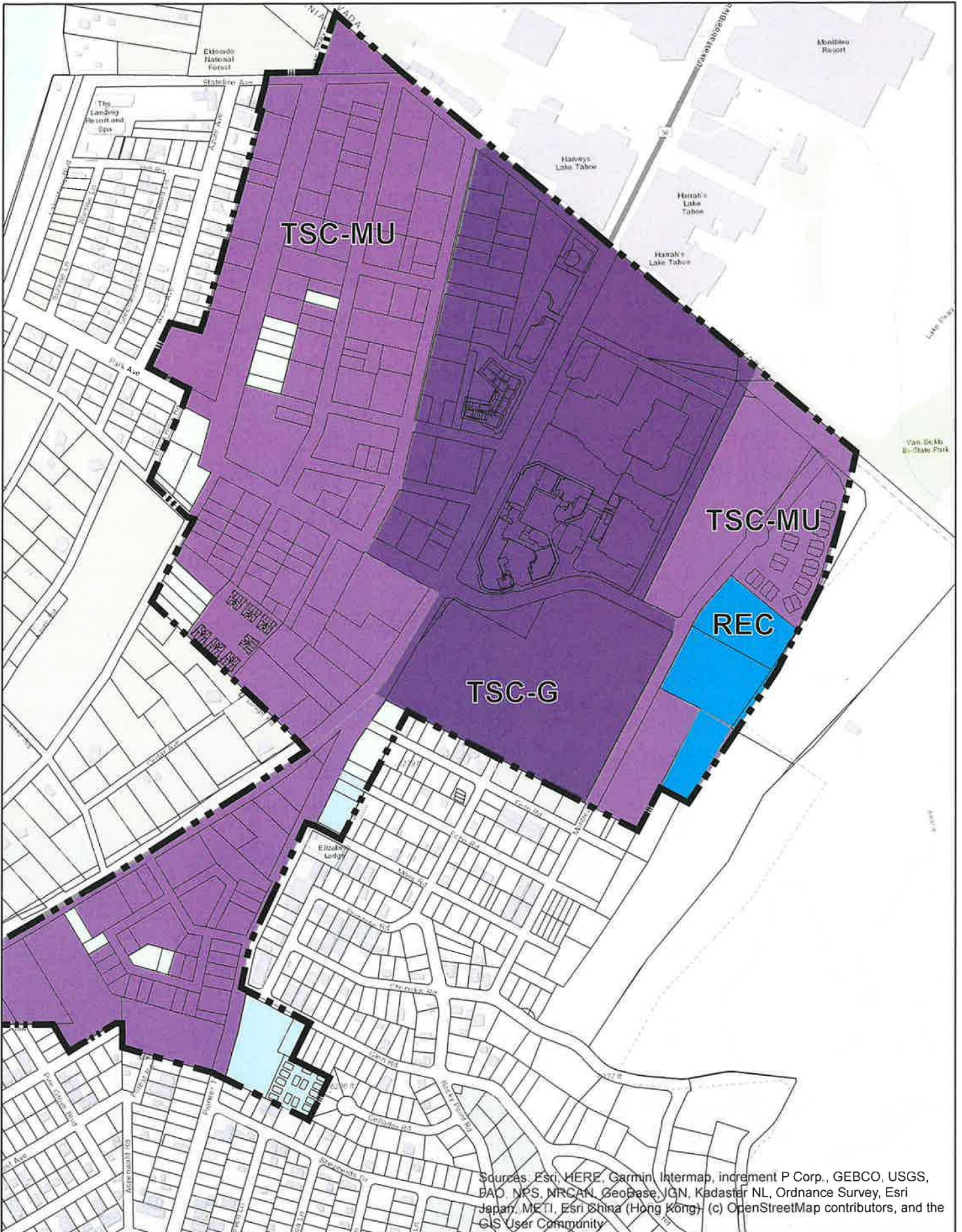
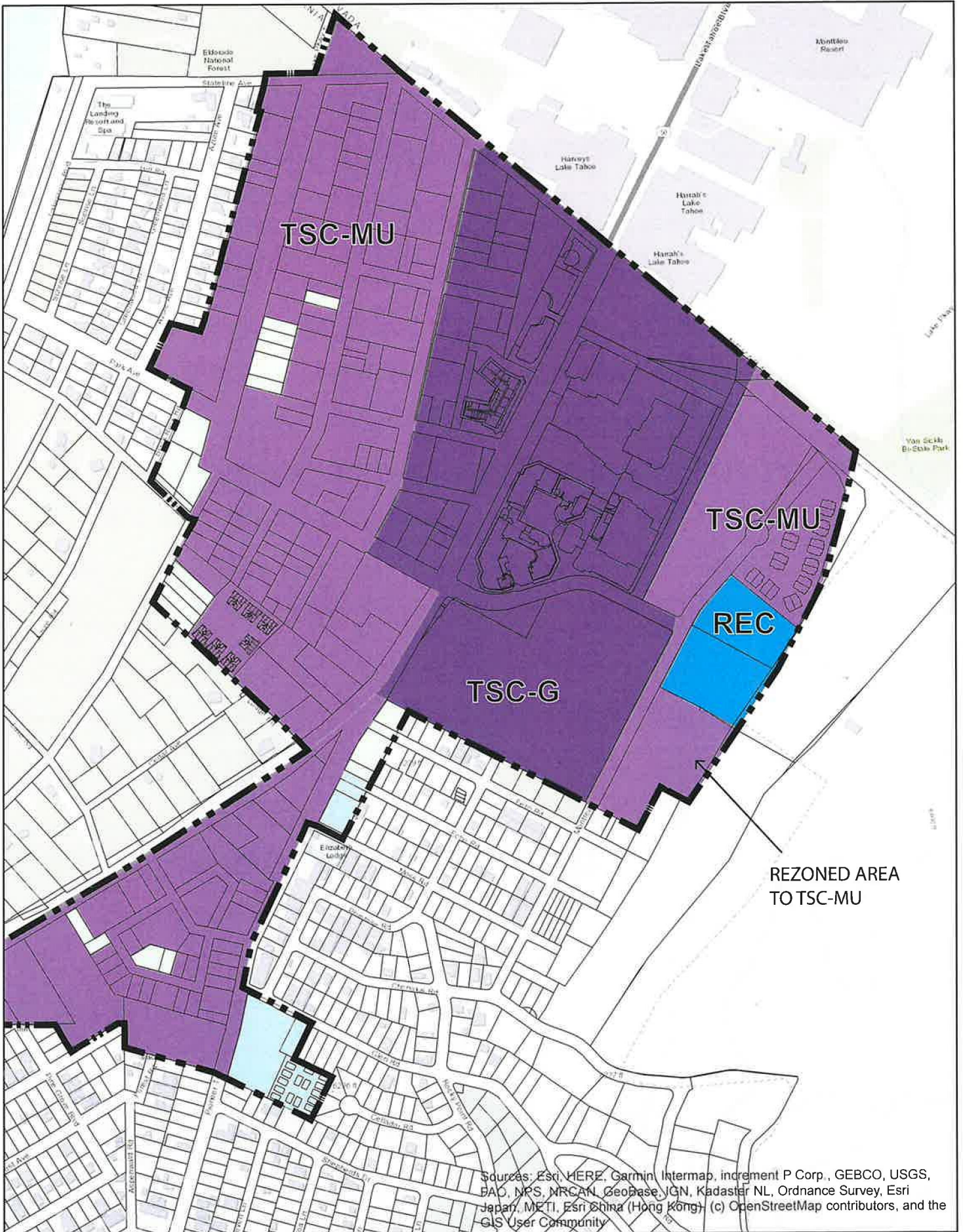


EXHIBIT 1 - PROPOSED CONDITIONS



Appendix C

Development and Design Standards

This section sets out the development standards, design standards and permissible uses for the land use districts in the Tourist Core Area Plan to achieve its desired urban form.

Applicability: All projects within the Tourist Core Area Plan shall meet the standards provided below. In addition, all projects are required to meet the Citywide Design Standards as well when applicable. Should a conflict occur between the Citywide standards and the Tourist Core Area Plan standards, the standards of this Area Plan shall apply. All regulations in the TRPA Code of Ordinances shall remain in effect unless superseded by the provisions of this Area Plan.

PERMISSIBLE USES

Table 1 lists the permitted primary land uses by district for the Tourist Core Area Plan and land use definitions are provided in Table 2. The regulations for the district are established by letter designations listed below. The designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review. Uses not listed in the Table are prohibited.

(A) designates allowed uses subject to zoning compliance. An allowed use is one that can be established as the primary use of a building.

(S) designates uses that are permitted subject to approval of a Special Use Permit. A Special Use Permit requires discretionary approval by the City Planning Commission or Zoning Administrator following review and a determination that the nature of the proposed use, at the location proposed, is not detrimental to the public welfare or injurious to property or improvements in the neighborhood. To obtain a special use permit, the applicant must generally show that the contemplated use is compatible with the zoning ordinance and land use standards. Findings that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare are required.

(TRPA) designates uses that require TRPA review and permitting

(-) designates uses that are not permitted.

Proposed language is bolded and underlined

Tourist Core Area Plan

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
RESIDENTIAL								
Domestic Animal Raising	-	-	-	-	-	-	S	-
Employee Housing	S	S	A	S	S	S	A	-
Multiple Family Dwelling	A	A	A	A	A	A	-	-
Multi-Person Dwelling	S	S	S	S	S	S	-	-
Single Family Dwelling (includes condominiums)	A8	A	A	A	A	A	S1	-
TOURIST ACCOMMODATION								
Bed & Breakfast Facilities	-	<u>A13</u>	A9	S	A	A	-	-
Hotel, Motel, Other Transient Dwelling Units	A	<u>A13</u>	A9	S	A	A	-	-
Time Sharing	A	<u>A13</u>	A9	S	S	A	-	-
RETAIL COMMERCIAL								
General Retail and Personal Services	A	<u>A13</u>	A9	S	A	A	-	-
Building Material & Hardware	S6	-	-	-	-	S	-	-
Nursery	-	-	A9	-	-	S	-	-
Outdoor Retail Sales	A	-	S9	-	-	S	-	-
Eating & Drinking Places	A	<u>S13</u>	A9	S	A	A	-	-
Service Stations ¹¹	S	<u>S13</u>	-	-	S	S	-	-
ENTERTAINMENT COMMERCIAL								
Amusement & Recreation	S	<u>S13</u>	-	-	-	A	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	S	S	-
Outdoor Amusements	-	S	S	-	S	S	S	-
SERVICE COMMERCIAL								
Animal Husbandry Services	-	-	-	-	-	A	-	-
Business Support Services	A7	<u>S13</u>	S9	-	S	A	-	-
Health Care Services	A2,5	-	A9	-	A	A	-	-
Professional Offices	A3,4	<u>A13</u>	A9	A	A	A	-	-
Schools – Business & Vocational	S	-	S9	-	A	A	-	-
LIGHT INDUSTRIAL COMMERCIAL								
Small Scale Manufacturing	S	<u>S13</u>	S9	S	-	S12	-	-
Industrial Services ¹¹	-	-	-	-	-	S12	-	-
WHOLESALE/STORAGE COMMERCIAL								
Vehicle Storage & Parking ¹¹	S	<u>S13</u>	S9	S	S	S	-	-
Wholesale and Distribution	-	-	-	-	-	S12	-	-
GENERAL PUBLIC SERVICE								
Religious Assembly	-	S	S9	-	S	A	-	-
Cultural Facilities	S	<u>S13</u>	S9	-	S	A	-	-
Daycare Centers/Preschool	A	<u>A13</u>	A10	A	A	A	-	-
Government Offices	-	-	A9	-	-	S	-	-
Local Assembly & Entertainment	S	S	-	-	-	S	-	-
Local Public Health and Safety Facilities ¹¹	A	A	A	A	A	A	A	A

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	-
Public Utility Centers ¹¹	-	S13	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
LINEAR PUBLIC FACILITIES								
Pipelines & Power Transmission	S	S	S	S	S	S	S	S
Transit Stations & Terminals	S	S	S	S	S	S	S	S
Transportation Routes	S	S	S	S	S	S	S	S
Transmission & Receiving Facilities	S	S	S	S	S	S	S	S
RECREATION								
Cross Country Ski Courses	-	-	-	-	-	-	S	-
Day Use Areas	A	A	A	A	A	A	A	A
Group Facilities	-	-	-	-	-	-	S	-
Outdoor Recreation Concessions	-	-	-	-	S	S	-	-
Participant Sport Facilities	S	-	-	-	-	-	-	-
Riding and Hiking Trails	-	-	-	-	-	S	S	-
Rural Sports	-	-	-	-	-	S	S	-
Snowmobile Courses	-	-	-	-	-	S	S	-
Visitor Information Centers	S	S	-	-	S	-	-	-
RESOURCE MANAGEMENT								
Forest and Timber Resource Management	A	A	A	A	A	A	A	A
Vegetation Resource Management	A	A	A	A	A	A	A	A
Water Quality Improvements and Watershed Management	A	A	A	A	A	A	A	A
Wildlife and Fisheries Resource Management	A	A	A	A	A	A	A	A
Range Management	-	-	-	-	-	-	A	-
OPEN SPACE								
Allowed in all areas of the Region	A	A	A	A	A	A	A	A
SHOREZONE								
(Tolerance Districts 1 and 4)								
Water Oriented Outdoor Recreation Concession	-	-	-	-	TRPA-A	TRPA-A	-	-
Beach Recreation	-	-	-	-	TRPA-A	TRPA-A	-	-
Water Borne Transit	-	-	-	-	TRPA-S	TRPA-S	-	-
Boat Launching Facilities	-	-	-	-	TRPA-S	TRPA-S	-	-
Tour Boat Operations	-	-	-	-	TRPA-S	TRPA-S	-	-
Safety and Navigation Devices	-	-	-	-	TRPA-A	TRPA-A	-	-
(Shorezone Tolerance District 4)								

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
Marinas	-	-	-	-	TRPA-S	TRPA-S	-	-
Buoys	-	-	-	-	TRPA-A	TRPA-A	-	-
Piers	-	-	-	-	TRPA-S	TRPA-S	-	-
Fences	-	-	-	-	TRPA-S	TRPA-S	-	-
Boat Ramps	-	-	-	-	TRPA-S	TRPA-S	-	-
Floating Docks and Platforms	-	-	-	-	TRPA-S	TRPA-S	-	-
Shoreline Protective Devices	-	-	-	-	TRPA-S	TRPA-S	-	-
Water Intake Lines	-	-	-	-	TRPA-A	TRPA-A	-	-

Note: In the Regional Center all residential projects equal to or exceeding 100,000 square feet of new floor area or non-residential projects equal to or exceeding 80,000 square feet of new floor area require TRPA review and approval. In the Town Center all residential projects equal to or exceeding 50,000 square feet of new floor area or non-residential projects equal to or exceeding 40,000 square feet of new floor area require TRPA review and approval.

1. Caretaker Residence Only
2. All Health Care Services are allowed except emergency outpatient or urgent care facilities which shall only be considered along Heavenly Village Way, formerly Park Avenue.
3. Allow Realty Offices within the district and limit financial services to ATMs.
4. Allow consideration for placement of Realty Offices within the district, and only when operated in conjunction with approved Park Avenue Redevelopment fractional ownership tourist accommodation projects. Such use shall occupy no more than five percent (5%) of the commercial floor area with any project area within the district.
5. All Health Care Services uses permissible throughout special district; provided that any Health Care Services uses proposed to front on either side of US Highway 50 and/or the intersections of Heavenly Village Way (formerly Park Avenue) and Stateline Avenue are limited to second floor or higher. See TRPA Ordinance 2009-05 Exhibit 2 for specific limitation locations.
6. Outdoor storage and display is prohibited.
7. Shall not front on US Highway 50.
8. Condominiums only.
9. Use not permitted in Special Area #1, which comprises of APNs 028-081-02, 028-081-04 & 028-081-15.
10. Daycare center allowed as an accessory use.
11. Land use category is identified in TRPA Code Section 60.3 as a "possible contaminating activity." Triggering special requirements pursuant to TRPA Code Section 60.4 if located within a Source Water Protection Zone.
12. Use only allowed in connection with a retail commercial use where it will enhance the visitor experience and is limited in size to 30% of the associated retail space.
13. **Uses not permitted in APN 029-441-024**










Resolution 2024-048 Tourist Core Area Plan

Final Audit Report

2024-04-25

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By:	Michelle Davis (medavis@cityofslt.us)
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Attachment C

Initial Environmental Checklist (IEC)



**Draft Tourist Core Area Plan/Specific Plan Amendment
Initial Study/Mitigated Negative Declaration and Initial Environmental
Checklist/Finding of No Significant Effect**

January 2024



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APPENDIX A – LSC TECHNICAL MEMORANDUM REPORTS

1.0 INTRODUCTION

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 City of South Lake Tahoe Tourist Core Area Plan/Specific Plan (TCAP), located in the City of South Lake Tahoe, California. The IS/IEC also analyzes the potential environmental effects of a proposed multi-family housing project, that is dependent on the adoption of the proposed TCAP amendment. The “amendment area” is defined as a 1.29 acre parcel, formerly Assessor’s Parcel Number (APN) 029-240-011 that is located adjacent to the former Colony Inn (formerly APN 029-441-004). The proposed amendment would rezone the amendment area from Recreation to Tourist Center Mixed Use and include policies that would limit future land use on the combined parcels (former APN 029-240-011 and APN 029-441-004). The current Recreation district allows single family development as a special use, but does not allow multi-family development. If the amendment is approved, the applicant (HVR Acquisitions) wishes to expand a multi-family housing development previously approved on former APN 029-441-004 (2.5 acre) to the newly combined parcel. The two former parcels referenced above (APNs 029-240-011 and 029-441-004), were legally consolidated into a single parcel in June 2021 and are now designated as APN 029-441-024. As a result, the combined parcel of land is located in two different TCAP zoning districts with different permissible uses, height limits and density. The proposed rezone amendment, if adopted, would resolve this conflict.

An Initial Study (IS) is a preliminary environmental analysis that is used by the California Environmental Quality Act (CEQA) lead agency as a basis for determining whether an Environmental Impact Report (EIR), a Mitigated Negative Declaration, or a Negative Declaration is required for a project under CEQA guidelines. An Initial Environmental Checklist (IEC) is a preliminary environmental analysis that is used for determining whether an Environmental Impact Statement (EIS), an Environmental Assessment (EA), 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 proposed 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.

The City of South Lake Tahoe is processing an application for an amendment pursuant to Chapter 13 of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances, which allows local governments to adopt conforming Area Plans that contain policies and development ordinances that are consistent with and further the goals and policies of the TRPA Regional Plan. Chapter 13 established a conformity process that:

- Allows local governments to adopt an Area Plan that supersedes TRPA plans and ordinances if the plan is found to be in conformance with the Regional Plan;
- Defines required content in an Area Plan that includes but is not limited to applicable policies, maps, ordinances and development and design standards; and

- Defines which development activities will not have a substantial effect on the natural resources in the Region and allows TRPA to transfer limited development permitting authority to local governments.

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 TCAP. 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 IS 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 TCAP Amendment 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.

While the IS/IEC does not tier from the 2013 TCAP IS/IEC (this document uses more recently available data and provides a project specific analysis), the 2013 document is incorporated by reference. While the 2013 TCAP IS/IEC does not propose mitigation measures, it incorporates mitigation measures adopted under the 2011 General Plan EIR and the TRPA Regional Plan Update EIS. These mitigation measures would continue to be applicable to the project area, and no change to the application of such mitigation measures are proposed.

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 TCAP, will also be incorporated into project approvals as needed. Nothing in this IS in any way alters the obligations of the City to implement the General Plan mitigation measures. All future projects within the TCAP 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 IEC 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 project is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC 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 IEC 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 IEC, it has been determined that the proposed project would not have significant effects on the environment. Therefore, a Finding of No Significant Effect will be prepared.

This IEC concludes that many potentially significant project impacts are addressed by the measures that have been adopted as part of the approval of the 2012 RPU. Therefore, those 2012 RPU EIS mitigation measures that are related to, and may reduce the impacts of, this project will be identified in this IEC. These mitigation measures will be incorporated into the approval for this project. Nothing in this IEC in any way alters the obligations of the City or TRPA to implement the mitigation measures adopted as part of the RPU.

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 TCAP 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 new Area Plan boundaries. The Area 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 amendment itself must be consistent with the adopted general plan for the area. TRPA Code of Ordinances Chapter 13 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 TCAP serves as a comprehensive land use plan, consistent with the Lake Tahoe Regional Plan (Regional Plan) and the City of South Lake Tahoe General Plan (General Plan). The plan is intended to realize the area vision, assist in achieving and maintaining TRPA's Environmental Threshold Carrying Capacities, implement the Tahoe Metropolitan Planning Organization's Sustainable Communities Strategy, and implement the policy direction of both the Regional Plan and General Plan. The TCAP Vision Statement was developed by the community through a series of public workshops, and is stated below:

"The area is envisioned as a central destination that provides full services for tourists and permanent residents and offers unique experiences related to the many outdoor recreation possibilities that surround the core area. The Revitalization of the South Shore will catalyze the transformation from a failing and vestigial gaming economy into a sustainable outdoor tourism recreational destination by incorporating active streetscapes, shopping, entertainment and outdoor dining opportunities. In addition, transit and alternative travel will provide an essential part of the envisioned destination resort experience resulting in significant environmental gain and improvised scenic quality."

The Project proposes amendment of the TCAP but maintains the vision and the same priorities. Upon adoption by the City Council and TRPA Governing Board, the amended TCAP will serve as a mutual plan for both the City and TRPA.

1.4 PROJECT LOCATION, SETTING AND SURROUNDING LAND USES

The TCAP functions as the central tourist destination in the South Lake Tahoe area. The boundaries of the TCAP are entirely within the City of South Lake Tahoe, located centrally along US Highway 50 and Ski Run Boulevard between Stateline and Fairway Avenue on US Highway 50 and between US Highway 50 and approximately Pioneer Trail along Ski Run Boulevard. This area serves as a direct recreation access point to Heavenly Mountain Ski Resort, Edgewood Golf Course, Ski Run and Lakeside Marinas, and Van

Sickle Bi-State Park, and as such is predominantly tourist related, with numerous hotels, motels, restaurants, and retail land uses. The area is served by transit, with a Route 50 stop at Beach Retreat & Lodge at US 50 and Takela Drive and at Safeway at US 50 and Johnson Blvd., and a Route 55 stop at Ski Run Blvd. and Spruce, with links to other Tahoe Transportation District routes. Additionally, the South Shore water taxi stops at Timber Cove, among three other stops within the South Shore area. A bike lane within US 50 and multi-use path parallel to US 50 run through the City 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 TCAP covers approximately 304 acres. The proposed amendment would not change the total area within the TCAP or Town Center boundary. The amendment proposes to change the zoning of 1.29 acres of the newly created APN 029-441-024 from Recreation to Tourist Center Mixed-Use, which is the current zoning of the remainder of the newly formed parcel. Both segments of the parcel are located within the TCAP Town Center, and within the Tourist Center land use designation of the City's General Plan. Figure 1-1 shows the boundary of the proposed amendment area. Table 1-1 documents the existing use, land capability and land coverage for the proposed amendment.

The TCAP Tourist Center Mixed-Use District is intended to primarily provide for tourist accommodation uses, with supporting retail commercial uses to meet the regional demand for quality accommodation in the Stateline area in a manner compatible with a pedestrian environment. The TCAP Recreation District is intended to allow a variety of recreation uses such as dispersed recreation and parks. Permissible uses include day use areas and group facilities.

Surrounding land uses include single-family and multi-family residential uses to the south, tourist and commercial uses to the west and north, and undeveloped and recreation lands (e.g, Van Sickle Bi-State Park) to the east. The parcel immediately east to the area proposed for zone change, APN 029-240-10, is zoned for Recreation and owned by the California Tahoe Conservancy. The adjacent parcel to the north, APN 029-441-003 (3828 Montreal Road), is zoned for Recreation and is privately-owned, undeveloped land that features an easement for vehicle entry into Van Sickle Bi-State Park from Montreal Road and Heavenly Village Way. An electric utility substation is also located immediately south of the amendment area. Finally, a multi-family residential development (Gondola Vista), similar to the future Project development proposed for the combined parcel, is located to the north just past the entry to Van Sickle Bi-State Park.

1.5 PROJECT OBJECTIVES/PURPOSE AND NEED

The proposed TCAP amendment does not propose any changes to the allowable land coverage, building height, or density in the TCAP Development and Design Standards.

The purpose of the proposed TCAP zoning amendment is to facilitate the development of multi-family housing on a 3.79 acre recently combined parcel (APN 029-441-024) that includes 1.29 acres of land within the Recreation zone and 2.50 acres of land within the Tourist Center Mixed Use zone. The Recreation zone does not permit multi-family housing. The applicant (HVR Acquisitions) wishes to develop up to twelve (12) additional multi-family residential units on the 1.29 acre portion of the parcel located within the Recreation zone as Phase 2, following construction of a eighteen (18) unit Phase 1 Multi-Family Project currently in review by the City for the portion included in the Tourist Center zone. Once built out, the eventual project would include a total of thirty (30) multi-family residential structures (a mix of detached and attached units) on the combined 3.79 acre parcel. Two of the Phase 2 units located in building 6 would request residential bonus units from TRPA's pool and would be deed restricted under the "achievable housing" income level. The City application to merge the former parcels (APN 029-441-004 and APN

029-240-011) into a combined parcel (APN 029-441-024) was approved in June 2021. It is anticipated that the multi-family residential units would be subdivided into individual airspace condominiums.

The amendment would result in changes to the land use designation within the amendment area. However, this change aligns with the City's and TRPA's land use maps. The City's General Plan designates the project area as a "Tourist Center." The Tourist Center land use designation is intended for the most intensive land uses, including major commercial/visitor centers and mixed-use residential. This General Plan land use designation is used for areas in the City that are currently developed as commercial/visitor centers, have excess land coverage, where vertical mixed-use projects are appropriate, and are near commercial, employment, transit, and public services. Therefore, the proposed rezoning amendment and subsequent multi-family development project are compatible with Land Use and Community Design Policies, LU-3.3, LU-3.6, and LU-4.3.

While the TCAP currently assigns a Recreation zone to the former APN 029-240-011, the entire project area (combined parcel) is included in the TCAP Town Center Overlay and included in the Transfer of Development Rights Receiving Area. The TRPA Conceptual Regional Land Use Map (https://www.trpa.gov/wp-content/uploads/documents/archive/2/FinalAdoptedRegionalPlanMaps_amended1-2-2018.pdf) identifies the amendment area as "Tourist" land use and within a "Town Center" district. Town centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region. The amendment is therefore consistent with aspects of both the TRPA Regional Plan and TCAP. Specifically, the rezoning amendment and development project are compatible with TRPA Land Use Policies LU-1.1 and LU-1.2 as well as Community Design Policy LU-2.1.

Precedent exists for rezoning recreation properties to allow for residential and tourist accommodation uses. These include an amendment in the 1990s to Plan Area Statement 070 to permit tourist accommodation uses within the existing Edgewood Tahoe Golf Course and the 2012 RPU's creation of a Resort Recreation District for Edgewood Company's "mountain parcel" and Heavenly Ski Resorts California base lodge area. These amendments allow for multi-family development and tourist accommodation uses on properties formerly zoned Recreation provided existing development is transferred from elsewhere in the Basin to support the development projects. Here, units of use and existing land coverage banked on the former APN 029-441-004 will support development of Phases 1 (approved) and 2 (proposed) of the Project.

When Measure T, a citizen-initiated ballot measure, passed in 2018, there were 1,764 permitted vacation home rentals (VHRs) in the City of South Lake Tahoe. Of those, 1,373 were outside areas designated as Town Center and 391 were within the Town Center. Today, the majority of VHRs within Town Centers consists of units in attached condominium developments, while the majority of VHRs outside Town Centers consists of detached single-family dwellings (SFDs). Measure T's ban of the 1,373 VHRs outside Town Centers went into effect on January 1, 2022. As a result, there is now fewer options in the City to accommodate visitors wishing to reside as a group in a single structure. The majority of single-family dwelling VHRs on the South Shore are now located in the County miles away from the City Center. Allowing residential uses on the recreation zoned property within the Town Center will further the goal of Measure T: remove VHRs from residential neighborhoods and locate them in Town Centers close to services, entertainment and dining. In addition to preserving the residential "feel" of neighborhoods, locating VHRs in walkable Town Center areas reduces VMT and traffic congestion.

The TCAP was originally adopted by the City of South Lake Tahoe on October 14, 2013 and by the TRPA Governing Board on November 11, 2013 and has since been amended to modify land use and plan boundaries. The City is currently processing a separate TCAP amendment package to add minimum residential density requirements for some Plan Districts and address other revisions to make the Plan

consistent with other Regional Plans. The plan provides land use guidance for future development and redevelopment and addresses land use regulations, development and design standards, transportation, recreation, public service and environmental improvements for the area. It encourages general improvement and enhancement for the built environment and provides a framework to change the existing conditions into opportunities for redevelopment with a focus on achieving environmental improvements, encouraging a mixed-use land use pattern that includes tourist accommodation, residential, commercial, public facilities, public spaces and opportunities for housing in close proximity to job centers. The TCAP is the center of tourist services in the City and recreation access and has traditionally been the area with the highest concentration of services and density.

Figure 1-1 Proposed TCAP Amendment Area

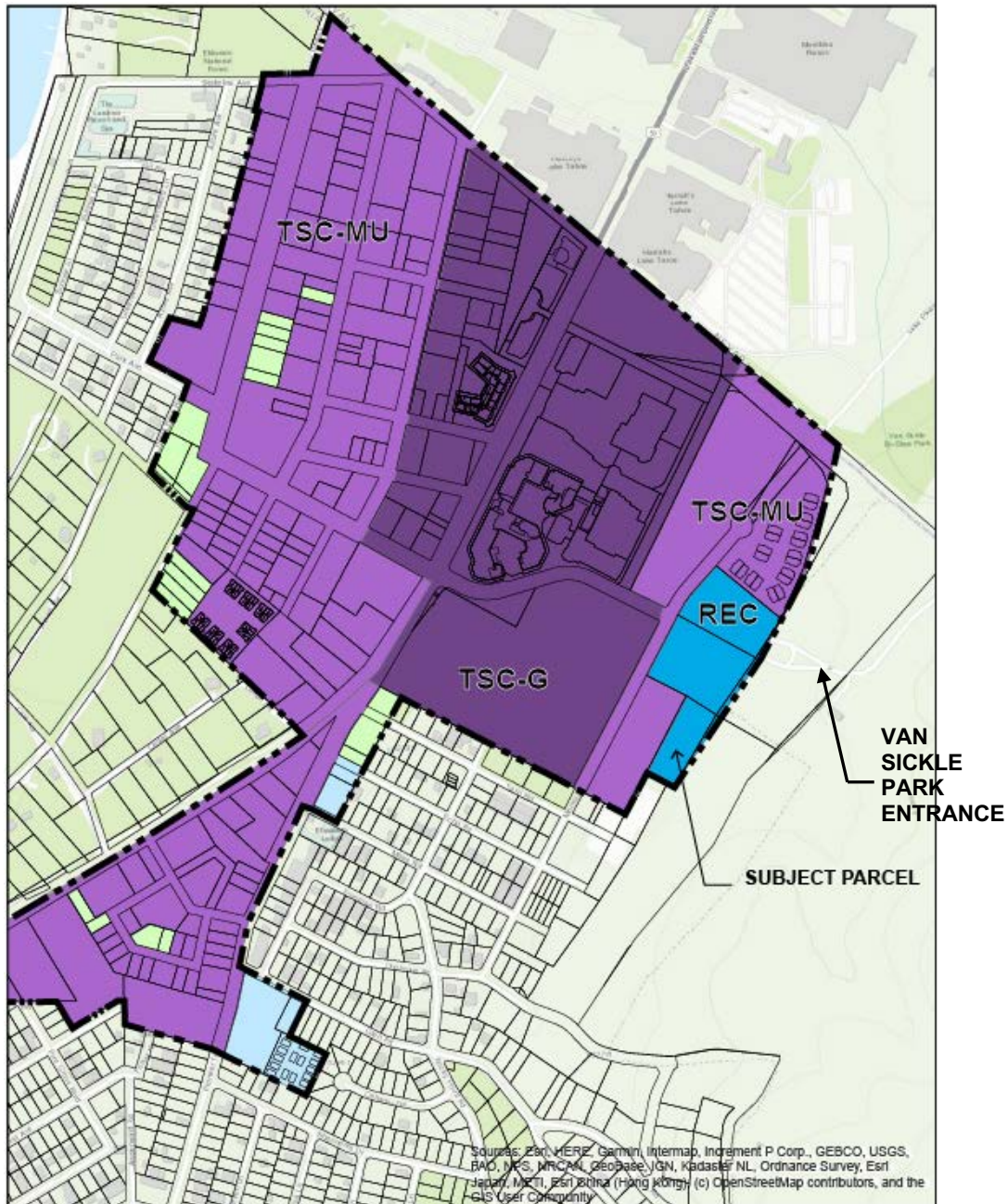


Table 1-1: Existing Amendment Area Land Capability and Land Coverage (APN 029-441-024)

Former Parcel #	Use (Existing/Proposed)	Acreage	Land Capability (square feet)			Total Area	Banked Land Coverage (square feet)		
			Class 1b	Class 5	Class 7		Class 1	Class 5	Total
029-240-011	Recreation/Tourist	1.29	29,660 sf	0	26,601 sf	56,261 sf	0	0	0
029-441-004	Tourist/Tourist	2.50	62,631 sf	46,254 sf	0	108,885 sf	32,247	32,563	64,810
	TOTAL AREA	3.79	92,291 sf (2.12 acre)	46,254 sf (1.06 acre)	26,601 sf (0.61 acre)	165,146 sf (3.79 acres)	32,247	32,563	64,810

Notes: Land capability verification for former APN 029-240-011 dated 12/13/13. Existing land coverage numbers as reported on sheet L0-01 for former APN 029-441-004. These two parcels have since been merged and are now identified as APN 029-441-024.

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 for the proposed amendment and subsequent development project, as there are not potentially significant environmental effects associated with the implementation of proposed amendment to the TCAP or approval of the subsequent multi-family development Project. This IS/IEC is a full disclosure document, describing the plan amendment, subsequent project 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 TCAP to other land use plans, policies, and regulations.

Chapter 2 contains a description of the TCAP amendment, including an overview of the proposed changes to the Area Plan and Area Plan mapping, and a description of the proposed development Project, that may be permitted should the proposed TCAP amendment be adopted.

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

Opportunities for public participation in the amendment process included a mailed scoping notice and community workshop held on November 12, 2020. At the time of the scoping process, two parcels were proposed for rezone from Recreation to Mixed-Use, including the parcel that is analyzed in this environmental document (former APN 029-240-011) and an adjacent parcel next to the Van Sickle Bi-State Park (APN 029-441-003). Two comment letters were received on the proposed TCAP amendment from the League to Save Lake Tahoe and the California Tahoe Conservancy/Nevada Division of State Parks. The comment letters included concerns over the type of eventual development (e.g., large scale residential or tourist uses) that would be built on the existing Recreation zoned parcel(s), and the proximity of the parcel(s) to the Van Sickle Bi-State Park. Comments suggested that the amendment would change the welcoming historic character and natural aesthetic of the Park, remove mature trees and naturally weathered granite boulders on lands adjacent to the Park, reduce Park parking available for the public, create pedestrian safety and management issues (e.g., user created trails, trash, storage of personal property), result in potential impacts to SEZ and previous restoration areas, and potentially conflict with the approved but not constructed Loop Road project. The League also suggested that the City and TRPA consider an alternative to rezone the subject parcels to open space. Subsequent to the receipt of comments from the Conservancy and League, the proposed amendment was changed to eliminate the recreation zoned parcel immediately adjacent to the Bi-State Park.

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 any public 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 proposed amendment and development Project would not have significant adverse impacts, the City Council may adopt a Negative Declaration of environmental impact and adopt the amendment/approve the Project. 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 TCAP zoning amendment and approve the proposed multi-family development project.

1.8 RELATIONSHIP TO LAND USE PLANS, POLICIES AND REGULATIONS

The TCAP and project area falls under the direct jurisdiction of both the City of South Lake Tahoe and 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 amendment; it also identifies the plans and policies to which the TCAP 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 in order 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 (most recently adopted in 2021) and the Active Transportation Plan (adopted in 2015) 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.

The updated TRPA Code of Ordinance allows for the development of Area Plans to refine and implement the Regional Plan policies appropriate to specific areas. Chapter 13, *Area Plans*, of the TRPA Code of Ordinances includes new provisions that allow for local, state, and federal agencies, in coordination with TRPA staff, to prepare coordinated Area Plans for the implementation of land use goals, policies, and ordinances. The Area Plans, which must include implementing ordinances and zoning, are required to be consistent with the Regional Plan. Once an Area Plan has been found in conformance with the Regional Plan and is adopted, the associated local, state, or federal agencies may assume applicable development review authority through a Memorandum of Understanding (MOU) between TRPA and the other associated agency or organization. For City planning purposes, the objective is to amend the existing TCAP.

Chapter 13 (Area Plans) of the TRPA Code of Ordinances defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development standards that are consistent with and further the goals and policies of the Regional Plan. With an adopted conforming Area Plan, local governments can opt to take over limited permitting authority from TRPA.

In addition, for Area Plans containing a designated Town Center, the following provisions shall be included:

- Building and site design standards that reflect the unique character of each area and consider ridgeline and viewshed protection;
- Community design standards to vary height and density and promote pedestrian activity and transit use;
- Policies and strategies to promote walking, bicycling, transit use, and shared parking;
- Ensure adequate capacity for redevelopment;
- Identify an integrated community strategy for coverage reduction and enhanced storm water management; and
- Demonstrate that all development activity within the Town Center will provide for and not interfere with environmental gains.

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 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 TCAP, the CTC has ownership of four parcels. One parcel was acquired to meet excess land coverage mitigation, for bicycle trail or other public service projects, or to sell. A second parcel was purchased to provide recreation access to Van Sickle Bi-State Park – this parcel is nearby to the Recreation parcel proposed for the rezone in this Project. The other two parcels were purchased under the Sensitive Lands Acquisition Program. CTC has also acquired former Caltrans right-of-way for shared-use trail use.

The CTC also manages a Land Bank Program that is designed to facilitate a number of natural resource objectives, assist the needs of the general public and environmental projects, and provide funding benefits. An MOU originally signed with the Tahoe Regional Planning Agency (TRPA) in early 1988, and recently updated in 2018, enables CTC to sell rights from the Land Bank on the open market.

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 City prepared an updated Pollutant Load Reduction Plan (PLRP) dated October 2021 that details the approach to meet pollutant load reduction requirements.

California Trustee Agencies: State agencies with trustee responsibility in the TCAP boundary include: California Division of Forestry (tree removal and forest resource concerns), State Historic Preservation

Officer (cultural resources), 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 Plans will remain in effect until superseded by an adopted conforming Area Plan or amendments to existing Area Plans.

2.0 PROJECT DESCRIPTION

The proposed project includes two amendments to the TCAP, specifically:

- Amend the existing zoning for a portion of APN 029-441-024, specifically the portion of the parcel formerly recognized as APN 029-240-011, from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU) to allow additional residential uses and match the zoning of the parcel with which it has recently been consolidated (APN 029-441-004);
- Add an applicable TSC-MU policy to APN 029-441-024 that would limit the use of this parcel to residential, linear public facilities, recreation, resource management, and open space (tourist, commercial, and most general public service land uses would be prohibited);

The recreation portion of APN 029-441-024 is located within the TCAP town center overlay and is included as tourist land uses on the Regional Plan maps. No changes to the Regional Plan maps or town center overlay are proposed as part of these amendments. Under the proposal, the existing recreation portion of the combined parcel would be removed from the Recreation District and added to the Tourist Center Mixed Use (TSC-MU) District (see Figure 2-1) in alignment with the other portion of the combined parcel APN 029-441-024 formerly known as APN 029-441-004 (or the former Colony Inn parcel). This amendment would reduce lands zoned Recreation by 1.29 acres, and increase lands zoned Tourist Center Mixed Use by the same amount.

The current Recreation District allows single family dwelling and employee housing but does not permit multi-family dwelling as a permissible residential use. The project applicant wishes to construct a multi-family residential development consisting of thirty (30) attached and detached units on the combined parcel (029-441-024). Four units of three-story multi-family residential development was previously approved by the City on the portion of the combined parcel formerly known as APN 029-441-004 (Permit 21070151 dated August 18, 2021). A Plan Revision has been submitted to the City to increase the number of Phase 1 multi-family residential units from four to eighteen (18) units in four separate structures. Should the TCAP amendments be adopted, a phase 2 multi-family development application would be submitted to add twelve (12) additional multi-family residential units on the former Recreation zoned portion of the combined parcel (APN 029-240-024) (see Figure 2-2). Two of the Phase 2 units would be deed restricted under the “achievable housing” income category. While the former parcel numbers referenced above are in two separate TCAP zoning districts, the parcels have now been officially merged into one parcel by El Dorado County (recorded June 14, 2021, file number 2021-0039544). The amendment seeks to rectify the multiple zonings that now exist within the combined parcel.

Should the amendments be approved, the Project proposes to develop multi-family residential units within the TCAP mixed use district that allows up to 25 units/acre. Based on the available residential density for former APN 029-441-004 (2.49 acres) by itself, up to 62 residential units (2.49 acres times 25 units/acre) could theoretically be proposed for the combined parcel. However, given that former APN 029-441-004 only contains approximately 1 acre of high capability land (with land coverage limited to 70 percent), and building heights are limited to 56 feet, maximum development potential would be much lower, perhaps up to 25 small residential units grouped in attached buildings. Consistent with the City’s housing policy goals to increase density in Town Centers, the combined Phase 1 and Phase 2 Project is proposing thirty (30) multi-family residential units on the 3.79 acre combined parcel that contains approximately 1.67 acres of high capability land. Given the combined parcel only contains 1.67 acres of high capability land, maximum development potential is theoretically up to 42 small multi-family residential units (1.67 acres times 25 units/acre). Each of the 30 proposed multi-family residential units proposed as part of Phase 1 and Phase 2 applications would access Montreal Road using a shared access driveway as shown on Figure 2-2. To help protect adjacent public lands and the privately-owned SEZ to the north of the proposed residential units, a

split rail fence will be placed along a portion of the back perimeter of APN 029-441-024 and internally along the SEZ boundary (including signage regarding protection of proposed SEZ restoration) to encircle the 30 multi-family residential structures on the north, east and south. The new fencing will connect to the existing fencing that encircles the adjacent electrical substation to the south.

The land owner submitted application to TRPA (June 2023) to restore the privately owned SEZ located within APN 029-441-024 north of the proposed multi-family residential development area. The restoration would repair a check dam and flatten the existing drainage channel to increase areas of flooding along the channel to revegetate barren areas within the SEZ boundary. A wrought iron fence is proposed along Montreal Road to restrict access to the SEZ restoration area – at present, pedestrians and bikers cut through the site from Montreal Road to access public lands located to the east. Finally, a pool (approximately 40 by 15 feet) and adjacent sun deck is proposed for the middle of the multi-family residential development and includes excavation of up to five feet in depth.

Limits on overall growth in the Region through the TRPA's regional growth management system remain in place, so the overall regional development potential remains the same with and without the proposed amendment. The amended TCAP will serve as a mutual plan for the City of South Lake Tahoe and TRPA by providing direction for how the area should be regulated to achieve regional environmental and land use objectives. The existing development standards and the specific policies in the TCAP are the land use standards intended to administer and regulate the land use for the project area. Figure 1-1 depicts the portion of the combined parcel (former APN 029-240-011) to be moved from Recreation into the Mixed-Use zone. Figure 2-1 depicts the proposed amendment to the TCAP zoning.

No additional amendments to the TCAP are proposed beyond the rezoning and restriction of land uses within combined APN 029-441-024.

Figure 2-1 – Proposed TCAP TSC-MU Amendment Location

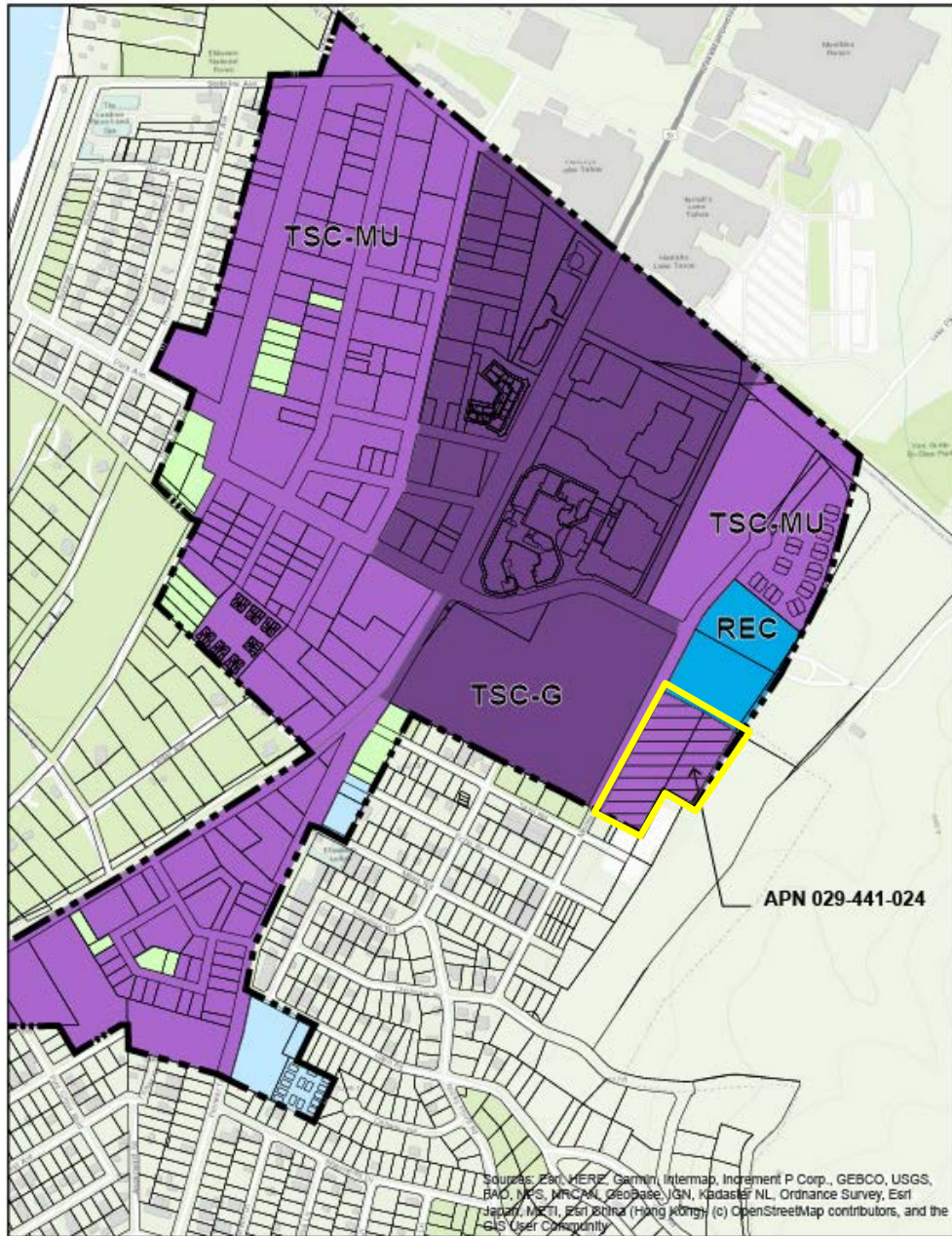
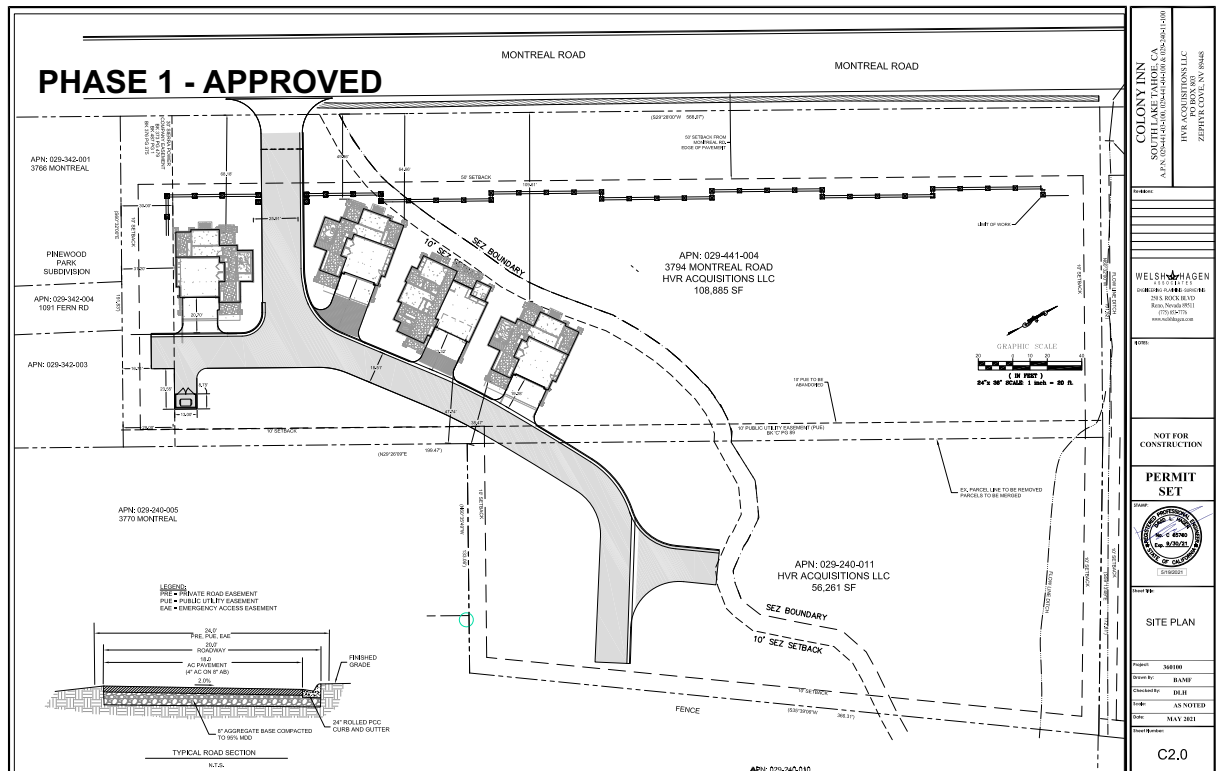
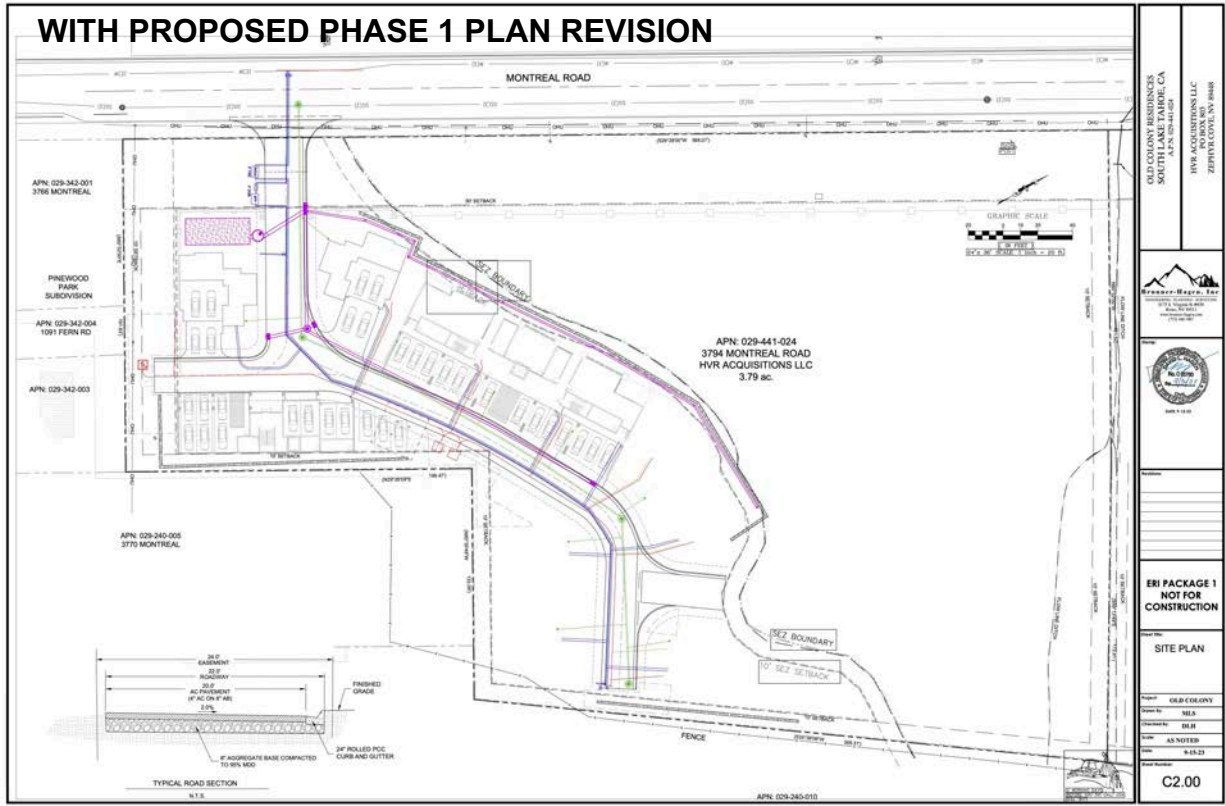
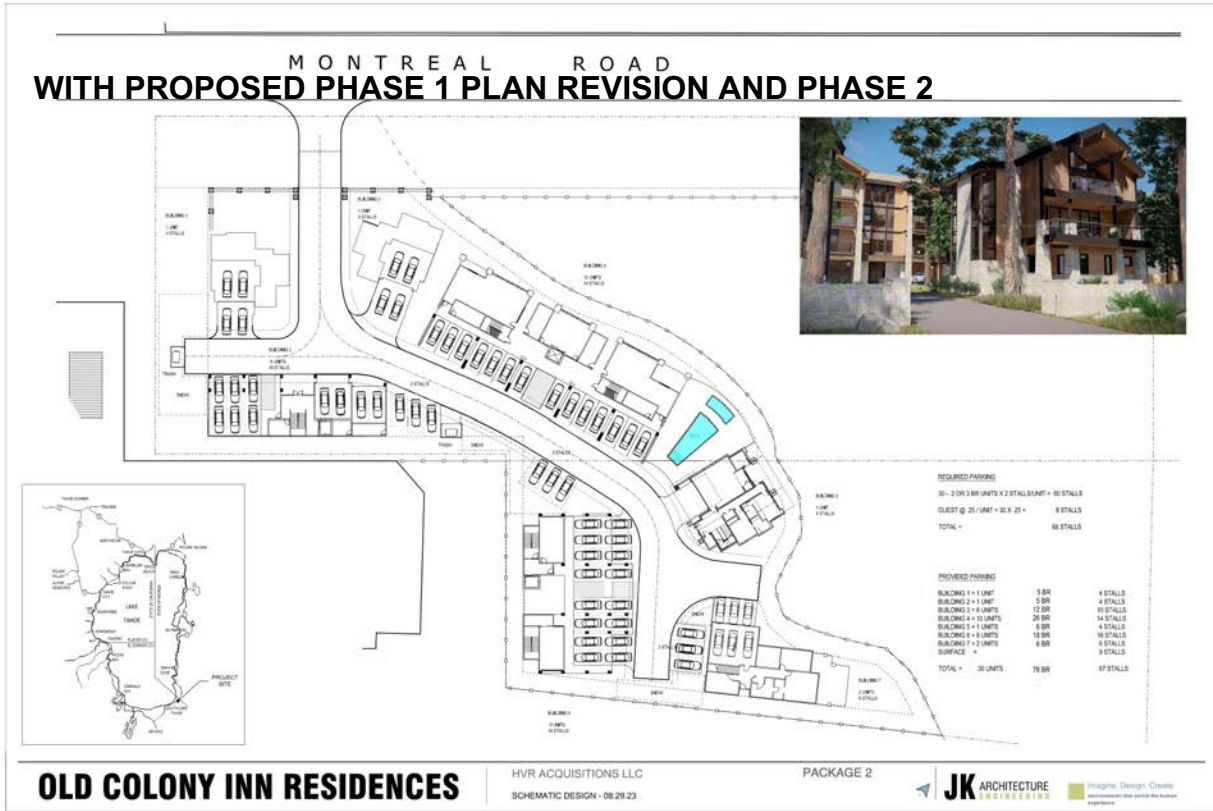


Figure 2-2 – Site Development Plans - Multi-Family Residential Project





The primary list of permissible uses (A: Allowable or S: Special Use or --: not permissible) and maximum densities for the Recreation District and TCAP TSC-MU District are compared in Table 2-1. The rezone of the existing Recreation parcel to the TSC-MU District will:

- Add multi-family residential as an allowed use to the existing Recreation zoned portion of the parcel and other changes to permissible uses as shown in TCAP Table 1;
- Increase the maximum density for multiple-family residential units from 0 units per acre (not an allowed use in Recreation) to 25 units per acre;
- Increase the maximum height allowance on the existing recreation parcel from 36 feet height allowance (with a maximum of three stories) to 56-foot height allowance with a maximum of four stories (currently allowed in TCAP TSC-MU); and
- Limit permissible uses in the TCAP TSC-MU District for the combined APN 29-441-024 to residential uses, uses accessory to any residential use, and uses allowed in all urban areas, such as linear public services (per new note for TSC-MU District in Table 1).

The amendment would alter the range of permissible uses currently allowed within the proposed amendment area, as shown in the TCAP permissible uses Table 1 below. The amendment would also restrict land uses on the combined parcels to residential uses and other uses allowed in all urban areas (tourist and commercial uses would not be allowed, except for accessory daycare uses).

As part of the proposed amendments, compliance with all aspects of the TRPA Regional Plan and Code of Ordinances not specifically substituted by standards within the Area Plan including mitigation measures from the RPU EIS certified by the TRPA Governing Board on December 12, 2012 is required. The adoption of these measures includes compliance with measures that have already been incorporated into the TRPA Code, IEC, and standard conditions of approval for residential and grading projects.

Table 2-1: Comparison of Permissible Uses, Density, Land Coverage and Height Standards

Land Use Category	Recreation District		Tourist Center Mixed-Use	
	Permissible	Density	Permissible	Density
Residential				
Employee Housing	A	15 DU/acre	S	15 DU/acre
Multiple Family Dwelling	-	-	A	25 DU/acre
Multi-Person Dwelling	-	-	S	25 persons/acre
Single Family Dwelling	S (Caretaker residence only)	1 unit per parcel for parcels less than an acre. 2 units for parcels greater than an acre, provided one unit is an authorized secondary residence	A (includes condos)	1 unit per parcel for parcels less than an acre. 2 units for parcels greater than an acre, provided one unit is an authorized secondary residence
	Recreation District		Tourist Center Mixed-Use	
Land Coverage	Up to 70% with Transfer		Up to 70% with Transfer	
Height	36 Feet		56 Feet	
Minimum Setbacks				
Frontage	N/A		20 feet	
Interior Side (Residential Use)	10 feet		10 feet	
Rear (Residential Use)	10 feet		10 feet	

TCAP Appendix C Table 1 would be revised as follows to limit the land uses allowed on the combined parcel APN 029-441-024.

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
RESIDENTIAL								
Domestic Animal Raising	-	-	-	-	-	-	S	-
Employee Housing	S	S	A	S	S	S	A	-
Multiple Family Dwelling	A	A	A	A	A	A	-	-
Multi-Person Dwelling	S	S	S	S	S	S	-	-
Single Family Dwelling (includes condominiums)	A8	A	A	A	A	A	S1	-
Accessory Dwelling Unit¹³	A	A	A	A	A	A	S	-
TOURIST ACCOMMODATION								
Bed & Breakfast Facilities	-	<u>A12</u>	A9	S	A	A	-	-
Hotel, Motel, Other Transient Dwelling Units	A	<u>A12</u>	A9	S	A	A	-	-
Time Sharing	A	<u>A12</u>	A9	S	S	A	-	-
RETAIL COMMERCIAL								
General Retail and Personal Services	A	<u>A12</u>	A9	S	A	A	-	-
Building Material & Hardware	S6	-	-	-	-	S	-	-
Nursery	-	-	A9	-	-	S	-	-
Outdoor Retail Sales	A	-	S9	-	-	S	-	-
Eating & Drinking Places	A	<u>S12</u>	A9	S	A	A	-	-
Service Stations ¹¹	S	<u>S12</u>	-	-	S	S	-	-
ENTERTAINMENT COMMERCIAL								
Amusement & Recreation	S	<u>S12</u>	-	-	-	A	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	S	S	-
Outdoor Amusements	-	S	S	-	S	S	S	-
SERVICE COMMERCIAL								
Animal Husbandry Services	-	-	-	-	-	A	-	-
Business Support Services	A7	<u>S12</u>	S9	-	S	A	-	-
Health Care Services	A2,5	-	A9	-	A	A	-	-
Professional Offices	A3,4	<u>A12</u>	A9	A	A	A	-	-
Schools – Business & Vocational	S	-	S9	-	S	A	-	-
LIGHT INDUSTRIAL COMMERCIAL								
Small Scale Manufacturing	S	<u>S12</u>	S9	S	-	-	-	-
WHOLESALE/STORAGE COMMERCIAL								
Vehicle Storage & Parking ¹¹	S	<u>S12</u>	S9	S	S	S	-	-
GENERAL PUBLIC SERVICE								
Religious Assembly	-	<u>S12</u>	S9	-	S	A	-	-
Cultural Facilities	S	<u>S12</u>	S9	-	S	A	-	-
Daycare Centers/Preschool	A	<u>A12</u>	A10	A	A	A	-	-
Government Offices	-	-	A9	-	-	S	-	-
Local Assembly & Entertainment	S	<u>S12</u>	-	-	-	S	-	-
Local Public Health and Safety Facilities ¹¹	A	A	A	A	A	A	A	A
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	-
Public Utility Centers ¹¹	-	<u>S12</u>	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
LINEAR PUBLIC FACILITIES								

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
Pipelines & Power Transmission	S	S	S	S	S	S	S	S
Transit Stations & Terminals	S	S	S	S	S	S	S	S
Transportation Routes	S	S	S	S	S	S	S	S
Transmission & Receiving Facilities	S	S	S	S	S	S	S	S
RECREATION								
Cross Country Ski Courses	-	-	-	-	-	-	S	-
Day Use Areas	A	A	A	A	A	A	A	A
Group Facilities	-	-	-	-	-	-	S	-
Outdoor Recreation Concessions	-	-	-	-	S	S	-	-
Participant Sport Facilities	S	-	-	-	-	-	-	-
Riding and Hiking Trails	-	-	-	-	-	S	S	-
Rural Sports	-	-	-	-	-	S	S	-
Snowmobile Courses	-	-	-	-	-	S	S	-
Visitor Information Centers	S	S	-	-	S	-	-	-
RESOURCE MANAGEMENT								
Forest and Timber Resource Management	A	A	A	A	A	A	A	A
Vegetation Resource Management	A	A	A	A	A	A	A	A
Water Quality Improvements and Watershed Management	A	A	A	A	A	A	A	A
Wildlife and Fisheries Resource Management	A	A	A	A	A	A	A	A
Range Management	-	-	-	-	-	-	A	-
OPEN SPACE								
Allowed in all areas of the Region	A	A	A	A	A	A	A	A

Note: In the Regional Center all residential projects exceeding 100,000 square feet or non-residential projects exceeding 80,000 square feet require TRPA review and approval. In the Town Center all residential projects exceeding 50,000 square feet or non-residential projects exceeding 40,000 square feet require TRPA review and approval.

1. Caretaker Residence Only
2. All Health Care Services are allowed except emergency outpatient or urgent care facilities which shall only be considered along Heavenly Village Way, formerly Park Avenue.
3. Allow Realty Offices within the district and limit financial services to ATMs.
4. Allow consideration for placement of Realty Offices within the district, and only when operated in conjunction with approved Park Avenue Redevelopment fractional ownership tourist accommodation projects. Such use shall occupy no more than five percent (5%) of the commercial floor area with any project area within the district.
5. All Health Care Services uses permissible throughout special district; provided that any Health Care Services uses proposed to front on either side of US Highway 50 and/or the intersections of Heavenly Village Way (formerly Park Avenue) and Stateline Avenue are limited to second floor or higher. See TRPA Ordinance 2009-05 Exhibit 2 for specific limitation locations.
6. Outdoor storage and display is prohibited.
7. Shall not front on US Highway 50.
8. Condominiums only.
9. Use not permitted in Special Area #1, which comprises of APNs 028-081-02, 028-081-04, & 028-081-15.
10. Daycare center allowed as an accessory use.

11. Land use category is identified in TRPA Code Section 60.3 as a “possible contaminating activity.” Triggering special requirements pursuant to TRPA Code Section 60.4 if located within a Source Water Protection Zone.
12. **Use not permitted in APN 029-441-024.**
13. **See TRPA Code of Ordinances section 21.3.2 for the permissibility of accessory dwelling units.**

3.0 BASELINE

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, maps, and ordinances also in effect. The TCAP has approximately 14 years left of a 20-year planning horizon.

The proposed project evaluated in this IS/IEC is the amendment of the TCAP and PAS 085/092 boundaries. With approval, the amendment would become part of the TRPA Regional Plan and would amend the existing TCAP and PAS 085/092 maps. The focus of the analyses herein is on the amendment of the maps to reflect the revised boundary and the potential environmental effects of implementing the amendment to the TCAP over its plan horizon.

4.0 METHODOLOGY AND ASSUMPTIONS

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

- TRPA/Rincon Consultants, Inc., *2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy IS/ND/IEC/FONSE*
- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
- City of South Lake Tahoe, *General Plan Update EIR*, certified by the City Council on May 17, 2011 (City GP EIR)
- City of South Lake Tahoe, *Tourist Core Area Plan IS/ND/IEC/FONSE*, certified by the City Council on October 15, 2013 and adopted by TRPA on November 11, 2013.

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 an area plan level. These documents serve as first-tier documents for the TRPA review of the proposed TCAP Amendments. To the extent that the Area Plan is consistent with the Regional Plan and the RTP, for which the program EISs were prepared, the TCAP Amendments could be found to be “within the scope” of the program EISs. The IS/IEC is also a project-level environmental document for a proposal to add twenty six additional multi-family residential units to a previously approved project that included four multi-family residential units. As such, this IS/IEC also supports the environmental review and permitting by the City of South Lake Tahoe for the revised Project.

TRPA has prepared an Area Plan Environmental Analysis Guidelines flowchart intended to assist local jurisdictions in considering environmental review requirements associated with the zoning districts and regional land uses proposed in area plans. The guidance poses the following questions:

- Does a land use district in the area plan allow a use that has a greater potential impact than the corresponding regional land use classification in the Regional Plan? This includes any community plans and/or PASs that would be wholly or partially, replaced by the area plan.
- Does a zoning district in the area plan allow a use that has a greater potential impact than the corresponding land use district in the PAS or community plan?
- Does the project have a greater potential impact than the use allowed by the zoning district in the area plan/PAS?

These questions contemplate whether land use/zoning changes resulting from the adoption or amendment of an area plan would result in new uses that could result in potential environmental impacts not previously contemplated by the community plans, PASs, and Regional Plan. The proposed amendments do not create new districts, but shift one parcel from Recreation to the Mixed Use district. Since the amendments include policies that limit use to residential housing and encourage higher density consistent with City housing policy to increase density in Town Centers, the amendments are within the scope of development contemplated in the City’s General Plan. The checklist responses include cross-referencing to other checklist items to reduce redundancy, where appropriate.

5.0 ENVIRONMENTAL CHECKLIST AND IMPACT ANALYSIS

1. Project title: Tourist Core Area Plan Amendments and Multi-Family Housing Project
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 (IEC) 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

Tahoe Regional Planning Agency: Alyssa Bettinger, Senior Planner, (775) 589-5301,
abettinger@trpa.gov

4. Project location:

The TCAP is located within the City of South Lake Tahoe, and the area proposed for amendment is located east of Montreal Road as shown on Figure 1-1.

5. Project sponsor's name and address:

HVR Acquisitions LLC
PO Box 803
Zephyr Cove, NV 89448

6. General Plan designation: Tourist.
7. Zoning: Tourist Center Mixed-Use / Recreation
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 TCAP requires the 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 this amendment will also undergo project-level environmental review and may also require approval by the California Regional Water Quality Control Board, Lahontan Region, and/or El Dorado County Air Quality Management District.

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 amendment. 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 checked="" 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 type="checkbox"/> None	<input checked="" 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.

John Hitchcock, Planning Manager
City of South Lake Tahoe

Date

5.3 TRPA ENVIRONMENTAL DETERMINATION (TO BE COMPLETED 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

Date

Title of Evaluator

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.

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.

Table 5-2: Aesthetics, Scenic Resources/Community Design and Light and Glare				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.3-1. Have a substantial adverse effect on a scenic vista? (CEQA Ia)				X
5.4.3-2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)				X
5.4.3-3. Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)				X
5.4.3-4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.3-5. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? (TRPA item 18a)				X
5.4.3-6. Be visible from any public recreation area or TRPA designated bicycle trail? (TRPA item 18b)				X
5.4.3-7. 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
5.4.3-8. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan? (TRPA item 18d)				X
5.4.3-9. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? (TRPA item 18e)				X

5.4.3-10. Include new or modified sources of exterior lighting? (TRPA item 7a)				X
5.4.3-11. Create new illumination which is more substantial than other lighting, if any, within the surrounding area? (TRPA item 7b)				X
5.4.3-12. Cause light from exterior sources to be cast off-site or onto public lands? (TRPA item 7c)				X
5.4.3-13. 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 TCAP contains scenic vistas visible from public roadways, with one scenic vista located on Hwy 50 facing SSE, toward the project area, but because of intervening vegetation the amendment area is not visible from any scenic vista. The amendment area is characterized by non-sensitive lands and SEZ that was previously developed but since restored. The portion of Highway 50 associated with Scenic Roadway Unit 32 (Casino Area) includes viewshed #32-1, which looks towards and over the amendment area to Heavenly Valley ski-hill. Views from this Roadway Unit viewshed area are primarily foreground views of dense urban development, including the commercial strip, signs, and little natural vegetation. Middleground views of mountains are dominated by scars of Heavenly Valley ski-hill for southbound travelers. The 2015 rating for this roadway unit included a travel route rating threshold composite score of 14.5 (nonattainment). The 2019 scenic resource evaluation did not include any changes to this viewshed. Visual improvements to the built environment in the area occurred between 2001 and 2019; however, the analysis indicates that landscape view scores have remained at a score of 1 since 1982. The amendment area lies within the viewshed between Scenic Roadway Unit 32 on Hwy 50 and Heavenly Mountain Resort, but is not visible from Hwy 50 or any other scenic corridor.

In amending the parcel from Recreation to TSC-MU, the existing height and coverage allowances in the TCAP TSC-MU would be applied to the rezoned parcel. Therefore, the maximum allowed height would increase from 36 feet to 56 feet; a difference of 20 feet. In addition, the coverage limit would increase from 30 percent to 70 percent with coverage transfer on applicable lands with capability 4-7. The amendment would also alter what land uses are allowed on the parcel with transference into the TCAP TSC-MU. The amended parcel would add multi-family residential as an allowed use and increase the maximum density for multiple-family residential units from 0 units per acre (not an allowed use in Recreation) to 25 units per acre (per TSC-MU Zoning). As part of the proposed amendment, commercial and tourist land uses would be prohibited on the combined parcel.

No changes are proposed that would affect the existing Design Standards in the TCAP.

Maximum building heights (56 feet with applicable findings) for Town Center areas are in accordance with the adopted TCAP and the height allowed by TRPA Code of Ordinances Section 37.7.16 and with Table 13.5.3-1 (Minimum Development Standards for Area Plans) of the Code of Ordinances, which allows structures up to 56 feet within Town Centers if findings can be made. With the requirement to meet the additional height findings for maximum building height, no adverse impact to scenic vistas is anticipated.

TRPA requires structures of up to 56 feet in Town Centers to meet height findings 1, 3, 5, and 9 as indicated in Section 37.7 of the TRPA Code of Ordinances. These findings ensure the additional height does not dominate views, particularly within the shoreline, is appropriately screened from public views, minimizes interference with existing views, and does not reduce the scenic threshold travel route rating. If the finding can't be made, the additional height would not be permitted. This ensures no significant impact would result from the increased height allowance 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.

The amendment area is not visible from major roadways, scenic turnouts, public recreation areas on TRPA list, or Lake Tahoe.

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.

The 56-foot height limit within the amendment area would apply to any development so as to not exceed the height of trees within the surrounding forested areas and would blend in with background vegetation based on proposed building materials and colors.

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.

The amendment area is not visible from major roadways, scenic turnouts, public recreation areas on TRPA list, or Lake Tahoe. Building design uses colors and building materials compatible with nearby forested areas and most of the residential buildings are set back from the public roadway so that proposed landscaping will offer screening of the structures.

37.7.9. Finding 9: When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

The amendment area is not visible from TRPA scenic threshold travel routes or scenic resources.

The 2013 TCAP IS/IEC found that impacts from the TCAP Design Standards on scenic vistas were less than significant. The amendment would allow an additional 20 feet of height for development on the subject parcel; however, this is already allowed in the adjacent TCAP TSC-MU, and the application of this standard on the parcel would not result in a substantial impact due to the eventual project-level findings required, as noted above. Potential buildout under the proposed amendment would limit building height to 56 feet (4

stories) on the current recreation parcel. The subsequent Project proposed for the combined parcels will consist of seven buildings containing up to 30 attached and detached units at a maximum height of 56 feet. Implementation of the TCAP Design Standards to avoid and minimize impacts to scenic vistas by prohibiting buildings to protrude above the forest canopy and ridgeline would ensure no significant impact to scenic vistas would occur.

Environmental Analysis: *No 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)

The amendment area is not located on any state scenic highways. US Highway 50 is proposed to be realigned through the City of South Lake Tahoe commercial core area. If that project is eventually constructed, the project site would be located adjacent to a state highway, though the current “scenic highway” designation through the urban core is considered “eligible” and not officially designated. 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, scenic trees, or historical buildings. 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 the project area consists of partially cleared, partially wooded land surrounded by existing roads, residences, utilities, recreation, and commercial uses. The project area is not located within a scenic corridor. The existing visual character of the area is urban, with little uniformity.

The existing TCAP includes detailed design standards that are intended to ensure that the built environment complements the natural appearing landscape in the Tahoe Region while improving the quality of life and promoting livability, sustainability and walkability. The TCAP specifically regulates building form, materials and colors and includes the following: buildings shall provide adequate articulation and detail to avoid a bulky box-like appearance; a unified palette of quality materials shall be used; colors shall be used to help delineate windows are architectural features of interest; a variety of natural-appearing materials should be used on building facades to create contrast; colors should blend with the setting, with limits on bright colors, and roofs and roof-mounted equipment shall have a non-glare, earth tone finish.

The amendment does not include specific Design Standards other than what is provided generally by the City and TRPA for new development.

A substantial change in the scale of development possible on the current recreation parcel is not anticipated as a result of the amendment due to land use limitations proposed for the combined parcel, which would limit uses to multi-family residential. As discussed under Impact 5.4.3-1, development has the potential to be visually beneficial to the amendment area. The multi-family structures will be new development, but they would be compatible with TCAP design standards and therefore improve the built environment compared to nearby existing development (e.g., the commercial center to the north). The character and

quality are expected to improve as a result of development that would incorporate the TCAP design standards discussed above, as well as the additional height design requirements established by the TRPA and City should additional height be requested. Increases in the coverage allowance (with transfer) would occur on the parcel under proposed development, however this would be consistent with the mixed-use, urban setting of the area. Finally, changes to allowable building height for the parcels will not impact existing 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 requires no net loss of views along a scenic travel route, among other findings.

Environmental Analysis: *No 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 parcel to be amended and multi-family project area currently includes no light sources. Proposed multi-family development of the parcels include new sources of exterior lighting that follow adopted TCAP design standards regarding light and glare (TCAP Appendix C Development and Design Standards). Furthermore, the proposed development would be subject to City and TRPA review. The existing lighting standards are found in Section H of the Substitute Design Standards and address exterior, pedestrian zone, street, and safety/security lighting. The standards are designed to reduce light pollution, protect nighttime views, and reduce light splay onto adjoining parcels by requiring all lighting to be directed downward and fitted with cutoff shields.

The TCAP requires the use of a variety of natural-appearing material and colors that blend in with the natural setting and prohibits the use of flood lighting, reflective materials, or lighting strips, including neon/fluorescent tubing to minimize reflectivity and glare. The TCAP contains standards for different types of lighting (e.g., buildings, landscaping). Lighting must be directed downward, include cut off shields, and the light source must be shielded from view. The proposed lighting specifications are consistent with the required lighting standards. Therefore, glare or reflectivity from a project proposed under the TCAP will not adversely affect day or nighttime views in the area. No significant impact is anticipated.

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 amendment area is not visible from any state or federal highway, Pioneer Trail, or from Lake Tahoe. Views of the amendment area from US Highway 50 are screened by intervening vegetation and existing structures, but rooftops of a future development project may be visible from US Highway 50 views looking through the former Raley's Center. The 56-foot height limit within the amendment area would apply to a future Project so as to not exceed the height of trees within the surrounding forested areas and compliance with TCAP design standards for building materials and color would ensure that future structures blend in with background vegetation. If adopted, the proposed amendments would be followed by application for multi-family residential structures of four stories and heights up to 56 feet. Because the addition of multi-family residential rooftops would not be a noticeable change to existing US Highway views in the commercial corridor, there would be no impact to US Highway 50 scenic scores.

US Highway 50 is proposed to be realigned through the City's commercial core area. If that project is constructed, the realigned highway would pass adjacent to the project area. The analysis of scenic impacts associated with that roadway realignment project were addressed in the US 50/South Shore Community Revitalization Project EIR/EIS and are addressed in Section 5.4.23 (specifically question 5.4.23-2 cumulative impacts) of this IS/IEC.

As discussed in Question 5.4.3-1, viewshed 32-1 on Scenic Roadway Unit 32 (Casino Area) on Highway 50 faces the project area. However, because of intervening development and vegetation, the amendment area is not visible from the viewpoint. Therefore, changes to the project area would not adversely affect the scenic quality ratings. Thus, implementation of the amendment will not result in adverse impacts on views from any state or federal highway, Pioneer Trail or from Lake Tahoe.

Environmental Analysis: *Visible from US Highway 50, Not Visible from Pioneer Trail or from Lake Tahoe/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 amendment area is partially visible from the Van Sickle Bi-State Park public recreation area entrance driveway, though the Park is not on TRPA's official public recreation site list. The amendment area is not visible from the Park's trailhead/parking area or trail network located 0.5 mile from Montreal Road because of intervening vegetation/forest canopy. The entrance to Van Sickle Bi-State Park is located within an easement on a privately owned parcel (APN 029-441-003) immediately north of the combined parcels (APN 029-441-024). This adjacent parcel was originally proposed to be included in this TCAP amendment and subsequent development project, but was removed following completion of the public scoping process (see Section 1.7) and concerns raised by the California Tahoe Conservancy on potential impacts to the Park entrance and visitor experience. As shown in Figure 5-1, the amendment area would be effectively screened from viewpoints along the Van Sickle entrance roadway by intervening vegetation and therefore would not adversely impact scenic views of Park visitors. A grove of conifer trees parallels the Park entrance road and offers screening of views to the south of the proposed amendment parcel. In addition, SEZ vegetation south of the open meadow provides additional screening of views towards the amendment parcel. This SEZ vegetation is protected and will not be removed under the amendment or subsequent multi-family residential development. Proposed tree removal for the development of multi-family residential housing units and access/driveways/parking would be located on the south end of the amendment parcel and would not be discernable to visitors on the Park entrance roadway or informal dirt trail because of the vegetation to remain and distance (approximately 450 feet) between the viewpoints and the proposed development.

The parcel southeast of the project area, APN 029-240-010, is state-owned land. While not part of Van Sickle Bi-State Park, this parcel is part of the former US Highway 50 Bypass acquisition and proposed for eventual use as the South Tahoe Greenway shared-use trail alignment, that would connect to the Park. The amendment area is not visible from any TRPA recognized recreation sites or bike trail corridors, but would be visible at the southeast corner of the parcel from the proposed South Tahoe Greenway shared-use trail (TCAP Figure 6-1) once constructed. If approved, the visibility of residential structures from the shared-use trail corridor would be similar to views of residential homes for most of the shared-use trail corridor through South Lake Tahoe. TCAP design standards for building materials/colors, setbacks and site landscaping ensure that visible structures do not detract from viewsheds offered from the public trail corridor. As such, while the amendment area and future multi-family development would be visible from the South Tahoe Greenway shared-use trail once constructed, the TCAP design standards and adjacent topography and vegetation would ensure that impacts are less than significant.

Environmental Analysis: Visible from future TRPA designated bicycle trail/*No Impact*.

Required Mitigation: **None**.

Figure 5-1 View toward Amendment Area from Van Sickle Bi-State Park Entrance



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) one scenic viewshed on US Highway 50 within Roadway Unit 32 faces the amendment area, but the amendment area is not visible from the US Highway 50 scenic viewpoint, the lake or shoreline. As such, neither the amendment or subsequent project would block or modify an existing view of Lake Tahoe or other scenic vista as seen from a public road or recreation area.

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, Community Plan, or Area Plan? (TRPA 18d)

The TCAP includes design standards with which the development in the amendment area would be required to comply. Current TRPA and City design standards are reflected in the TCAP and are also applicable. The proposed amendment would not alter the adopted design standards but proposes to change the maximum height for the Recreation parcel from 36 feet (up to three stories) to 56 feet (up to four stories). The project complies with TCAP Design Standards listed in Appendix C of the TCAP.

Pursuant to Chapter 13 of the TRPA Code of Ordinances, the TCAP incorporates the height standards permitted in Table 13.5.3-1: Minimum Development Standards for Area Plans (TRPA Code, page 13-3). Table 13.5.3-1 permits up to a maximum of 56 feet (four stories) in areas designated as Town Centers. The amendment would allow for the maximum 56-foot height allowance of the TCAP TSC-MU on the amended parcel, if the additional height findings can be met. Therefore, the height allowance would remain in compliance with TRPA height limits. All proposed multi-family residential development in the project area would be compliant with the maximum 56-foot height allowance.

As discussed in the Regional Plan Update EIS, there are benefits to increased height and density within Town Centers. This incentivizes redevelopment, and by concentrating development in the Town Center, creating a more compact development pattern to decrease use intensity outside of the area. Combined with the other design standards, and protective measures incorporated into the adopted TCAP Design Standards including the requirement to setback all portions of a structure above 25 feet in height, the visual quality and character of the affected area would be protected; therefore, no significant impact would result from implementing the height standards within the amendment 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 project area is not in a Scenic Resource Area protected and included in the SQIP. Furthermore, the roadway segments located within the TCAP are designated by TRPA as an Urban Scenic Corridor, which recognizes that development can be the dominant visual features provided that the development complements the natural environment.

The evaluation presented above for Questions 5.4.3-1 through 5.4.3-7 (CEQA Checklist 1a through 1d) concludes that redevelopment within the amendment area would be subject to TCAP Design Standards, as well as TRPA and City standards and ordinances. The project would not be inconsistent with TRPA Design Review Guidelines as the TCAP provides substitute development and design standards that supersede the Design Review Guidelines. Therefore, development activity would not result in significant impacts when the design standards and protective measures of the TCAP are implemented.

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.**

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.

Table 5-3: Agriculture and Forestry Resources				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.4-1. 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)				X
5.4.4-2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)				X
5.4.4-3. 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)				X
5.4.4-4. Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA IId)				X
5.4.4-5. 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)				X

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)

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

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)

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)

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 amendment and project area are not located in an area identified as 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, and therefore pose no impact to such lands.

Public Resources Code section 12220(g) defines forest land as, “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” The amendment will rezone part of the project area from recreation to mixed-use. The land on the former Colony Inn site is previously developed and lightly forested. It is not forest land and is zoned in the City General Plan for urban tourist development. Furthermore, the parcel is located in a TCAP Town Center, which is characterized by urban land uses. While the amendment parcel is currently zoned for recreation, no recreation use exists. Therefore, the amendment conflicts with no zoning of and causes no rezoning of forest land, timberland or timberland zoned Timberland Production.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
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 proposed zone change would not alter, revise, conflict or obstruct the regulations pertaining to air quality and proposes no changes to air quality policies. The area surrounding the parcel proposed for rezone is developed, formerly developed, or partially developed. The amendment would rezone a recreation parcel to mixed-use, but because of proposed policies to limit land use to residential, tourist accommodation would not be allowed and so the number of multi-family units available on the combined parcel (APN 029-441-024) would be similar to what could have been developed as tourist accommodation on former APN 029-

441-004 by itself. Therefore, the maximum development associated with the amendments (42 small multi-family residential units on the high capability portion) and subsequent Project (proposed at 30 multi-family residential units) would not conflict with implementation of an applicable air quality plan. The amendment parcel is within one-quarter mile of transit, commercial and public service uses, indicating that new development in this area is in the appropriate location to generate the shorter trip lengths and lower vehicle-miles traveled needed to meet the air quality goals of the Regional Plan and City's General Plan.

TRPA's 2020 Regional Transportation Plan (RTP) includes an analysis of its conformity with the California State Implementation Plan to ensure that the RTP remains consistent with State and local air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The proposed amendment does not propose substantial changes to land use assumptions for mixed-use assigned to the amendment area and the TCAP would continue to promote higher density residential uses within one-quarter mile of transit, commercial, and public service uses, and therefore would not change the conformity determination by state regulators.

The Lake Tahoe Region is in attainment or designated as unclassified for all National Ambient Air Quality Standards (NAAQS) and is designated a nonattainment/transitional area for ozone and nonattainment for the PM10 California ambient air quality standards (CAAQS). New development has the potential to produce air pollutant emissions during project construction and operation, as discussed below.

Short-Term Construction Emissions

Potential future development would involve tree removal, site excavation and foundation work, building construction and related construction emissions. Construction emissions are described as short-term or temporary in duration. Reactive Organic Gases (ROG), Carbon Monoxide (CO) and Nitrogen Oxides (NOx) (ozone precursors) emissions are primarily associated with gas and diesel equipment exhaust and the application of architectural coatings. Fugitive dust emissions (PM10 and PM2.5) are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage or disturbance area, and vehicle travel by construction vehicles on- and off-site.

As part of the TRPA RPU mitigation to reduce construction-generated emissions, TRPA adopted additional best construction practices policies. In Section 65.1.8.A. (Air Quality/Transportation, Idling Restrictions) of the TRPA Code of Ordinances, a new subsection was added that limits construction vehicle idling time to 15 minutes in Nevada and 5 minutes in California (previous restriction was 30 minutes). In addition to reduced idling time policies, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) includes new construction provisions that call for the use of existing power sources (e.g. power poles) or clean-fuel generators rather than temporary diesel power generators wherever feasible, location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), closure of engine doors during operation except for engine maintenance, location of stationary equipment (e.g. generators or pumps) as far as feasible from noise-sensitive receptors and residential areas, installation of temporary sound barriers for stationary equipment, and use of sonic pile driving instead of impact pile driving, wherever feasible. Best management practices include, but are not limited to, the following, which are also included in TCAP Policy NCR-5.1, which states, "The City shall incorporate measures to reduce construction-generated emissions to the extent feasible on a project-specific basis. Such measures may include, but are not limited to, the following:

- Implement measures recommended by the El Dorado County Air Quality Management District.
- Prohibit open burning of debris from site clearing unless involved with fuels reduction project.
- Utilize low emission construction equipment and/or fuels and use existing power sources (e.g., power poles), wherever feasible.

- Restriction of idling of construction equipment and vehicles.
- Apply water to control dust as needed to prevent dust impacts offsite.”

Implementation of these standard TCAP mandated measures will address short-term construction-related emissions for potential buildout on the amendment parcel.

Long-Term Operational Emissions

Future development within the project area has limited potential to affect regional air quality and create localized exposure to CO emissions because the proposed amendments do not substantially increase development intensity given the restriction on commercial and tourist uses, limiting future use to residential development only. Secondly, the project area is small and supports a small amount of growth compared to the nearby commercial core area and is within a mixed-use area served by transit and bicycle transportation facilities to reduce dependence on individual vehicle trips. Likewise, the range of uses and density that would be allowed within combined parcel project area is the same as the range of uses allowed on the former Colony Inn parcel by itself.

Consistent with the TRPA Regional Plan and the General Plan, the TCAP accommodates potential growth to improve traffic flow and resident mobility to reduce localized traffic congestion and related CO concentrations. As discussed in the 2013 TCAP IS/ND/IEC/FONSE, because the TCAP seeks to implement and is within the scope of what was envisioned in the General Plan and the Regional Plan, it would not result in congestion at intersections that would result in a violation of a CO air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.

To ensure that impacts are less than significant, the project is required to pay TRPA air quality mitigation fees for new trips, now calculated as vehicle miles traveled (VMT). Air quality mitigation fees contribute the project’s fair share of cost towards the construction or operation of transportation projects in the Regional Transportation Plan that reduce air quality emissions. Therefore, the potential for future emissions is the same with or without the amendment. Using the TRPA Project Assessment online tool, the amendment (that would allow up to 42 multi-family residential units on the high capability portion of the combined parcel) is calculated to generate no more than 782 VMT and the subsequent 30 unit multi-family residential Project is anticipated to generate 559 VMT which means the proposed amendment and any subsequent multi-family residential housing project is screened out from a detailed VMT evaluation. The air quality mitigation fee for the 30 unit combined Phase 1 and Phase 2 Project will be \$109,675.80 (based on approximately \$49.90 per VMT). At present, the City does not have a jurisdictional VMT tool developed, so they are using the TRPA tool for VMT evaluation.

Environmental Analysis: *Less than Significant 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 amendment if approved, proposes to permit multi-family residential land use within the TCAP recreation district on 1.29 acres formerly identified as APN 029-240-011. However, under the proposed TCAP amendment, specifically the proposed policies for the combined parcel that limit land use to multi-

family residential (prohibiting tourist and commercial uses) and , the number of potential residential units would equal up to 42 units based on the 1.69 acres of high capability land on the combined parcel. Based on the available density for the portion of the combined parcel located within the Tourist Center Mixed Use zone, up to 62 tourist accommodation or residential units (2.49 acres times 25 units/acre) could be proposed for a portion of the combined parcel. However, given that the 2.5 acre portion of the combined parcel only contains approximately 1 acre of high capability land, maximum development potential would likely be much lower, perhaps no more than 25 units. Consistent with the proposed policies in the amendments, if adopted the amendments would theoretically permit up to 42 multi-family residential units on the high capability portion of the combined parcel. The subsequent Project under consideration in this environmental document is proposing 30 multi-family residential units on the 3.79 acre combined parcel that contains approximately 1.67 acres of high capability land. The 30 total multi-family units would provide density consistent with City housing policy goals to increase density in Town Centers while complying with land coverage and height limits for the high capability portion of the project area. Limits on overall growth in the Region through the TRPA’s regional growth management system remain in place, so the overall regional development potential remains the same with and without the proposed amendment. The proposed multi-family development is within one-quarter mile of transit, commercial and public service uses, and will include trails and pedestrian walkways to connect to services, indicating that new development in this area is in the appropriate location to generate the shorter trip lengths and lower vehicle-miles traveled needed to meet the air quality goals of the Regional Plan and City’s General Plan.

The Region is designated by the state of California as non-attainment for PM₁₀, as presented in Table 5-5. A significant cumulative impact results if the Project causes a considerable increase in PM₁₀. Given the reduction in potential residential development that would occur with adoption of the proposed TCAP amendments, this impact is considered less than significant.

Pollutant	CA Status	Federal Status
1-Hour Ozone	Attainment	--
8-Hour Ozone	Attainment	Attainment/Unclassified
PM ₁₀	Nonattainment	Attainment/Unclassified
PM _{2.5}	Attainment	Attainment/Unclassified
CO	Attainment	Maintenance
NO ₂	Attainment	Attainment/Unclassified
SO ₂	Attainment	Attainment/Unclassified
All Others	Attainment (Sulfates, Lead)/Unclassified (Hydrogen Sulfide and Visibility Reducing Particles)	--

Source: RB 2019 (<https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>) and US EPA 2020 (<https://www.epa.gov/green-book>)

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

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

Typical sensitive receptors include residences, hospitals, and schools. The area proposed for amendment is currently undeveloped. No new uses are proposed as allowed or special uses under the amendment that are not presently allowed in the project area. As discussed in Questions 5.4.5-1 and 2 above, the potential increase in pollutant concentrations would not be substantial even if the project area was developed at the highest density (up to 42 multi-family residential units based on 25 unit/acre on the 1.69 acres of high capability land available within the combined parcel). More than 42 units would be theoretically allowed under current TCAP zoning for just the front portion of the combined parcel. Please refer to the analysis for Question 5.4.5-1, above.

Environmental Analysis: *Less than Significant 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)

The occurrence and severity of odor effects depend on the nature, frequency, and intensity of the odor source, wind speed and direction, and the presence of sensitive receptors. Offensive odors rarely cause physical harm, but odors can be unpleasant and generate citizen complaints to regulatory agencies and local governments. Typical sensitive receptors include residences, hospitals, and schools. There are no hospitals or schools located within the TCAP; however, residences are within the vicinity of the TCAP amendment parcels.

As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations, none of which are allowed in the TCAP TSC-MU. No such uses currently occupy the amendment area. The land uses in the TCAP TSC-MU are not characteristic of the types of uses that would result in the development of a major source of objectionable odor.

In the short-term, odor impacts occur from the use of diesel engines and asphalt concrete paving during construction. These odors are both temporary and localized, affecting only the area immediately adjacent to the active construction area. Diesel exhaust emissions and asphalt concrete paving odors dissipate rapidly away from the source and cease upon completion of construction activities and would be addressed by the Chapter 65 (Air Quality/Transportation) of the TRPA Code of Ordinances idling restrictions. Implementation of the TCAP amendment does not result in substantial direct or indirect exposure of sensitive receptors to offensive odors.

Environmental Analysis: *Less than Significant 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 analyses for Question 5.4.5-1, which conclude a less than significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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

See discussion and analysis for Question 5.4.5-3, which addresses the creation of objectionable odors and concludes a less than significant odor impact to short-term and long-term effects to sensitive receptors.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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.

Table 5-6: Biological Resources				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.6-1. 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
5.4.6-2. 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
5.4.6-3. 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
5.4.6-4. 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
5.4.6-5. Conflict with any local policies or ordinances protecting biological resources, such as tree				X

preservation policy or ordinance? (CEQA IVe)				
5.4.6-6. 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
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.6-7. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? (TRPA 4a)				X
5.4.6-8. 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
5.4.6-9. 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
5.4.6-10. 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
5.4.6-11. Reduction of the numbers of any unique, rare or endangered species of plants? (TRPA 4e)				X
5.4.6-12. Removal of streambank and/or backshore vegetation, including woody vegetation such as willows? (TRPA 4f)				X
5.4.6-13. 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 boundary of the proposed amendment area was reviewed against 1) the California Department of Fish and Wildlife’s California Natural Diversity Database (CNDDDB), and 2) the U.S. Fish and Wildlife Service’s online Planning and Conservation System (IPaC) database to identify potential habitat for candidate, sensitive, or special status species.

The IPaC database identified the following species as potentially affected by activities within the project area: Sierra Nevada yellow-legged frog (*Rana sierrae*) (federal endangered) and Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*) (threatened). Nine migratory birds were also listed in the IPaC database: bald eagle (*Haliaeetus leucocephalus*), Cassin’s finch (*Carpodacus cassinii*), golden eagle (*Aquila chrysaetos*), olive-sided flycatcher (*Contopus cooperi*), black-throated gray warbler (*Dendroica nigrescens*), Clark’s grebe (*Aechmophorus clarkii*), evening grossbeak (*Coccothraustes vespertinus*), long-eared owl (*asio otus*), and willet (*Tringa semipalmata*). However, suitable habitat for these species is not present, and the database identified no known critical habitat in the project area. The project area was previously developed and about half of the surrounding parcels to the north, south, and west are developed with urban land uses (public service, commercial, park entrance).

The CNDDDB database identified the following species within the South Lake Tahoe quadrangle: Sierra Nevada yellow-legged frog (*Rana sierrae*) (state threatened), willow flycatcher (*Empidonax traillii*) (state endangered), Tahoe yellow cress (*Rorippa subumbellata*) (state endangered), and great grey owl (*Strix nebulosa*) (state endangered). Suitable habitat for Tahoe yellow cress is not present in the TCAP amendment area. Sierra Nevada yellow-legged frog and willow flycatcher have not been observed in the

area according to the CNDDDB records and do not have suitable habitat within the proposed amendment parcels.

Therefore, implementation of the amendments and development would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl.

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)

The U.S. Fish and Wildlife Service's IPaC database identifies SEZ riparian habitat within the amendment/project area and TRPA has verified approximately 2.12 acres of land capability district 1b (SEZs) land. However, much of the SEZ located on the former Colony Inn site was previously disturbed/covered and has just recently been restored. The restoration of the SEZ and riparian habitat has been compromised by an incision in the drainage channel which has reduced water runoff to the restored SEZ vegetation. Though unrelated to the proposed amendment or subsequent project, the applicant has submitted an application and plans to TRPA to improve the functionality of the SEZ/riparian portions of the combined parcel. The amendments would rezone a current Recreation parcel to mixed-use, but the subsequent multi-family residential development project proposes no building or development within the mapped SEZ or setbacks on either parcel. All future development would be located within the high capability portions of the project area. Therefore, implementation of the amendments and project would not result in the deterioration of riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife.

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)

There are no federally protected wetlands on the two parcels in the amendment or project area.

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)

The proposed amendment and project would not alter or revise the regulations pertaining to the migration or movement of animals. Due to the prior development of the project area, the area provides poor habitat for wildlife migration or nursery sites. The project is compliant with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of

Ordinances. Therefore, the project will not interfere substantially with the movement of any native resident species.

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)

The amendment does not alter or conflict with existing local policies or ordinances protecting biological resources. The project is compliant with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances.

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)

The proposed amendment and project do not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan because no such plans exist for the project area.

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)

The project area includes banked land coverage resulting from the removal and restoration of the former Colony Inn and native vegetation on the back portions of the two parcels. Proposed project development is consistent with all applicable land capability limitations and all land coverage is proposed for high capability lands. Removal of native vegetation is in compliance with land development capabilities.

The proposed amendment would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, vegetation surrounding the construction site of a project is required to comply with Section 33.6, Vegetation Protection During Construction, of the TRPA Code of Ordinances. Protective requirements include installation of temporary construction fencing, standards for tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

5.4.6-8. Would the Project result in 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)

The proposed amendment and project would not alter or revise the regulations pertaining to vegetation removal and groundwater management. Water supply within the area is primarily obtained from groundwater sources through the South Tahoe Public Utility District. Consistent with existing conditions, the project meets TRPA requirements for water supply. TRPA regulations prohibit the approval of any development requiring water unless there is adequate water supply within an existing water right (Section 32.4.1 of the TRPA Code). Additionally, Section 33.3.6 (Excavation Limitations) of the TRPA Code of Ordinances prohibits excavation that intercepts or interferes with groundwater except under specific circumstances and with prior approval by TRPA (Section 33.3.6.A.2). For these reasons, consistent with existing conditions, the project would not directly or indirectly lower the groundwater table.

Further, vegetation removal would be required to comply with existing TRPA, federal, and state regulations, permitting requirements, and environmental review procedures that protect habitat that supports riparian vegetation and critical wildlife. Specifically, wildlife habitats are protected by Sections 61.1.6 (Management Standards for Tree Removal), and Chapter 62 (Wildlife Resources) of the TRPA Code of Ordinances. While the project area contains SEZ habitat, the proposed development avoids this land. The mapped SEZ and any riparian vegetation within the project area will be avoided and further protected via a 10-foot setback.

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)

The proposed amendment would not alter or revise the regulations pertaining to new vegetation and do not change requirements to comply with the State of California Model Water Efficient Landscape Ordinance.

Consistent with existing conditions, the project is compliant with the TRPA Code provisions (e.g., Section 61.4, Revegetation) and Goals and Policies that prohibit the release of non-native species in the Tahoe Region. Generally, native species require less fertilizer and water than non-native species. Provisions for fertilizer management and preparation of fertilizer management plans that address the type, quantity, and frequency of use of fertilizers are included in Section 60.1.8 of the TRPA Code. The project vegetation plan proposes the use of Quaking Aspen deciduous trees, Incense Cedar and Jeffrey Pine coniferous trees, various deciduous and evergreen shrubs, and various perennial and ornamental grasses. Furthermore, these will be planted in a revegetation mix of soil (Landscape Plan, sheet L2-01).

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 discussion and analyses in Questions 5.4.6-7 through 5.4.6-9, and 5.4.6-11 through 5.4.6-14.

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 discussion and analysis for Question 5.4.6-1 above.

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)

The proposed amendment would not alter or revise the regulations pertaining to removal of streambank and backshore vegetation. See discussion and analysis for Question 5.4.6-8 above.

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)

The portion of the project area that is currently zoned for mixed-use would require the removal of 22 trees that are 30 inches or greater in diameter at breast height. The proposed amendment parcel that is currently within the Recreation zone, would require the removal of 3 trees that are 30 inches or greater in diameter at breast height (Temporary BMP Plan sheet C 3.0). The removal of trees larger than 30 inches in diameter within Recreation zones requires findings for the protection of public health or public service use. With adoption of the proposed TCAP amendment to change the Recreation parcel to a mixed-use zone, the removal of any native, live, dead or dying trees would be consistent with Chapter 61, Vegetation and Forest Health, of the TRPA Code of Ordinances.

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 discussion and analysis for Question 5.4.6-13 above.

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 discussion and analyses for Questions 5.4.6-1 and 5.4.6-3 above.

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 discussion and analyses 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 discussion and analysis for Question 5.4.6-4 above.

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 discussion and analyses for Questions 5.4.6-1, 2, and 4 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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)

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)

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

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)

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)

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

There are no historical resources evident within the project area, listed on TRPA historic resources lists, or identified in the Natural Resources and Conservation Section of the TCAP (page 3-12). The project area is the site of the former Colony Inn and currently consists of restored SEZ lands and a lightly wooded forest area. The former Colony Inn portion of the project area was subject to a SEZ restoration in 2009 – the land owner has submitted application to TRPA (June 2023) to correct the former restoration work that has seen recent drainage channel incision and subsequently less flooding of the adjacent SEZ soils. In addition to the lack of any man-modifications, previous development, removal of buildings, and conservation efforts have revealed no archaeological deposits, including those of human remains.

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)

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

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

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)

The City of South Lake Tahoe has committed to a goal of 100 percent renewable energy by 2032 and is working with the local electricity provider to reach that goal and invest in greater renewable energy sources. The City Code includes requirements for water conservation devices in new or replacement facilities and

requires energy efficient outdoor lighting, which conserves energy consumption and are incorporated into the Development and Design Standards of the TCAP Amendment (TCAP Appendix C). The City has also adopted the 2016 California Energy Code within the City's building regulations, and has a Green Building Program with recommended energy efficiency measures for residential projects. TRPA Regional Plan Land Use Element AQ-1.5 encourages the construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings.

Development permitted within the parameters of the proposed TCAP amendments and subsequent project would comply with energy efficiency goals and policies of the Regional Plan, City Code, and TCAP Design Standards. While any new construction would require electric and natural gas service as part of the basic services (Chapter 32, Basic Services of the TRPA Code of Ordinances) the entire area within the TCAP amendment area is currently served by existing electric and gas infrastructure. The utility companies project that, based on their forecasting and recent growth trends, the available capacity would far exceed the demand generated at build-out of the Regional Plan (TRPA 2012a, page 3.13-20); therefore, demand created by the project would not exceed available capacity, or require the development of new sources of energy.

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>5.4.9-1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> 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? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? (CEQA VIIa) 			X	
<p>5.4.9-2. Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)</p>			X	
<p>5.4.9-3. 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)</p>			X	
<p>5.4.9-4. 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)</p>			X	

5.4.9-5. 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
5.4.9-6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIII f)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.9-7. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? (TRPA 1a)				X
5.4.9-8. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? (TRPA 1b)				X
5.4.9-9. Unstable soil conditions during or after completion of the proposal? (TRPA 1c)				X
5.4.9-10. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? (TRPA 1d)				X
5.4.9-11. The continuation of or increase in wind or water erosion of soils, either on or off the site? (TRPA 1e)				X
5.4.9-12. 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)				X
5.4.9-13. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards? (TRPA 1g)				X

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).

5.4.9-1.ii) Strong seismic ground shaking?

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

5.4.9-1.iv) Landslides?

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

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)

Based on the Division of Mines and Geology Special Publication 42 and the Index to Official Maps of Earthquake Fault Zones (Hart and Bryant 1997), the project area is not located in the Alquist-Priolo Earthquake Fault Zone. There are four known faults that run through the City. One of these is located in the TCAP in the general vicinity of Ski Run Boulevard. These are approximately located fault traces, some associated with the Tahoe Valley Fault Zone, and are not known to be active. The relatively minor and inactive faults have shown no history of fault ruptures and do not meet the criteria for building restrictions under the Alquist-Priolo Earthquake Fault Zone Act. The risk of fault rapture is considered relatively low (CSLT 2011, pages 4.8-13 and 4.8-28).

According to the California Building Code (CBC), the amendment area is located in Seismic Zone D, a region of relatively high seismicity, and has the potential to experience strong ground shaking from earthquakes. As such, all structures are designed to meet the regulations and standards associated with Zone D hazards as set forth in the CBC. Compliance with these existing regulations ensures that all new or redeveloped structures would be capable of withstanding anticipated ground shaking in the Region and would not create significant public safety risks or property damage in the event of an earthquake.

The City has adopted California Building Code within Title 6 of the City Code. All structures associated with development in the amendment area would be designed and constructed in accordance with design requirements of the Seismic Zone D which would minimize risks associated with seismic ground shaking and seismic related ground failure. The risk of fault rupture and ground shaking is a less than significant impact.

The potential for seismic-related ground shaking in the Region could also contribute to public safety risks and property damage associated with ground failure including liquefaction, lateral spreading, collapse, and settlement. Relatively high ground water levels in the area can contribute to the potential for ground failure, particularly during excavation and construction of below-grade structures (CSLT 2011, page 4.8-29). Hazards associated with seismic-related ground failure are regulated by the California Building Standards Code adopted by the City in Title 6 of the City's Code to ensure that structures are properly designed and constructed to withstand anticipated ground failure. The risk of injury or property damage from strong ground shaking or resulting ground failure would not increase as a result of the proposed boundary amendment and this is a less than significant impact.

The varied topography within the Lake Tahoe Region makes many areas susceptible to landslide hazards. The main hazards are associated with rock falls on steep slopes of massive granite and erosion of decomposed granite on both gentle and steep slopes. The amendment area includes gentle slopes of 10 percent or less. The TRPA Land Use Element Natural Hazards Subelement, Goal 1, Policy 1 of the TRPA Regional Plan restricts construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas. There is little risk of exposing people or structures to potential landslides in the amendment area and it is a less than a significant impact.

According to the California Geological Survey (CGS), the project area is not in any known fault, liquefaction, or landslide zones. The Project site is relatively flat, and development does not propose substantial excavation or fill slopes. A BMP plan includes measures to protect disturbed soils and adjacent drainage facilities during construction.

Environmental Analysis: *Less than Significant 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 VIIId)

According to the Swelling Clays Map of The Coterminous United States, the Tahoe Basin Region falls within an area that is underlain with little to no clays with swelling potential (USGS 1989). However, soil units mapped within the Tahoe Basin Region contain soils with low to high shrink/swell potential (NRCS 2007).

Proposed project development is on a very slight slope (0-5%) and will not be significantly graded. The project includes approximately 1.5 acres of grading and clearing. A Stormwater Pollution Prevention Plan is required as well as a valid State Waste Discharge Identification Number prior to any soil disturbance. The project is compliant with TRPA Code of Ordinances Section 33.4, Special Information Reports and Plans and City Code Chapter 7.20, and used the code to determine the design, grading, and construction practices required to avoid or reduce geologic hazards including those associated with unstable, expansive soils and slope failure. Adherence to existing regulations would ensure impacts would be less than significant.

Environmental Analysis: *Less than Significant 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)

The Porter-Cologne Water Quality Act requires all sewage and wastewater to be disposed of outside the Lake Tahoe Basin. Therefore, use of septic tanks or alternative wastewater disposal are prohibited in the Lake Tahoe Region.

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 VIII f)

It is possible but unlikely that unknown paleontological resources may be located in the area. Paleontological remains are found in sedimentary rock formations. El Dorado County's geology is predominantly igneous (volcanic) in nature, and the type of sedimentary deposits where such remains might be present, are virtually nonexistent (GP DEIR, page 5.13-1). As stated in the 2013 IS/IEC for the TCAP and the City's General Plan EIR, "A search of the University of California Museum of Paleontology collections database identified 22 paleontological resource finds in El Dorado County; however, none were identified in the City of South Lake Tahoe" (CSLT 2011 and CSLT 2013). Furthermore, previous disturbances in the project area make it even less likely that any paleontological resource would be discovered. To ensure the protection of paleontological resources that may be discovered during construction, the City adopted General Plan Policy NCR-4.4 that requires a paleontological resource evaluation be prepared and measures to mitigate impacts to paleontological resources be identified when fossils are discovered during ground-disturbing activities (CSLT 2011b, page NCR-7).

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)

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS. The amendment would not alter or revise the regulations pertaining to land capability and IPES. The land coverage limitations of the adopted Regional Plan (Chapter 30 of the TRPA Code) and existing TCAP, which allows up to 70 percent land coverage on high capability lands (Class 4 through 7), and limit development to 1 percent land coverage on Class 1b land, remain in effect. Since the amendment area contains Class 5/7 and 1b lands and is located further than 300 feet from Lake Tahoe, maximum land coverage limits shall be 70 percent of high capability lands within the amendment area. The potential effects of these changes were analyzed in the RPU EIS (TRPA 2012, page 3.7-40) and were found to be less than significant.

"The additional coverage allowed in higher capability lands within Town Centers, the Regional Center, and the High Density Tourist District would be directly offset by coverage transferred from sensitive land or more than offset on an acre-by-acre basis by transfers from higher capability land, resulting in an overall reduction in coverage for the Region and, importantly, reduction in coverage from SEZs and other sensitive lands."

The amendment does not propose an alternative comprehensive land coverage management system as defined in Section 13.5.3B of the TRPA Code of Ordinances. As such, the amendments have no effect on land capability or land coverage within the amendment area.

Development projects in the amendment area are subject to permitting by the City and/or TRPA and Project plans demonstrate that proposed compaction and land coverage are within the limits allowed in Chapters 30 and 53 of the Code. Land coverage calculations prepared for the Project (Coverage Plan, sheet L0-03 dated 11/2/23) demonstrate that proposed land coverage would total 28,128 square feet in Class 5 lands, 105 square feet in Class 1b (SEZ) lands (70 square feet at a 1.5:1 mitigation ratio), and 15,646 square feet in Class 7 lands, for a total of 43,879 square feet. With the exception of footings for the wrought iron fence along Montreal Road proposed to limit access to the proposed SEZ restoration area, no land coverage is proposed on the Class 1b lands. Using the Bailey land capability system limits, allowable land coverage for Class 5 would be 11,563 square feet (25 percent), 7,980 square feet for Class 7 (30 percent) and 922 square

feet for Class 1b (1 percent). Based on the Project's location within the TCAP, maximum allowable land coverage would equal 50,998 square feet (70 percent of high capability lands). However, based on the project area's location within the former Colony Inn site (former APN 029-441-004), there is banked land coverage (in excess of base allowable land coverage totals) available for the Project to utilize. Banked land coverage includes 32,247 square feet within Class 1b lands and 32,563 square feet within Class 5 lands. The Project proposes to utilize all 32,563 square feet of banked Class 5 land coverage for the proposed Class 5 and 7 land coverage, 105 square feet of the banked Class 1b land coverage for the Montreal Road wrought iron fence (70 square feet at a 1.5:1 mitigation ratio) located within the SEZ, and 1,789 square feet of the banked Class 1b land coverage for the proposed Class 7 land coverage.

The proposed wrought fencing along Montreal Road, located within the SEZ portion of the project area, would keep pedestrians and bikers out of the SEZ restoration work area and help avoid future disturbance to the site from unauthorized entry for persons seeking to access public lands to the east. Pursuant to TRPA Code Section 30.5.2.D, land coverage and disturbance may be permitted in Land Capability District 1b (Stream Environment Zone) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;

The 70 square foot (counted as 105 square feet with 1.5:1 ratio) of land coverage for wrought iron fence posts is necessary to keep pedestrians, bike riders and sometime vehicles from entering the portion of the project area north of the fenced multi-family residential units where SEZ restoration work will be occurring under a separate application submitted to TRPA June 2023. Long term, the fencing will provide protection to the SEZ area after the restoration is completed, keeping unauthorized users out of the SEZ.

2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and

The location for the fencing is proposed close to Montreal Road where the SEZ habitat is less sensitive to man-made disturbance because of the existing sidewalk and roadway.

3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

Construction of the wrought iron fencing requires 70 square feet of new land coverage in SEZ. To mitigate the new land coverage, Code Subsection 30.5.3 requires application of BMPs and additional land coverage mitigated with restoration in LCD 1b at a restoration/disturbance ratio of 1.5:1. The Project includes temporary BMPs to offset effects of the new fence footings, and 35 square feet of additional SEZ land coverage retirement to meet the 1.5:1 restoration ratio.

The banking of land capability Class 1b (SEZ) land coverage involved restoration on the former Colony Inn parcel (former APN 029-441-004) and not the recreation zoned parcel (former APN 029-240-011). When the Colony Inn was torn down, 104 TAUs and 1 RUU were banked on the site. Of the 104 TAUs, 84 were banked in Class 1b (SEZ) lands and 20 were banked in Class 5 lands. The previous owner completed the Class 1b restoration to obtain bonus development rights for transferring the banked units of use out of the SEZ (a one to one match). The Class 1b land was restored pursuant to a plan approved by both TRPA and Lahontan. Several years of monitoring occurred and the restoration passed final TRPA inspection on October 16, 2015 (TRPA File No. ERSP2009-3560). TRPA released the restoration project security on November 20, 2015. Unfortunately, erosion and other activities that occurred in years following

the successful restoration have caused an incision in the restored Class 1b area such that water is no longer retained and leaves the site. The functioning of the restored SEZ has suffered as a result. However, while neither the proposed amendment nor subsequent multi-family residential project application will have an impact on Class 1b (SEZ) lands located within the combined parcel (APN 029-441-024), an application has been submitted for TRPA approval (June 2023) for an SEZ restoration plan. The banked Class 1b land coverage is available for use on the higher capability lands within the amendment area.

Because the Project exceeds allowable land coverage limits outlined in the Bailey Land Capability System, excess land coverage mitigation is required as outlined in TRPA Code Chapter 30. Excess land coverage mitigation is calculated as follows:

64,810 square feet of banked land coverage on former APN 029-441-004 compared to 20,465 square feet of allowable land coverage for the combined parcel used for the Project Area (12,189 square feet of allowable land coverage on former APN 029-441-004 and 8,276 square feet of allowable land coverage on former APN 029-240-011) equals 44,345 square feet of excess land coverage. The excess land coverage mitigation shall be accomplished by one of the following options:

Option 1: $[(\text{Construction cost estimate} \times .0350)/8] \times \$8.50 = \text{required excess land coverage mitigation fee}$

$(\$1,178,665 \times .0350)/8 \times \$8.50 = \$43,832$

or

Option 2: $[(\text{Construction cost estimate} \times .350)/8] = \text{required excess land coverage reduction (permanent retirement of Class 1b banked land coverage)}$

$(\$1,178,665 \times .0350)/8 = 5,157 \text{ square feet retired}$

Based upon the collection of TRPA mandated excess land coverage mitigation fees or permanent retirement of banked land coverage, no impact occurs.

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)

The proposed amendments would not alter or revise the regulations pertaining to grading. Consistent with existing requirements, grading and construction activities would be required to comply with the provisions of Chapter 33, "Grading and Construction," of the TRPA Code and Chapter 7.20 of the City Code. Chapter 33 includes specific provisions for timing of grading, winterization of construction sites, specifications for cut and fills areas, protection of vegetation during construction, and preparation of a Slope Stabilization Plan for projects at the request of TRPA. The City Code (Chapter 7.20) requires all projects to implement temporary best management practices (BMPs) in accordance with the *Handbook of Best Management Practices*. The BMPs must be maintained throughout the construction period until winterization and installation of permanent BMPS occurs at construction finalization.

The Project site is relatively flat, and development does not propose substantial excavation or fill slopes.

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)

The amendment would not alter or revise the regulations pertaining to BMPs for soil erosion. Consistent with existing requirements, soil disturbance associated with the project in the amendment area would be required to comply with Chapters 33 (Grading and Construction) and 60 through 68 (Various Resource Management Chapters) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code. The Project site is relatively flat, and development does not propose substantial excavation or fill slopes. A BMP plan includes measures to protect disturbed soils and adjacent drainage facilities during construction. See discussion under Question 5.4.9-8 above.

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)

The amendment does not alter or revise the regulations pertaining to grading, excavation, and new disturbance. The project is compliant with the provisions of Chapter 30 (Land Coverage) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code regarding permanent disturbance and Section 33.3.6 of the TRPA Code regarding protection of subsurface groundwater. The Evaluation of Seasonal High Groundwater (Welsh Hagen Associates) reports that soil mottling indicative of the seasonal high groundwater level was encountered at a depth of 8 feet to the depth explored, 9 feet. No groundwater was encountered to the depth explored of 9 feet. Excavation depths for buildings and other physical project facilities will not exceed 5 feet and therefore no groundwater interception will occur.

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 discussion and analysis for Question 5.4.9-8 above.

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)

The project area includes mapped SEZ lands, but no SEZ disturbance because project development conserves these lands. The project area does not include any beaches, river or stream channels or lakes.

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)

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The amendment would not alter or revise the regulations pertaining to geologic hazards. Chapter 35, Natural Hazard Standards, of the TRPA Code includes provisions addressing avalanche, floodplains, and wildfire and Chapter 6.15 of the City Code, addresses CBC and IBC building standards that include protections for persons and property from seismic and geologic hazards. The Project is required to meet applicable building codes and standards and has undergone site-specific geotechnical analysis as specified by Section 33.4 (Special Information Reports and Plans) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code. As such, the Project would not expose people or property to geologic hazards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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.

Table 5-10: Greenhouse Gas Emissions and Air Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.10-1. Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIIa)			X	
5.4.10-2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)			X	
5.4.10-3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? (TRPA 2d)				X
5.4.10-4. Increased use of diesel fuel? (TRPA 2e)				X

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)

Because implementation of the Regional Plan, General Plan, and existing TCAP policies would not change under the amendment, and because the allowable land-uses and associated densities that would be allowed in the amendment area would generate VMT within TRPA Thresholds, the proposed multi-family residential development that is requested subsequent to approval of the proposed amendments would not result in a measurable increase in predicted Regional Plan GHG emissions. Using TRPA’s online VMT calculation tool for the potential buildout for 42 multi-family residential units (the maximum number of units that could theoretically be built under the proposed amendment), VMT is estimated to equal 782. As such, the level of VMT generation associated with the amendments would be screened out from further analysis under TRPA’s 2021 project impact assessment and air quality mitigation fee framework (e.g., less than 1,300 VMT for projects located within a Town Center).

Given the proposed TCAP amendment policy language that would limit land use to multi-family residential uses and therefore exclude mixed-use development containing residential and tourist/commercial land uses

within the combined parcels described in Section 2.1, implementation of the proposed zoning amendment and subsequent project approval would not substantially increase potential TCAP development density. Therefore, the proposed TCAP amendments would not result in a measurable increase in greenhouse gas emissions compared to existing TCAP zoning. Thus, this impact is considered less than significant.

Environmental Analysis: *Less than Significant 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)

The amendment and project do not alter adopted TCAP policies regarding GHG, and the existing TCAP is consistent with applicable plans, policies and regulations adopted in the TRPA Regional Plan, Sustainable Communities Strategy, and City General Plan to reduce emissions of greenhouse gases. As discussed in Question 5.4.10-1 above, the City and TRPA would continue to implement existing practices described in Mitigation Measure 3.5-1 of the RPU EIS, General Plan Policy NCR-5.10, and TCAP Policy NCR-5.1 which includes developing GHG reduction measures on a project-specific basis within the TCAP. The TCAP would continue to implement policies of the TRPA Regional Plan which calls for concentrating development in town centers in a pedestrian- and transit-oriented environment that focuses on enhancing non-auto modes such as walking, biking, and transit as a strategy to reduce greenhouse gas emissions.

Environmental Analysis: *Less than Significant 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)

As discussed in Question 5.4.10-1 above, the Project would not result in any adverse alteration of air movement, moisture or temperature or change in climate.

Since the TCAP amendment does not alter existing policies related to GHG emissions, and the existing policies and regulations addressing GHG emissions such as those in the Regional Transportation Plan/Sustainable Communities Strategy and City General Plan would remain in effect, the potential to increase GHG emissions as a result of the TCAP amendment is insignificant. The existing measures adopted by the TRPA, City, and EDCAQMD would remain applicable and no new impact would occur.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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

Project construction requires the use of diesel fuel for the operation of construction equipment. From an air quality perspective, one of the primary concerns related to diesel fuel consumption is the resultant exposure of sensitive receptors to emissions of toxic air contaminants (TACs) that can occur during both the construction and operational phases of a project. The Project would not include the construction or operation of any major sources of TAC emissions such as power-generating plants or other heavy industrial uses.

The construction of multi-family residential units within the amendment area could result in short-term increase in the use of diesel fuel and associated short-term diesel exhaust emissions, including diesel particulate matter (PM), from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. However, given the restriction that the combined parcel can only be used for multi-family residential units, long term operational impacts related to use of diesel fuel would not be increased (e.g., no tourist or commercial uses would be permitted). Therefore, the overall exposure of sensitive receptors to TACs or potential for exposure would not increase as a result of the amendments and project.

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.

Table 5-11: Hazards and Hazardous Materials and Risk of Upset and Human Health				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.11-1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)			X	
5.4.11-2. 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)			X	
5.4.11-3. 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)			X	
5.4.11-4. 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)				X
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 IX g)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
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)

Development as a result of implementation of the proposed zoning amendments would be limited to residential uses, resulting in little to no potential for increasing the transport, storage, use and/or disposal of hazardous materials as a result of normal construction and operation of land uses and improvement. However, all development would be required to adhere to federal, state, and local regulations regarding the handling, transportation, and disposal of hazardous materials.

Construction would involve the storage, use, and transport of hazardous materials typical of construction and operation of multi-family residential land uses projects. Commonly used hazardous materials expected to be used during construction and operation of the Project include asphalt, gasoline, diesel, lubricants, paints, and solvents. CHP and Caltrans regulate transportation of hazardous materials on area roadways, and the use of these materials is regulated by the DTSC as outlined in CCR 22.

The Project Applicant, builders, contractors, business owners, and others would be required to use, store, and transport hazardous materials in compliance with local, State, and federal regulations during construction and operation. Compliance with mandatory State and federal standards for the transport and use of hazardous materials will reduce potential hazardous materials impacts to less than significant.

Environmental Analysis: *Less than Significant 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)

Construction would involve the storage, use, and transport of hazardous materials typical of construction and operation of multi-family residential land uses projects. Policy HS-6.2 requires that all construction activity cease if contamination is discovered on construction projects. Remediation is required to the satisfaction of the appropriate responsible agency (i.e., El Dorado County Department of Environmental Management, Lahontan Regional Water Quality Control Board, Department of Toxic Substances Control, or the City of South Lake Tahoe) (CSLT 2011b, page HS-7). All development is required to implement and is consistent with regional, federal, state, and local regulations regarding the release of hazardous materials into the environment due to reasonably foreseeable upset and accident conditions. Therefore, this impact would be less than significant.

Environmental Analysis: *Less than Significant 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)

The nearest school is Bijou Community School, located approximately 1.8 miles from the amendment and project area. The use, storage, and transport of hazardous materials are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards and the discovery of contamination requires construction sites to cease operations. Since all development in the amendment area is required to comply with regional, federal, state, and local regulations addressing safety from hazards, including hazardous materials, the impacts of this impact are anticipated to be less than significant impact.

Environmental Analysis: *Less than Significant 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)

No hazardous waste facilities or contaminated sites are identified within the amendment area (EnviroStor and GeoTracker, 2019).

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 TCAP and project area is located within the City's Airport Comprehensive Land Use Overlay district overflight notification area, which requires notification to residential land uses. Although the amendment area is not restricted by policies affecting the development of projects within Airport noise contours, safety zones, or airspace surfaces, the subject parcels are subject to ALUCP Policy OP-2 – Overflight Notification (ALUCP September 2019). While there is a requirement for residential notification based on the project's location within the airport influence area, it is located outside of regulatory restricted area and therefore has a less than significant impact on public safety in the vicinity of a public-use airport or FAA safety regulations.

Environmental Analysis: *Less than Significant 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 City is responsible for emergency operations within the city limits, which includes the amendment and project area. The City's Natural Hazard Mitigation Plan was approved by the Federal Emergency Management Agency (FEMA) and included as a local appendix to the El Dorado County Natural Hazard Mitigation Plan. This plan provides guidance for the development of pre-mitigation and post-mitigation recovery for disasters in all hazard classification. Title 1 of the City Code addresses plans for the protection of persons and property within the City in the event of an emergency and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons. The City's Disaster Council is responsible for reviewing and recommending emergency operation plans for adoption by the City Council, and is also responsible for the review and potential amendments to the Emergency Management Plan. Moreover, the City's adopted General Plan policies in the Health and Safety Element include: Policy HS-1.1 requires the City to periodically review and update the City's Local Emergency Operations Plan; Policy HS-1.3 requires the City to maintain a reverse 911 system; and HS- 1.4 requires the City to identify pre-planned areas for disaster staging and evacuations (CSLT 2011b, page HS-2).

The proposed amendment is located within a town center, where wildfire danger is inherently less because these areas are further from the wildland-urban interface, and there is more defensible space and pavement. New multi-family housing that may be facilitated by the amendment is still subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help prevent structure loss during a wildfire.

By concentrating higher density developments of remaining residential growth in centers and along evacuation routes such as major highways, rather than in lower density residential neighborhoods closer to the wildland-urban interface, or on residential neighborhood roads which may have limited exit routes, the proposed amendment may benefit evacuation planning. As documented in *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (Syphard, 2019), project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments. This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough (as compared to high-density developments) to disrupt fire spread

by removing or substantially fragmenting wildland vegetation. As such, centers and other urban areas adjacent to town centers are typically less fire prone than less developed areas of the Lake Tahoe Region.

Neither the amendment nor project would alter or revise the existing regulations or amend the City's Local Emergency Operations Plan or Emergency Management Plan. The amendment and project would not impair the implementation of or physically interfere with the City Natural Hazard Management Plan or Emergency Management Plan and therefore results in a less than significant impact.

Environmental Analysis: *Less than Significant 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 discussion and analysis for Question 5.4.11-6 above.

The portion of the project area (former Colony Inn site) was previously developed but has since been restored. Development previously located within the SEZ has been removed and the site partially restored to pre-development conditions. Land coverage that was removed and restored has been banked. There are trees located within the project area, as the majority of the area is undeveloped, and the area is in close proximity to a fire station. The amendment would not increase the risk of exposing people and structures to hazards involving wildland fires in wildland-urban interface areas. Because the amendment area is within a very high wildfire severity zone, planned development on the site will be consistent with and implement state (e.g., Title 24 California Code of Regulations, California Building Code, Part 2, Chapter 7A), regional, and local regulations designed to reduce the risk of wildfire. All new structures are required to comply with the California Fire Code, which establishes minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas. Chapter 5.05 of the City Code, which is currently applicable to the project area, contains fire regulations adopted to safeguard life and property from fire and explosion hazards. City General Plan policies require the use of fire resistant materials, installation and maintenance of defensible space, and meeting fire flow requirements in new or rehabilitated structures. Implementation of these policies, in conjunction with the existing California Fire Code and City Code requirements would reduce impacts associated with wildland fires to a less than significant level.

Environmental Analysis: *Less than Significant 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)

Construction activities could involve the storage, use, and transport of hazardous materials. However, use of hazardous materials would be typical of urban development projects in the Tahoe Region and would occur in compliance with all local, state, and federal regulations. Further, the types of uses that would be permissible within the area (residential) are not of the nature that would involve storage, use, and transport of large quantities of hazardous substances that would increase the risk of incident. Therefore, the amendments would not result in a risk of explosion or the release of hazardous substances.

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 proposed 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 discussions and analyses for Questions 5.4.11-1 through 5.4.11-4 above.

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 discussions and analyses for Questions 5.4.11-1 through 5.4.11-4 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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
5.4.12-3. 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 i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 iv) Impede or redirect flood flows? (CEQA Xc)			X	
5.4.12-4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)			X	

5.4.12-5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.12-6. Changes in currents, or the course or direction of water movements? (TRPA 3a)				X
5.4.12-7. 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)				X
5.4.12-8. Alterations to the course or flow of 100-year flood waters? (TRPA 3c)				X
5.4.12-9. Change in the amount of surface water in any water body? (TRPA 3d)				X
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				X

groundwater or any alteration of groundwater quality? (TRPA 3j)				
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 proposed boundary amendment would not alter or revise the regulations pertaining to discharge into groundwater or surface waters and groundwater and surface water quality applicable to the amendment area. Chapter 60 of the TRPA Code of Ordinances (Water Quality) includes standards for discharge limits to surface and ground waters. Chapter 7.15 of the City Code regulates urban runoff and stormwater quality.

The amendment does not alter these requirements and no change in the application of these requirements and standards would occur. Since all existing state and local protections for surface water would remain in place and would not be altered by the amendment, and water quality BMPs (in accordance with Chapter 60 of the TRPA Code) would continue to be required for all development, the amendments would not result in adverse discharges to surface waters or alteration of surface water quality.

All development and infrastructure improvements within the amendment area would be required to meet the discharge standards of the Lahontan Regional Water Control Board. Projects that would create more than one acre of disturbance are required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The Project has been designed to meet the discharge standards of the Lahontan Regional Water Quality Control Board (collect and treat the 20 year, 1 hour storm event) and applicable stormwater discharge permits (Overall Site Grading Plan, sheet C 5.0). The Project does not propose facilities to withdraw groundwater, nor does it propose underground facilities that would intercept an aquifer. The Project includes stormwater treatment facilities that are designed to collect and infiltrate stormwater runoff from paved parking, buildings and other hardscape areas. The proposed stormwater treatment plan will be reviewed during the TRPA and the Lahontan Regional Water Quality Control Board permitting process to ensure that collected runoff does not result in an adverse change to groundwater levels or groundwater quality.

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)

The implementation of the amendment and project would not increase development density that would significantly deplete groundwater or interfere with recharge. Because TRPA Code of Ordinances Section 32.4 (Water Service) requires demonstration of adequate available water supply within an existing water right prior to permit approval, implementation of the amendment would not result in a substantial reduction in the amount of surface water or the water available for public water supplies.

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?

The proposed rezoning amendment and residential development project would not alter or revise the regulations pertaining to the course or direction of water movements. Project stormwater treatment plans are documented on project design sheet C 5.0 and treat the contributing drainage areas including building/roofs, roadways and parking lots. Treatment is proposed for storm water management throughout the project with infiltration trenches for collection of building runoff. Inlets are distributed throughout the site as a Best Management Practice (BMP) to collect stormwater runoff from paved driveway/parking lot areas. Stormwater is routed to the treatment vault in the western corner of the project area that is designed to capture a minimum of the 20-year, 1 hour storm runoff event.

Environmental Analysis: *Less than Significant 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 discussions and analyses for Question 5.4.12-3.i.

Environmental Analysis: *Less than Significant 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 discussions and analyses for Question 5.4.12-3.i.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

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

The proposed amendment would not alter or revise the regulations pertaining to floodplains in Section 35.4 of the TRPA Code of Ordinances (Floodplains) or Chapter 6.65 of the City Code. The amendment area is not located within the FEMA-mapped flood hazard area (FIRM Map 06017C0380F dated April 3, 2012).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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

The proposed boundary amendments would not alter or revise the regulations pertaining to water-related hazards. The project meets the requirements of Chapter 35 (Natural Hazard Standards) of the TRPA Code of Ordinances and Chapter 6.65 of the City Code related to floodwater management.

There are active faults in the Lake Tahoe Basin, which could be sources of ground shaking at locations within the amendment area boundaries during a seismic event. Seismic events could also result in tsunami or seiche within Lake Tahoe, potentially affecting low-lying areas. The amendment area is approximately one mile from the lake. The project's structures are designed and will be constructed in accordance with the current design requirements of the California Building Code and International Building Code Seismic Zone D. Therefore, there would be no substantial increased risk of loss, injury or death or property damage from ground shaking. Based on studies by Ichinose et al. (2000), a potential exists for tsunami and seiche-related waves between 10 and 30 feet in height to occur along the shore of Lake Tahoe, potentially threatening low-lying lakeside communities; however, the amendment area exceeds this 10 to 30-foot elevation range. While experts have characterized the risk as far less than the risk of an approaching wildfire in the Tahoe Region, they have called for the risk of inundation to be factored into emergency plans for the region (Kaye 2011).

The zoning amendment would continue to implement the policies of the Regional Plan (TRPA 2012d) which provides for increased density of development in Town Centers and the Regional Center. The City has prepared and adopted a Natural Hazard Mitigation Plan which provides guidance to the City for the development of pre-mitigation and post-mitigation recovery for disasters in all hazard classifications. Emergency procedures in the City are guided by South Lake Tahoe's Emergency Management Plan (EMP) and the South Lake Tahoe Fire Department's Fire Planning Process. The EMP provides a framework to guide the City's efforts to mitigate and prepare for, respond to, and recover from major emergencies or disasters.

Environmental Analysis: *Less than Significant 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)

The proposed zoning amendment would not alter or revise the regulations pertaining to water quality control plans or sustainable groundwater management plans applicable to the amendment area. Chapter 60 of the TRPA Code of Ordinances (Water Quality) includes standards for discharge limits to surface and ground waters. Chapter 7.15 of the City Code regulates urban runoff and stormwater quality. The TRPA Lake Tahoe Water Quality Management Plan (208 Plan) and City of South Lake Tahoe Pollutant Load Reduction Plan would continue to apply to the area and the amendment propose no changes to this plan. The TCAP recognizes these plans and TRPA Water Quality Improvement Projects, none of which are altered by the amendments.

Project development meets the discharge standards of the Lahontan Regional Water Control Board. Projects that would create more than one acre of disturbance are required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The TCAP amendment does not alter these requirements and no change in the application of these requirements and standards would occur.

South Tahoe Public Utility District implements the Tahoe Valley South Basin Groundwater Management Plan, which includes the entire STPUD service area in which the amendment area is located. The boundary amendments do not propose to change groundwater management and do not propose new uses that would affect the groundwater management plan.

Since all existing state and local protections for surface water and groundwater would remain in place and would not be altered by the amendments, and water quality BMPs (in accordance with Chapter 60 of the TRPA Code) would continue to be required for all development (existing and proposed), the amendment and project would not result in adverse discharges to surface or groundwaters or alteration of surface or groundwater quality, and would not conflict with or obstruct implementation of plans protecting surface water and groundwater resources.

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)

The proposed amendment would not alter or revise the regulations pertaining to the course or direction of water movements. There are no surface waters in the amendment area. The project is subject to permitting and environmental review, and TRPA Code sections described above as well as all other federal, state, and local regulations pertaining to the course or direction of water movements.

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 discussions and analyses for Question 5.4.12-3.

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 discussions and analyses for Question 5.4.12-3.iv.

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)

The proposed amendment would not alter or revise the regulations pertaining to surface water management. Surface water and water rights in California are managed by the California State Water Resources Control Board. The development project is required to comply with Chapters 32 (Basic Services) and 60 (Water Quality) of the TRPA Code of Ordinances, which address the provision of basic services to projects and the protection of source water.

The potential impact of development within the Tahoe Region on the availability of public water supplies was analyzed in the RPU EIS (TRPA 2012a, page 3.13-11). Because the regional water demand at build-out would be less than the regional surface water allocation, and because TRPA Code of Ordinances Section 32.4 requires demonstration of adequate available water supply within an existing water right prior to permit approval, implementation of the amendments would not result in a substantial reduction in the amount of surface water or the water available for public water supplies.

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 discussions and analyses for Question 5.4.12-1 above. There are no surface waters within the amendment/project area.

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 discussions and analyses for Questions 5.4.12-1 and 2 above.

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 discussions and analyses for Questions 5.4.12-1, 5.4.12-2 and 5.4.12-9 through 5.4.12-10 above.

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 discussion and analysis in Question 5.4.12-9 above and analyses in Questions 5.4.21-1 and 5.4.21-2 below which conclude that potential impact of development on the availability of public water supplies would not have an impact.

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 discussions and analyses for Questions 5.4.12-3.iv, 5.4.12-4, and 5.4.12-8 above.

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 discussions and analyses for Questions 5.4.12-1 and 5.4.12-2 above.

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)

The amendment area is not located within 600 feet of drinking water sources and is outside the mapped source water protection zones for existing wells near Ski Run Blvd. and US Highway 50 (TRPA, 2000).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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 amendment modifies the zoning of one parcel (former APN 029-240-011) from Recreation to TSC-MU and proposes a policy that limits land uses to residential development (prohibiting commercial and tourist uses) for the combined parcel. Residential is a compatible land use for the nearby community.

The area is surrounded by existing development and rezoning the recreation parcel to mixed-use would not physically divide the community. There are no plans to divide the area with roads, trenches, railroads, fences or other divisive features. The project proposes driveways that would connect the residential development to an established community, and said development is compliant with all TRPA and City policies and regulations.

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)

See discussion and analysis for 5.4.13-4 below.

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)

See discussion and analysis for 5.4.13-4 below.

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

The proposed amendments would not alter or conflict with the policies in the TRPA Regional Plan or City General Plan, nor would they amend policies in the adopted TCAP.

However, the amendment would result in changes to the land use designation within the amendment area. The City's General Plan designates the project area as a "Tourist Center." The Tourist Center land use designation is intended for the most intensive land uses, including major commercial/visitor centers and mixed-use residential. This General Plan land use designation is used for areas in the City that are currently developed as commercial/visitor centers, have excess land coverage, where vertical mixed-use projects are appropriate, and are near commercial, employment, transit, and public services. Therefore, the proposed rezoning amendment and development project are compatible with Land Use and Community Design Policies, LU-3.3, LU-3.6, and LU-4.3.

While the TCAP currently assigns a Recreation zone to the proposed amendment parcel, the parcel is also included in the TCAP Town Center Overlay and included in the Transfer of Development Rights Receiving Area. The TRPA Conceptual Regional Land Use Map (https://www.trpa.gov/wp-content/uploads/documents/archive/2/FinalAdoptedRegionalPlanMaps_amended1-2-2018.pdf) identifies the amendment area as "Tourist" land use and within a "Town Center" district. Town centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region. The amendment is therefore consistent with aspects of both the TRPA Regional Plan and TCAP. Specifically, the rezoning amendment and development project are compatible with TRPA Land Use Policies LU-1.1 and LU-1.2 as well as Community Design Policy LU-2.1.

Recreation zoning does not allow for residential uses, while mixed-use zoning allows for residential, among a variety of other uses, increasing the potential density and development intensity of the amendment area. Since the proposed policies included in the amendments (applicant proposed and City proposed) will prohibit tourist and commercial uses otherwise available in the TSC-MU district and thereby limit future use to residential development, the total number of multiple-family units within the combined parcel (APN 029-441-024) would not be substantially greater compared to the number allowed under TSC-MU for the former Colony Inn parcel itself (from 25 to 42 potential multi-family residential units based on the amount of high capability land available on the combined parcel).

Although the list of uses changes, the changes in allowed land uses do not significantly alter the land use direction of the area or conflict with goals and implementation measures in the Regional Plan or General Plan for Town Centers. In fact, both the amendment and development project support transit-oriented development goals and policies of the TRPA Regional Plan, TCAP, and City of South Lake Tahoe General Plan. Amending the subject parcel to the TCAP TSC-MU supports the goal of delivering higher density

housing in Town Centers and protection of mapped SEZ areas, which are proposed for conservation in the Project.

The amendment and project more accurately reflect adjacent land uses, support land use goals in relation to residential uses and the provision of housing and are consistent with and do not obstruct implementation of the Regional Plan and General Plan policies.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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)

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)

There are no mapped mineral resources within the TCAP, nor does any specific plan or other applicable plan identify any sites within the amendment area as an important mineral recovery site.

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)

5.4.14-4. Will the Project result in a substantial depletion of any non-renewable natural resource? (TRPA 9b)

The use of natural resources, such as construction wood or metals, or gasoline will occur incrementally with project development. The use of natural resources, such as construction materials (e.g., concrete, wood or metals) and fuel (e.g., diesel, natural gas and gasoline) would occur during project construction and to some extent, long-term operation of the Project (fuel and public utilities). The RPU EIS (TRPA 2012a, page 5-3) acknowledged the potential increase in the use of natural resources resulting from development within the Tahoe Region. The Project is consistent with development density and goals for the project area. Therefore, the use of natural resources is consistent with assumptions used in the RPU EIS and would not be in quantities that would result in a significant effect.

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.

Table 5-15: Noise				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.15-1. 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)			X	
5.4.15-2. Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)			X	
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)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.15-4. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? (TRPA 6a)				X
5.4.15-5. Exposure of people to severe noise levels? (TRPA 6b)				X
5.4.15-6. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? (TRPA 6c)				X
5.4.15-7. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60				X

dBa or is otherwise incompatible? (TRPA 6d)				
5.4.15-8. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? (TRPA 6e)				X
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 proposed zoning amendment does not alter the CNEL standards set forth in the TCAP for the overall TSC-MUD district. The noise standard in Recreation land use is 55 CNEL as compared to 60 CNEL in the TCAP TSC-MU. However, because the proposed amendment would exclude commercial and tourist uses on the combined parcel and limit future use to multi-family residential , anticipated noise levels would be less than may be allowed within the TSC-MU district.

Noise/Land Use Compatibility

Policy LU7-2 of the TCAP requires an acoustical analysis as part of the environmental review process when noise-sensitive land uses are proposed in areas exposed to existing or project exterior noise levels exceeding the levels shown in Table HS-1 and HS-2 of the City General Plan, so noise mitigation may be included in the project design. The City and/or TRPA would only approve projects that can demonstrate compliance with the applicable noise standards. The Project site is not located adjacent to land uses with high ambient noise levels. However, the US Highway 50 South Shore Community Revitalization Project plans to relocate US Highway 50 to a new alignment located adjacent to the project area. Existing Ordinance and General Plan policies will guide the development of the new highway corridor as described below. As such, proposed land uses would be compatible with the future US Highway 50 transportation corridor.

Traffic-Related Noise

Code of Ordinances Section 68.8.3 requires all substantial transportation projects in transportation corridors that are not in attainment of adopted CNEL standards incorporate mitigating design features to achieve adopted standards. As documented in Appendix A, the project will result in an increase in vehicle travel (up to 559 VMT) and traffic volumes on roadways; however, the potential increase in traffic would not result in a noticeable increase in traffic noise, particularly given the size of the amendment area and the presence of existing transit services, which would reduce individual vehicle trips associated with new development. A noticeable increase in traffic noise (e.g., 3 dB) requires a doubling of traffic in the measurement area and the potential increase in vehicle trips would be a very small percentage of the existing baseline; therefore, no noticeable increase in traffic-related noise would occur as a result of the amendment.

To ensure that the generation of noise levels in excess of standards established for the TCAP is not exceeded, the TCAP incorporates a noise policy which is designed toward reducing traffic-related noise. Policy LU7-1 requires the mitigation of new transportation noise sources to the levels shown in Table HS-2 of the City General Plan (CSLT 2011b, page HS-10) at all outdoor activity areas and interior spaces of

existing noise-sensitive land uses. Further, the City and/or TRPA would continue to evaluate individual projects within the TCAP amendment area at a project level and would enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in Chapter 68 (Noise Limitations) of the TRPA Code of Ordinances.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

5.4.15-2. Would the Project generate excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)

The amendment would not alter existing noise policies and do propose new development. Construction activities associated with projects could potentially expose noise-sensitive receptors to levels that exceed TRPA noise standards and/or expose noise-sensitive receptors to excessive noise levels. Construction activities would include site preparation (e.g., demolition, clearing, excavation, grading), foundation work, paving, building construction, utility connections, finishing, and cleanup. These activities typically involve the use of noise-generating equipment such as cranes, excavators, dozers, graders, dump trucks, generators, backhoes, compactors, and loaders. Noise levels associated with these types of equipment are typically between 70 and 85 dBA Lmax at 50 feet.

The TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include construction provisions that call for the location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), closure of engine doors during operation except for engine maintenance, location of stationary equipment (e.g. generators or pumps) as far as feasible from noise-sensitive receptors and residential areas, installation of temporary sound barriers for stationary equipment, and use of sonic pile driving instead of impact pile driving, wherever feasible. As required by TRPA Code Chapter 3, any project with potentially significant impacts would require mitigation.

The TCAP incorporates the City's General Plan noise policies and provides expanded protection from groundborne vibration and groundborne noise levels. Policy LU7-3 requires an analysis of a vibration impact be conducted for all construction activities that include impact equipment and activities such as pile driving, soil compaction, or vibratory hammers that occur within 200 feet of existing structures. These policies ensure that construction operations are designed to avoid or mitigate for vibrations above 0.02 inches/second (0.5 mm/second). At present, construction plans do not call for the use of these types of vibration emitting equipment.

With implementation of policies and regulations already applicable to the project area, the amendment and development project would not result in significant groundborne vibration or noise levels.

Environmental Analysis: *Less than Significant 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 TCAP and amendment area are located within the City's Airport Comprehensive Land Use Overlay district overflight notification area, which requires notification to residential land uses. Although the amendment area is not restricted by policies affecting the development of projects within Airport noise contours, safety zones, or airspace surfaces, the subject parcels are subject to ALUCP Policy OP-2 – Overflight Notification (ALUCP September 2019). While there is a requirement for residential notification based on the project's location within the airport influence area, it is located outside of regulatory restricted area and therefore would not expose people to excessive noise levels.

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 the response to Question 5.4.15-1, above. While the maximum allowable CNEL for the amendment area would increase with the proposed zoning amendment, neither the amendment nor subsequent development project proposes new land uses that would increase noise levels that are inconsistent with plan guidance.

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 the response to Questions 5.4.15-1 and 5.4.15-2, above. No land use changes allowed by the amendment would expose persons to severe noise above existing conditions.

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)

Single-event noise standards are set forth in Section 68.3.1 of the TRPA Code of Ordinances for aircraft, water craft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. The project's limitation to residential use would not create single event noise levels in excess of TRPA standards. The zoning amendment proposes changes in land use, but only a small increase in allowable CNEL (an increase of 5) and no significant noise increase is expected.

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)

The TCAP amendments and Project propose residential buildings on the combined parcel that was once home to the Colony Inn and includes the adjacent recreational zoned parcel. While adjacent land uses include a public service yard (electrical substation) and commercial retail center, the existing CNEL levels do not exceed 60 dBA. TRPA noise monitoring efforts completed for the most recent threshold evaluation (TRPA, 2019) document average noise levels across monitored hotel/motel and commercial areas are well within the 60 dBA threshold standard (<https://thresholds.laketahoeinfo.org/ThresholdIndicator/Detail/34>).

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)

The zoning amendment rezones one parcel from Recreation to TSC-MU. Land uses allowed in the TCAP TSC-MU would be applied to the amendment area, but proposed policies will prohibit tourist and commercial uses within the amendment area. The project in the amendment area will be compliant with TRPA and City noise standards. Since it is currently adjacent to a mixed-use area, continuation of the uses and types of allowed uses through the TCAP amendment would not result in incompatible uses.

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 the response to Question 5.4.15-2, above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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.

Table 5-16: Population and Housing				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.16-1. 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)				X
5.4.16-2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.16-3. Alter the location, distribution, density, or growth rate of the human population planned for the Region? (TRPA 11a)				X
5.4.16-4. Include or result in the temporary or permanent displacement of residents? (TRPA 11b)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.16-5. Affect existing housing, or create a demand for additional housing? Will the proposal decrease the amount of housing in the Tahoe Region? (TRPA 12a-1)				X
5.4.16-6. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates				X

affordable by lower and very-low-income households? (TRPA 12a-2)				
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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)

5.4.16-2. Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)

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)

5.4.16-4. Will the Project include or result in the temporary or permanent displacement of residents? (TRPA 11b)

5.4.16-5. Will the Project affect existing housing, or create a demand for additional housing? Will the proposal decrease the amount of housing in the Tahoe Region? (TRPA 12a-1)

5.4.16-6. Will the Project affect existing housing, or create a demand for additional housing? 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-2)

The proposed TCAP amendments and subsequent residential development project are intended to facilitate construction of multi-family residential units on the combined parcel that once included the former Colony Inn hotel. No existing housing will be removed for the Project. Project construction would increase future population in the TCAP area; however, this growth is consistent with the Regional Plan, TCAP, and City General Plan. While currently zoned as Recreation, the amendment area is identified by TRPA Regional Plan land uses maps as Tourist within a Town Center District and is within an area marked for Transfer of Development Rights Receiving Area for existing development and multi-residential units. The purpose of the receiving District (TCAP TSC-MU) is to provide a mix of uses, including residential uses within a transit-oriented area. The amendment would maintain the permissible use of employee housing that Recreation zoning allows. While the subsequent Phase 1 and Phase 2 multi-family project proposes construction of new residential units, the anticipated population growth associated with the planned density is consistent with theoretical development potential on the former Colony Inn site under current TCAP goals and policies. Therefore, there is no impact.

Should the amendment be approved, the subsequent Phase 2 multi-family project includes two units that will request residential bonus units and be deed restricted under the “achievable housing” income category. This income category has been added to TRPA’s definition of housing available for the residential bonus unit program to increase opportunities for persons who qualify based on income (e.g., household income less than 120% area mean income) or who are full time equivalent workers in the Lake Tahoe Basin.

Environmental Analysis: *Less than Significant Impact/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
5.4.17-1. 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
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
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?				
5.4.17-2. Fire protection? (TRPA 14a)				X
5.4.17-3. Police protection? (TRPA 14b)				X
5.4.17-4. Schools? (TRPA 14c)				X
5.4.17-5. Parks or other recreational facilities? (TRPA 14d)				X
5.4.17-6. Maintenance of public facilities, including roads? (TRPA 14e)				X
5.4.17-7. 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)

See discussion and analysis for Questions 5.4.17-4 and 5.4.17-5 below.

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 discussion and analysis for Question 5.4.17-4 below.

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)

See discussion and analysis for Question 5.4.17-4 below.

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 proposed amendment and project would facilitate multi-family residential development within the amendment area. These changes would result in localized population increases that create an additional demand for police, fire protection, emergency services and to a lesser degree, schools. However the existing TCAP TSC-MU District on the former Colony Inn site would allow this same level of residential development without the proposed amendment, so the amendment does not create an increased change to the number of overall residential units or population increases that the TCAP currently allows.

With respect to police protection services, the South Lake Tahoe Police Department provides law enforcement services within the area. The California Highway Patrol (CHP) Valley Division, which includes the greater Sacramento area and the Sierra Nevada foothills to the west, is responsible for all traffic related incidents and assists the Police Department when necessary. The CHP area office is located at 2063 Hopi Avenue in Meyers. The Valley Division oversees four major highways and miles of county roads in the Region including US 50 and SR 89. Jail facilities are managed by the El Dorado County Sheriff's Department and are located at 1051 Al Tahoe Boulevard. The jail is a Type II facility and may house both pre-sentenced and post-sentenced male and female defendants. The jail has a capacity of 158 beds.

South Lake Tahoe Fire Rescue (SLTFR) is a municipal fire department that is primarily organized, equipped, and trained to perform fire suppression duties in structural firefighting, initial attack wildland firefighting, vehicular fires, traffic collisions and any other call for service. Additionally, SLTFR provides Advanced Life Support (ALS) paramedic level medical care and responds to all medical aid calls within the city as well as outside of the city when requested through mutual aid. ALS transport is not handled by the fire department--it is run by Cal Tahoe Ambulance through the Cal Tahoe Joint Powers Authority which operates out of private facilities in the City. The department currently operates three staffed fire stations including Fire Station One (the nearest station is at Ski Run Blvd and Pioneer Trail), Fire Station Two (2951 Lake Tahoe Blvd), and Fire Station Three (2101 Lake Tahoe Blvd). The Fire Department currently serves the amendment area, and the amendment would not affect current service or demand. The amendment would increase the area that permits multi-family residential development, but would not substantially increase the total number of residential units that could be constructed since employee housing is already an allowable land use on the recreation zoned part of the combined parcel. In addition, the project would

be required to ensure adequate fire protection services per the City's General Plan and permitting process. General Plan policies also require the installation of fire-resistant materials, and incorporation of fire safe landscaping and defensible space in all remodeled or new construction. Furthermore, new construction will follow current California Fire Code to prevent or minimize fires. The proposed amendment would allow structures of up to 56 feet (four stories) on the parcel currently zoned Recreation, as is currently allowed in the TCAP TSC-MU. Though the amendment would allow an additional story, the Project is proposing three-story multi-family structures, and therefore the amendments do not create impacts to public services that were not accounted for in the original TCAP analysis.

The Lake Tahoe Unified School District (LTUSD) serves a 10.1 square mile area that includes the TCAP area as well as the entire City of South Lake Tahoe. LTUSD operates eight schools but has had to close schools in the recent past due to declining enrollment. Given the current facilities and stagnant enrollment, LTUSD is not experiencing any capacity issues and does not expect any such issue to occur in the future. With the limited growth allowed by the TRPA Regional Plan that results in a projected growth rate of 10.8% for the next twenty years or 0.58% a year (TRPA 2012a, page 3.12-12) the implementation of the zoning amendment is not expected to exceed the existing capacity or result in a need for new or physically altered governmental facilities. The amendment slightly increases the land area where multiple family residential units would be permitted, but given the small area of the amendment, population increases would not adversely affect school enrollment. Estimated population of the maximum multi-family residential development permissible under the proposed amendments (42 units based on the available high capability land) would be approximately 105 to 126 residents (2.5 to 3 persons/units). However, it is possible that multi-family residential units in the amendment location could be used for short term vacation rental, and so permanent population numbers would likely be substantially less. Therefore, impacts associated with implementation of the TCAP amendment would be less than significant.

Within the TCAP, public facilities include Fire Station #1, the transit center, and Explore Tahoe Visitor Center at Heavenly Village, none of which are in the proposed amendment area. Implementation of the amendment is not expected to result in increased demand for community facilities and services or a need for new or physically altered governmental facilities as the amendment would not substantially create new population.

Given current public service staffing levels, the proximity of services, implementation of City policies to minimize fire risk and reduce demand, declining school enrollment, and since the amendment area is already served by these services, it is not anticipated that implementation of the amendment and development project would create a need to construct new facilities that, in turn, could require new or improved facilities, the construction of which could result in adverse effects to the environment.

No other public facilities are within the proposed development area. Implementation of the project is not expected to result in increased demand for community facilities and services or a need for new or physically altered governmental facilities as the amendment would not substantially create new populations.

See discussion and analysis in Question 5.4.17-5, below, for parks and recreation impacts.

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 proposed amendments would rezone an existing portion of the combined parcel (former APN 029-240-011) from Recreation to mixed-use, the zoning associated with the remainder of the newly combined parcel (former APN 029-441-004). The two parcels, now combined (APN 029-441-024), are privately-owned by the same owner. The associated Project proposal would construct multi-family residential units on the rezoned portion of the parcel. The residential development would effectively eliminate the parcels use for recreational land uses. However, at present, there are no recreational facilities in planning stages for the parcel.

Adjacent State-owned land located to the east, where the South Tahoe Greenway shared-use trail is proposed for future development, would still be available to serve recreational purpose should multi-family residential units be constructed on the re-zoned portion of the parcel. Access to the future South Tahoe Greenway for nearby residents and visitors to the South Tahoe tourist core would be provided by way of the Van Sickle Bi-State Park entrance located 200 feet north of the amendment area and not through the privately-owned APN 029-441-024. However, the California Tahoe Conservancy is concerned that residents of the proposed residential development may create informal user trails between the privately-owned parcel and the state owned lands to access the future Greenway trail and the Park. The League to Save Lake Tahoe is concerned that residents may create informal trails within the SEZ portions of the combined parcel restored following the removal of the former Colony Inn hotel. Such actions could disturb vegetation, create erosion, and increase trash on public lands and within the privately-owned SEZ boundary. The Conservancy is also concerned that residents could store personal belongings on the state owned land located directly behind and to the southeast of the proposed residential homes. To mitigate the potential impacts to public lands and the privately-owned SEZ, the proposed multi-family residential project (Phase 1 Plan Revision) includes split rail fencing along a portion of the perimeter of APN 029-441-024 and internally along the SEZ boundary to encircle the proposed multi-family residential structures. The new fencing will connect to the existing fencing that encircles the adjacent electrical substation to the south. Inclusion of the proposed fencing as part of the Phase 1 Plan Revision will reduce the potential for significant impacts to adjacent Parks, public recreational lands and the restored privately-owned SEZ from misuse by future residents.

The amendments and subsequent project will generate recreation demand by increasing the number of residents in the project area, however, this increase is consistent with the development levels allowable under the current Regional Plan, TCAP and City General Plan. The amendments would not increase demand beyond what was previously analyzed in the TCAP. The potential localized increase of up to 90 residents (30 total multi-family units at up to 3 persons/unit), or visitors if the homes are used as short-term rentals, would not cause a significant impact because a similar number of tourist accommodation or residential units could be constructed today under existing zoning. If built out as tourist units or smaller attached residential units, the former Colony Inn parcel could accommodate approximately 25 units by itself. Therefore, the proposed amendments and subsequent Phase 2 Project application do not substantially increase the number of residents or visitors that a subsequent project application would permit on the site.

Existing recreation opportunities are numerous and can meet the potential increase in resident or visitor population from the proposed multi-family residential project within and in the vicinity of the TCAP (i.e. Timber Cove Marina, Connolley Beach, Ski Run Marina and Beach, Lakeside Marina, Heavenly Resort California Base, Heavenly Gondola, Van Sickle Bi-State Park, Bijou Golf Course [and public beach], the Nevada Stateline to Stateline Bikeway at Rabe Meadow, Nevada Beach, Round Hill Pines Beach and other bike paths, hiking and mountain bicycle trails, and other public parks). Many recreational facilities and bike routes are less than one mile from the area to be amended, and Van Sickle Bi-State Park is immediately adjacent. The existing TCAP includes policies and implementing strategies to enhance public recreation

facilities, as does the City's General Plan. Because of the wide range of public recreation opportunities within and outside the boundary, visitor usage is spread out, avoiding demand that causes substantial deterioration of any one facility. In addition, the proposed TCAP amendment policies would reduce the number of potential multi-family housing units that could be constructed on the combined parcel compared to existing conditions. Therefore, the potential for increased use of existing neighborhood and regional parks or other recreational facilities as a result of implementing the project is not expected to result in or accelerate a substantial physical deterioration of recreation facilities.

The zoning amendment and Project do not propose changes to existing recreation facilities or to the policies and implementation measures in the existing TCAP.

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)

The zoning amendment would not alter or revise policies and practices pertaining to public facility and roadway maintenance. The City's existing policies in the Public/Quasi-Public Facilities and Services Element regarding public facility and road maintenance remain in effect (Goal PQP-1.1, Policy PQP-1.5, and Policy PQP-1.8).

The subsequent Phase 2 project plan for 30 multi-family residential homes includes one paved driveway for vehicle access, but does not result in a need for new or altered public roads or pedestrian facilities. The project area driveway will connect each approved multi-family residential home to Montreal Road. Residents can access nearby commercial and recreational land uses by way of existing pedestrian facilities located along Montreal Road and other nearby roadways. Driveway design meets the City and TRPA development and design codes.

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 other new or altered governmental services? (TRPA 14f)

There are no other known governmental services that would be directly affected by the amendment or the project.

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)

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 XVIIb)

5.4.18-3. Will the Project create additional demand for recreation facilities? (TRPA 19a)

See discussion and analysis in question 5.4.17-5 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

5.4.18-4. Will the Project create additional recreation capacity? (TRPA 19b)

The proposed amendment and multi-family residential project do not create additional recreation capacity.

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)

The residential development project does not physically impact existing or planned recreational facilities. The entrance to the Van Sickle Park is located nearby, approximately 200 (from property line) to 500 feet (from driveway) north of the proposed TCAP amendment area and multi-family residential development. In November 2020, a previous application for amendment of the TCAP included a request to rezone a second privately-owned Recreation parcel (APN 029-441-003) located north of the Former Colony Inn parcel and the Recreation parcel included in this analysis. However, based on comments received from the League to Save Lake Tahoe (League) and the California Tahoe Conservancy (CTC)/Nevada Division of State Parks (NV State Parks) regarding the level of development proposed for the Recreation parcels (high density residential and tourist uses), pedestrian and vehicle safety, and potential Park management issues from increased use by adjacent residents/visitors, the project applicant revised the proposed TCAP amendment application. The revised application eliminates the Recreation parcel (APN 029-441-003) located north of the Former Colony Inn parcel that includes an easement for the Van Sickle Park entrance and now only includes the single privately-owned Recreation parcel (former APN 029-240-011) located east of the former Colony Inn parcel. The TCAP amendment application was also revised to add policies that would limit future development on the combined parcel (former Recreation parcel and former Colony Inn parcel) to multi-family residential development (specifically it excludes commercial and tourist uses). These changes to the proposed TCAP amendment largely address the concerns raised by the League and CTC/NV State Parks and eliminate the potential for direct impacts to the Park entrance roadway and intersection on Montreal Road. However, the California Tahoe Conservancy is concerned that residents of the proposed residential development may create informal user trails between the privately-owned multi-family residential parcel and the state owned lands to access the future Greenway trail and the Park. The League to Save Lake Tahoe is concerned that residents may create informal trails within the SEZ portions of the combined parcel restored following the removal of the former Colony Inn hotel. Such actions could disturb vegetation, create erosion, and increase trash on public lands and within the privately-owned SEZ

boundary. The Conservancy is also concerned that residents could store personal belongings on the state owned land located directly behind and to the southeast of the proposed residential homes. To mitigate the potential impacts to Parks and other public recreational lands from new residents of the proposed multi-family development, the project Phase 1 Plan Revision now includes perimeter fencing to reduce the potential for creation of informal trail access that may result in significant impacts to adjacent Parks and public recreational lands from misuse by future residents.

While the amendment would change the land use of the amendment area from recreation to tourist center mixed-use (residential), no recreational facilities or uses currently exist within the amendment area or combined parcel proposed for multi-family residential development. Nor does the combined parcel provide public access to publicly-owned lands located east of the amendment area, where the future South Tahoe Greenway shared-use trail is proposed.

As such, development of multi-family residential on the combined parcel would not impact existing access to existing or planned recreational uses.

Goal R-5 of the Regional Plan specifically addresses incompatibility of recreational uses and the associated system for regulating PAOTs (Section 50.9 of the TRPA Code), which would preclude any conflicts between existing or proposed recreational uses (TRPA 2012d, pages 5-7 and 5-8). Additionally, the potential for expanded land uses to create conflicts between existing land uses was analyzed in Impact 3.11-2 of the RPU EIS (TRPA 2012a, page 3.11-21) and was found to be less than significant due to the existing protections in the goals and policies of the Regional Plan.

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)

Direct public access to Lake Tahoe and public lands is not located within the privately-owned amendment area. Public access to Van Sickle Bi-State Park and other state owned lands contiguous with the Park property and amendment parcel (including the Conservancy owned land proposed for the future South Tahoe Greenway) is located approximately 200-300 feet north of the amendment area on Montreal Road via the Van Sickle Park entrance roadway and informal dirt trail. Residents of the proposed multi-family residential development could access the Park and future Greenway trail by walking out to Montreal Road by way of the proposed driveway, then along Montreal Road on existing pedestrian facilities to the Park entrance. From there an existing dirt trail provides access to the Park facilities and the future Greenway trail connection. The Conservancy is concerned that the limited vehicle parking within the Park would be utilized by private users from the proposed multi-family residential project within the amendment area, thereby decreasing access to the Park by the public. This concern is unlikely to occur as the Van Sickle parking lot is located 0.6 mile away from the proposed entrance to the multi-family residential development. Further, each detached residential unit would include a two car garage plus two parking spaces within the driveway and the attached residential units would include parking underneath and along the access driveway. Therefore, the amendments and subsequent multi-family residential development would not decrease public access to public lands.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

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. A technical memorandum regarding transportation impacts of the proposed boundary amendment is attached (Appendix A).

Table 5-19: Transportation, Traffic and Circulation				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.19-1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)				X
5.4.19-2. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (CEQA XVIIb)			X	
5.4.19-3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)				X
5.4.19-4. Result in inadequate emergency access? (CEQA XVIIId)				X
TRPA Initial Environmental Checklist Item	Yes,	No, With Mitigation	Data Insufficient	No
5.4.19-5. Generation of 650 or more new average daily vehicle miles traveled (VMT) (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 TCAP, City General Plan, City Code, TRPA Linking Tahoe Regional Transportation Plan, TRPA Regional Plan, and TRPA Code of Ordinances contain transportation goals, policies, implementation measures, and mitigation requirements applicable to the amendment area. Performance levels are established through level of service (LOS) criteria, which is set at LOS C for rural recreation roads, and D on rural and urban developed roads and signalized intersections, and may be LOS E during peak hours in urban hours of less than four hours per day (TRPA Regional Plan Transportation Element Policy 4.11). Likewise, the standard in General Plan Policy TC-1.2 and TCAP Policy T-1.2 is LOS D on all streets and intersections, with up to 4 hours of LOS E acceptable during peak periods. Other policies seek to increase multi-modal and non-motorized travel, although there is no performance threshold for these policies.

The amendment does not propose to alter or revise, and would not conflict with, an applicable plan, ordinance or policy establishing the measures of effectiveness for the performance of the circulation system. Existing plans, ordinances, and policies would continue to be applicable and implemented in the project area. The amendment would not increase vehicle trips so as to conflict with LOS standards because the traffic impacts of the allowed uses, and small increase in multi-family density applicable to the amendment area are planned for in local and regional plans. As stated in the July 8, 2019 traffic memo prepared for a similar project application that included up to 17 residential units (Appendix A), multi-family development of the amendment area has the potential to result in an increase of approximately 112 daily vehicle trip ends and up to 11 PM peak hour trips, which is considered an insignificant increase as described in Section 65.2.3.C of the TRPA Code of Ordinances and would not be expected to cause an exceedance of the traffic operational thresholds. Under the revised Project application that would include a total of 30 multi-family residential units to meet the City’s housing policy goals to increase density in the Town Centers, the total number of daily vehicle trip ends would equal just under 200 using the same trip generation rates and reductions for non-auto trips, still considered an insignificant increase per TRPA goals and policies.

The proposed TCAP amendments would continue to implement policies of the adopted TRPA Regional Plan and City General Plan, which encourages a land use pattern that promotes the use of alternative modes of transportation. Any potential development within a mixed-use area already served by transit, bicycle, and pedestrian facilities would support existing transportation goals and policies and would increase the potential to replace individual vehicle trips with transit or non-motorized trips. The amendment area is near Transit Route 55 and 50 with bus stops located at Moss Rd., Park Ave., and former Raley’s with daily service provided from 6:00 AM to 7:00 PM. There is also a Class I bike path (shared use path) along Ski Run Blvd. and US Highway 50 and a Class II bike lane on Pioneer Trail that connects the Class I paths to the general project area. CTC’s proposed South Tahoe Greenway, a proposed Class I Share Use Path in the TCAP (Figure 6-1, Proposed Transportation Network, September 2020), would bisect the publicly-owned parcel adjacent to the amendment area (APN 029-240-10). The TCAP policies regarding transit, bicycle and pedestrian facilities would apply to the amendment area. The existing TCAP goals include promoting the area as a pedestrian and transit-oriented center and seek to establish development and design standards that improve the pedestrian and transit environment through complete streets. No adverse change to the existing facilities is proposed.

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 – VMT Thresholds)? (CEQA XVIIb)

The proposed amendments would not alter, revise or conflict with an applicable congestion management program including but not limited to, level of service standards and travel demand measures, or other standards established by the congestion management agency for designated roads or highways.

TRPA is the designated Regional Transportation Planning Agency in the Lake Tahoe Region and has established Level of Service (LOS) standards for roadways and intersections and Vehicle Miles of Travel (VMT) standards. TRPA and TMPO administer regional programs to reduce Vehicle Miles Travelled (VMT) and achieve regional VMT standards in the Tahoe Basin. VMT is dependent on the origin and destination of persons traveling to and from uses within the TCAP boundary and the net increase in region-wide trips after accounting for transferred development. VMT is a measure of automobile travel within the transportation system, and an indicator of the degree of integration between the transportation system and planned uses (i.e., a lower VMT indicates greater beneficial integration of transportation systems and land uses to reduce personal vehicle travel). VMT is also a proxy for regional traffic congestion, as well as for air quality. The recently adopted VMT threshold (“TSC1 – Reduce Annual Daily Average VMT Per Capita by 6.8% from 12.48, the 2018 baseline, to 11.63 in 2045) transitions from an air quality focus to a transportation and sustainable communities perspective.

The updated project impact assessment process implements the new VMT threshold at the project and plan level. The proposed TCAP amendments would expand the area available for multi-family residential development by rezoning the former recreation parcel to tourist center mixed-use. However, it also includes policies that limits the uses in the combined parcel to multi-family residential (prohibits commercial and tourist uses). As such, the amendments do not increase the overall development density or intensity of the combined parcels, as the western portion of the combined parcel (former APN 029-441-004; currently zoned as mixed-use) could be developed at densities of up to 25 units per acre without the proposed amendments.

The amendments would not create a measurable VMT increase compared to existing conditions. Increases in VMT do not exceed thresholds or conflict with applicable congestion management plans, as the potential maximum development of 42 multi-family residential units under the proposed amendments (based on 1.69 acres of high capability land within the combined parcel) would create an additional 782 VMT, which is below the 1,300 VMT screening limit for the project area (within the tourist core/town center). Therefore the amendment area is screened from additional analysis – only the mobility mitigation fee would be needed to mitigate the VMT of the subsequent 30 unit multi-family residential development project. Therefore, potential impacts related to the VMT standard are considered to be less than significant.

Environmental Analysis: *Less than Significant 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)

Consistent with the TRPA Regional Plan and City General Plan, implementation of the proposed amendment does not increase hazards. Should the amendment be approved, the subsequent 30 unit multi-

family residential project (including existing approval, Phase 1 plan revision and proposed Phase 2) complies with appropriate federal state, and local roadway, sidewalk, and intersection design standards (e.g., AASHTO, MUTCD, Caltrans Highway Design Manual, City Public Improvement and Engineering Standards, and TCAP Development and Design Standards) for public health and safety reasons.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

5.4.19-4. Would the Project result in inadequate emergency access? (CEQA XVIII d)

See discussion and analysis for Questions 5.4.11-6, 5.4.11-9, and 5.4.17-1 above that conclude that implementation of the amendment and subsequent Project will not impact emergency evacuation plans or access. The amendment and project do not include changes to roadways that would impair access and does not propose new public roadways. Likewise, the amendment does not propose new land uses or developments that would impair existing access. The proposed 30 unit multi-family residential project complies with state and/or local requirements for roadway design (e.g., South Lake Tahoe City Code Article VII. Parking, Driveway and Loading Spaces) to ensure emergency vehicles have appropriate access and turning radius for emergency response.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

5.4.19-5. Will the Project generate 650 or more new average daily vehicle miles travelled (VMT)? (TRPA 13a)

TRPA has replaced the (daily vehicle trip end) DVTE standard long used for determination of transportation impact determination with a vehicle miles traveled (VMT) standard. As discussed in Question 5.4.19-2, adoption of the proposed amendments would permit a maximum potential residential buildout of 42 multi-family units on the 1.69 acres of high capability land located within the combined parcel. However, the proposed Phase 1 Plan Revision and upcoming Phase 2 project application propose a maximum of 30 multi-family residential units, resulting in a total of 559 VMT based on the TRPA project impact assessment (PIA) tool. Ultimately, even with the change in zoning from recreation to tourist center mixed use, the amendments would not substantially increase maximum development potential on the combined parcels due to the limited amount of high capability land available for development and limitation on land uses that excludes future mixed-use projects and the possibility of combined tourist/residential projects. With adoption of the amendments, potential VMT impacts are consistent with those previously analyzed in the TCAP. Given that this is considered an insignificant impact as described in Section 65.2.3.C of the TRPA Code of Ordinances, the potential to exceed the threshold does not increase with implementation of the amendments.

Because the subsequent proposed multi-family development project proposes no more than 30 units), the VMT of the housing project (estimated at 559 VMT) will be less than the potential impact evaluated for the amendments. Thus, there is no impact.

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)

Neither the amendment nor subsequent Project will change existing parking facilities. The multi-family residential project plan accounts for parking requirements in the TCAP, City parking ordinance (e.g., South Lake Tahoe City Code Article VII. Parking, Driveway and Loading Spaces), and TRPA Code. The Tourist Core Area Plan defers to City Code for off-street parking requirements. Multi-family residential developments within the City are required to have two spaces per unit, and 0.25 spaces of guest parking for each unit located in attached residential buildings. Adequate parking is proposed for the detached single family residences (buildings 1, 2, and 5) and the proposed duplex (building 7). There is adequate parking for the proposed Phase 1 plan revision that would increase total multi-family units to 18 with parking supply of 37 total spaces for attached units and parking demand of 36 spaces. However, when combined with the proposed Phase 2 multi-family residential project (12 additional units), 56 parking spaces are required for the attached residential units and the plans depict only 49 proposed parking spaces. As such, the combined Phase 1 and Phase 2 Project has a parking deficit equal to 7 parking spaces that will need to be provided offsite through an agreement with adjacent land owners or through amendment to the onsite parking standards for the TCAP. Therefore, the impact to parking supply is significant and requires mitigation to be considered less than significant.

Environmental Analysis: *Less than Significant Impact with Mitigation.*

Required Mitigation: **TRAN-1 Parking Supply.**

Prior to construction of Phase 2 multi-family residential units, the applicant shall either enter into an agreement with an offsite land owner to utilize seven parking spaces, get agreement from the City for parking on nearby public roadway right of way, submit a parking analysis that supports a reduction in the parking demand ratio, or work with the City to amend TCAP parking standards for multi-family residential housing so that a parking deficit does not occur.

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 discussions and analyses for Questions 5.4.19-3, 5.4.19-5, 5.4.19-6, 5.4.19-8, 5.4.19-9 and 5.4.19-10. The amendment will not impede the construction of the proposed South Tahoe Greenway Class I Share Use Path on the adjacent publicly-owned parcel (APN 029-240-010). Future residents of multi-family residential units constructed within the amendment area as a result of the proposed rezone would be required to access the shared-use trail like other residents in the City who reside on or near the trail corridor, using neighborhood connections, or other public access points (e.g., Van Sickle Bi-State Park).

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 discussion and analysis for Question 5.4.19-2 and Appendix A.

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)

No alterations to waterborne, rail or air traffic are proposed.

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 discussion and analysis for Questions 5.4.19-1, 5.4.19-3, and 5.4.19-4. The driveway location for the proposed multi-family residential project has been reviewed and approved by the City as part of the Project's Phase 1 approval. The driveway plan anticipates development of additional multi-family residential units on the existing recreation parcel. The amendments would allow for the project applicant to build 12 additional multi-family residential units (Phase 2), each of which would access Montreal Road using the approved but not constructed driveway location. No additional access to public roadways would be necessary.

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.

Table 5-20: Tribal Cultural Resources and Archaeological/Historical				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
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:				X
5.4.20-1. 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
5.4.20-2. 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
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.20-3. Does the proposal have the potential to cause a physical change which would affect unique				X

ethnic cultural values? (TRPA 20d)				
5.4.20-4. 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)?

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)

5.4.20-3. Does the Project have the potential to cause a physical change which would affect unique ethnic cultural values? (TRPA 20d)

5.4.20-4. Will the Project restrict historic or pre-historic religious or sacred uses within the potential impact area? (TRPA 20e)

The proposed amendment does not alter regulations pertaining to cultural resources.

There is no evidence of intact, potentially significant Washoe cultural sites within the existing TCAP or proposed amendment area. Pursuant to AB 52, the City of South Lake Tahoe sent notification letters to the Ione Band of Miwok Indians, Washoe Tribe of California and Nevada, Shingle Springs Band of Miwok Indians, and the United Auburn Indian Community on December 14, 2021. To date, no response has been received.

Federal and state regulations, the TRPA Code (Chapter 67) and City General Plan policies address protection of cultural resources and provide processes to avoid or minimize impacts to such resources. Included in the existing Codes and policies are measures to identify cultural resources discovered during ground disturbing construction activities, and protect those deemed to be potentially eligible for the National Register or of unique ethnic value. Project development within the amendment area will be required compliant with federal and state regulations, TRPA Code and General Plan policies during project specific review, and therefore, would not alter or adversely affect tribal cultural resources.

See discussion and analysis for Questions 5.4.7-1, 5.4.7-4, and 5.4.7-5 above. Implementation of federal and state regulations, TRPA Code (Chapter 67), and General Plan policies address protection of historic, cultural, archaeological and paleontological resources and provide processes to avoid or mitigate impacts to these resources. Therefore, any development associated with the amendment would not result in a physical change that would affect unique ethnic cultural values.

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.

Table 5-21: Utilities and Service Systems				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
5.4.21-1. 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)				X
5.4.21-2. Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)				X
5.4.21-3. 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)				X
5.4.21-4. 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)				X
5.4.21-5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)				X

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:				
5.4.21-6. Power or natural gas? (TRPA 16a)				X
5.4.21-7. Communication systems? (TRPA 16b)				X
5.4.21-8. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider? (TRPA 16c)				X
5.4.21-9. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? (TRPA 16d)				X
5.4.21-10. Storm water drainage? (TRPA 16e)				X
5.4.21-11. 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)

Amendment of the project area would not require additional wastewater conveyance or treatment capacity. In the South Tahoe Public Utility District, existing average wastewater flow rates are little more than half of the total export capacity (see Table 5-22 below). Additionally, the area to be amended is already adjacent to developed urban land uses and connected to/served by the wastewater treatment system. Although total area available for multi-family residential development would increase with approval of the proposed TCAP amendments, the development would not substantially increase wastewater flow rates, thus, it is reasonable to assume that sufficient capacity would be available.

Furthermore, all development permitted by the TCAP would be required to comply with Section 32.5 (Waste Water Treatment Service) of the TRPA Code of Ordinances, which requires that all projects be served by facilities that provide treatment and export of wastewater from the Tahoe Region. Section 50.5.1(C.4) of the TRPA Code of Ordinances prohibits distribution of allocations to jurisdictions with insufficient wastewater capacity to support residential development.

Additionally, the project is required to meet the Basic Services and Facilities Standards contained in the TRPA Code of Ordinances. Therefore, implementation of the amendments and project would not cause sewage treatment capacity to exceed the permitted capacity of the service provider.

Table 5-22: Average Flow Rates and Total Capacity			
Export District	Average Flow (mgd)	Total Capacity (mgd)	Average Remaining Capacity (mgd)
South Tahoe Public Utility District	4.0	7.7	3.7
Source: STPUD 2015			

All redevelopment permitted though the TCAP would be required to meet TRPA BMP standards to reduce runoff and pollutant loading from impervious cover. As specified in Section 60.4.6 (Standard BMP Requirements) of the TRPA Code of Ordinances, except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year, one-hour storm are required for approval of all projects. Therefore, there would be no unplanned alterations or improvements to existing stormwater drainage systems associated with the amendment or development project.

See Questions 5.4.8-1-4 above that concludes that the available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; therefore, demand created by implementation of the amendments would not result in a need for new or altered power or natural gas systems.

The amendment area is currently served by telecommunications systems. The City Code requires any communication wires to be installed underground (Chapter 6.15 SLTCC). Project development is located within existing service areas for communication systems providers.

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)

Implementation of the amendments and the subsequent residential development project could result in some increased demand for water supply resulting from increased population (up to 90 residents) in the amendment area. However, current surface water allocation to the Tahoe Region pursuant to the Truckee River Operating Agreement (TROA) is 34,000 acre feet/year (afy), and current Region-wide demand is approximately 28,079 afy (TRPA 2012, page 3.13.-11). Additional demand generated by the TRPA Regional Plan is approximately 1,725 afy which, given remaining water supply availability, could be accommodated with existing supplies. The increased density associated with this amendment is consistent with the Regional Plan. Thus, it is reasonable to assume that sufficient capacity would be available to accommodate development at the higher densities proposed for the amendment area.

Water service is provided by the South Tahoe Public Utility District. At present, the District provides service to 14,000 connections and has a 7 million gallon per day production capacity. Water is provided 100 percent from 13 groundwater wells. All drinking water is pumped from underground aquifers through an intricate system of wells and water booster stations interspersed through the service area. No water is taken from Lake Tahoe. To ensure that adequate amounts of water are delivered safely to homes and businesses, the system also maintains 23 tanks and 26 pressure-reducing underground valves. The District

provides water to over 13,000 homes and over 625 commercial and governmental sites, supplying more than 2.5 billion gallons of water annually.

Furthermore, project development permitted by the TCAP will be compliant with Section 32.4 (Water Service) of the TRPA Code of Ordinances, which requires that a project applicant demonstrate the availability of adequate water quantity and quality for both domestic consumption and fire protection prior to project approval. This is demonstrated at a project-level through the acquisition of a Will Serve Letter from the applicable water purveyor.

Additionally, the project structures will meet the Basic Services and Facilities Standards contained in the TRPA Code of Ordinances. Therefore, implementation of the TCAP amendment would not create water use in excess of the maximum permitted capacity of the service provider.

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)

Development under the TCAP is required to comply with Section 32.5 (Waste Water Treatment Service) of the TRPA Code of Ordinances, which requires that all projects be served by facilities that provide treatment and export of wastewater from the Tahoe Region. Section 50.4.1(C) of the TRPA Code of Ordinances prohibits distribution of allocations to jurisdictions with insufficient wastewater capacity to support residential development, and Section 13.10.7 of the TRPA Code of Ordinances requires demonstration of adequate sewer capacity prior to occupancy of a transferred unit (TRPA 2012a, page 3.13-16).

Wastewater would be collected and treated by the South Tahoe Public Utility District, who reports existing average wastewater flow rates are little more than half of the total export capacity (see Table 5-22 under question 5.4.21-1). The area surrounding the Project is already developed and connected to/served by the wastewater treatment system.

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)

As reported in the environmental documentation for the TCAP (2013), South Tahoe Refuse (STR) is under contract with the City to collect solid waste from area households and businesses as well as to process and transfer all solid waste for disposal or recycling. STR's main facility, which consists of a transfer station and materials recovery facility located at the transfer station, has a total permitted capacity of 370 tons per day, but currently receives approximately 275 tons per day. The remaining capacity of 95 tons per day is sufficient to serve the potential growth within the area proposed for amendment. Any additional staffing or equipment required to increase service to the area would be funded through the additional service rates that would be collected by STR from the new development. Solid waste is disposed of at the Lockwood Regional Landfill in Sparks, Nevada. This landfill has a total capacity of approximately 302 million cubic yards as a

result of recent expansion, currently contains 32.8 million cubic yards of waste and is not expected to reach capacity for over 100 years, with implementation of approved expansions (NDEP, 2013 and Washoe County, 2016).

Both the STR main facility and the Lockwood Regional Landfill have sufficient capacity to manage additional growth. Therefore, this impact is less than significant.

Environmental Analysis: *Less than Significant 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)

The Lockwood Regional Landfill receives solid waste generated within the City and has sufficient capacity to serve the needs as discussed in 5.4.21-4 above. Existing resource recovery operations provide recycling of various materials, including green waste and construction material, which further reduces the quantity of waste sent to the landfill pursuant to state law. All projects proposed within the TCAP are subject to TRPA Regional Plan Land Use Element Goal 5, Policy 1 Public Services Element Goal 3, Policy 2, requiring the transport of solid waste outside the Basin in compliance with California state laws and the City General Plan Policies PQP-3.3 and PQP-3.4 requiring determination of adequate public utilities and services, including solid waste capacity, prior to development approval. Thus, the proposed amendment complies with federal, state, and local statutes and regulations related to solid waste.

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 Question 5.4.8-3 above that concludes that the available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; therefore, demand created by implementation of the amendment would not result in a need for new or altered power or natural gas systems.

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)

Communication systems are not listed as a required basic service by TRPA Code of Ordinances; however, the City Code requires any communication wires to be installed underground (Chapter 6.15 SLTCC). Project connections would be located within existing right-of-way areas dedicated for communication systems providers.

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 Questions 5.4.21-1 and 5.4.21-2 above that conclude additional capacity exists in the Tahoe Region and therefore a need for new systems, or substantial alterations to utilize additional water would not occur.

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 Questions 5.4.21-1 and 5.4.21-3 above, which conclude additional sewage capacity exists in the Tahoe Region and therefore a need for new systems, or substantial alterations to utilize additional treatment capacity would not occur.

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 discussion and analysis for Question 5.4.21-1 above.

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 discussion and analysis for Question 5.4.21-4 above.

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.

Table 5-23: Wildfire				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
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:				
5.4.22-1. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)				X
5.4.22-2. 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)			X	
5.4.22-3. 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)				X
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)				X

5.4.22-1. Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)

The project area is located entirely within the very high fire hazard severity zone as mapped by CAL FIRE (https://osfm.fire.ca.gov/media/5788/south_lake_tahoe.pdf).

See discussion and analysis for Questions 5.4.11-6, 5.4.11-9, and 5.4.17-1 above that conclude that implementation of the amendment will not impact emergency evacuation plans or access. The amendment does not include changes to roadways that would impair access and does not propose new public roadways. Likewise, the amendment does not propose new land uses or developments that would impair existing access. Redevelopment projects would be required to meet state and/or local requirements for roadway design to ensure emergency vehicles have appropriate access and turning radius for emergency response.

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)

The amendment area is currently undeveloped and contains trees, some shrubs, and forest debris, with some SEZ vegetation. Although amending the area to TSC-MU zoning would allow for residential use within a larger area, the amendment would not expand the existing urban boundary per TRPA Code of Ordinances and the subsequent multi-family residential project development would not increase the risk of exposing people and structures to hazards involving wildland fires in wildland-urban interface areas due to applicable regulatory standards. The project is required to be consistent with and will implement state, regional, and local regulations designed to reduce the risk of wildfire (e.g., defensible space, building materials, fire flow requirements). All new structures are required to comply with the California Fire Code, which establishes minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas. Chapter 5.05 of the City Code contains fire regulations adopted to safeguard life and property from fire and explosion hazards. City General Plan policies require the use of fire-resistant materials, installation and maintenance of defensible space, and meeting fire flow requirements in new or rehabilitated structures. Plans for the proposed multi-family residential development document a 10 foot non-combustible zone around each home. Aerials document sparse vegetation on state owned lands immediately east of the proposed amendment parcel (proposed multi-family residential homes) which is consistent with guidance for the lean, clean and green zone which contains no continuous fuels that would enable a fire to burn up to the proposed structures. Implementation of these policies, in conjunction with the existing California Fire Code and City Code requirements would reduce impacts associated with wildland fires to a less than significant level.

Environmental Analysis: *Less than Significant 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 discussion and analysis for Question 5.4.22-2 above. The amendment area is surrounded by existing development, including public service infrastructure on the adjacent parcel. Should the amendments be

approved, the subsequent multi-family residential development project (Phase 1 plan revision and Phase 2 application) consists of thirty (30) attached and detached units on the combined parcel (029-441-024), an increase from the previously approved project (4 units) on the Former Colony Inn site (APN 029-441-004). Development includes extension of existing driveways, fuel breaks, utility lines, and water be constructed; however, such infrastructure would not be servicing new areas, but an extension to or connection to existing infrastructure. Utilities are required to be located below ground, and no increased fire risk would occur.

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 discussion and analysis for Questions 5.4.9-1, 5.4.9-8, 5.4.9-11, 5.4.9-13, and 5.4.12-3 above. As discussed above, the amendment area has a mild slope within an urbanized area. Downstream flooding or landslides following a fire would not occur. The amendment would not affect wildfire risk.

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, 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)			X	
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)			X	
5.4.23-3. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (CEQA XXIc)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
5.4.23-4. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish				X

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)				
5.4.23-5. 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 in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) (TRPA 21b)				X
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)				X
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)				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 XX1a)

Fish and Aquatic Habitat

The TCAP amendments would not affect, alter, or revise any TRPA Regional Plan or City General Plan policies pertaining to the Shorezone and Lakezone, management of aquatic resources, or permitting of projects affecting these habitats. The TCAP amendments would permit development and redevelopment only in accordance with the TRPA Regional Plan and City General Plan, and any projects proposed within the plan area that could affect aquatic habitats would be subject to TRPA’s existing regulations requiring

project-specific environmental review and development and implementation of project-specific measures for any significant effects on fish habitat as a condition of project approval. No such habitats exist within the project area for the multi-family residential development. This potential impact was analyzed in the RPU EIS and, with implementation of TRPA's existing policies and code provisions, found to be less than significant (TRPA 2012a). Construction activities could result in temporary increases in sedimentation and the release and exposure of construction-related contaminants. As under existing conditions, these impacts would be minimized and mitigated through construction BMPs and compensatory mitigation requirements as specified in TRPA and City policies and code provisions, and other applicable federal and state regulations.

Rare, Threatened, or Endangered Species and Communities

The TCAP amendments would not affect, alter, or revise TRPA Regional Plan policies regarding the protection of rare, endangered, or sensitive plant and animal communities. Compliance with all provisions in Chapter 67 of the TRPA Code of Ordinances is still required for all project review. Future development or redevelopment could only occur in accordance with the TRPA Regional Plan, City General Plan, and the existing TCAP, and any projects proposed within the amendment area that could affect sensitive plant or animal communities would be subject to TRPA's existing regulations requiring project-specific environmental review and development and implementation of project-specific measures for any significant effects on habitat as a condition of project approval. No such habitats exist within the project area for the multi-family residential development. This potential impact was analyzed in the RPU EIS and, with implementation of TRPA's existing code provisions and requirements, found to be less than significant (TRPA 2012a, page 3.10-50).

Cultural, Historical, and Archeological Resources

The TCAP amendments would not affect, alter, or revise TRPA Regional Plan policies regarding the protection of cultural, historical, or archeological resources. Compliance with Chapter 67 of the TRPA Code of Ordinances is still required for all project review. In addition, federal and state regulations address protection of these resources and provide mechanisms to minimize impacts. The amendment area was previously partially developed, leaving some potential for resources to persist in the area. The TCAP amendments would permit development or redevelopment only in accordance with the TRPA Regional Plan and the City General Plan, some of which could occur on properties with unknown buried resources. No such resources have been discovered within the project area for the multi-family residential development. During project construction, if any on-site buried cultural, historical, and archeological resources would be identified, construction would halt so the significance of the find could be determined, and appropriate mitigation implemented in accordance with federal, state, City, and TRPA regulations.

The adopted TCAP is consistent with the TRPA Regional Plan and City General Plan, which achieve environmental improvement and maintain environmental threshold carrying capacities. Since no changes to existing policies regarding habitats, special status plant or animal communities, or to cultural, historical, and archeological resources are proposed by the amendment, and federal, state, and TRPA protections are already in place, implementation of the proposed amendment would not result in the degradation of these resources.

Environmental Analysis: *Less than Significant 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 XXIIb)

The adopted TCAP 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 TCAP amendments do not propose new policies or alterations to existing policies that would be cumulatively considerable. The rezone amendment allows for multi-family residential development to be spread out at less density on the combined parcel owned by the applicant, but essentially maintains the existing range of land use intensity and density, thereby restricting the potential for cumulatively considerable impacts. The area was previously partially developed, resulting in little cumulative impact potential should redevelopment occur in the future. The amendment does not propose any changes to the overall growth allowed in the Basin by the Regional Plan, nor would it cumulatively contribute to changes to the overall growth allowed when other projects or Area Plan amendments are considered.

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 TCAP, and therefore, the proposed amendment area. Other probable future projects in the south shore vicinity include the TCAP and B/ATCP amendments to amend the TCAP boundary to incorporate the Beach Retreat and Lakeshore Lodge properties, affordable housing near the intersection of Pioneer Trail and Ski Run Blvd., the US 50 South Shore Community Revitalization Project (e.g., Loop Road), and Tahoe Douglas Visitor's Authority Tahoe South Events Center Project. If developed, the Beach Retreat and Lakeshore Lodge TCAP amendment would also increase potential density for multi-family housing as part of a future redevelopment of existing tourist land uses. Construction of the Loop Road project would reduce available housing supply and as such, the Tahoe Transportation District is actively looking for partners to implement housing development projects in the vicinity of the proposed Loop Road corridor. Construction of the South Tahoe Events Center would create new entertainment opportunities for residents, and visitors to the south shore but would not include any residential development.

Air Quality/GHG Emissions

As discussed in Questions 5.4.10-3 and 5.4.8-1, although multi-family development for employee housing could occur on a parcel currently zoned Recreation, total development density would be unchanged from existing conditions because the amendment would only add 0.69 acre of additional high capability land to the TSC-MU District. As discussed in the analysis above, it may be theoretically possible to build up to 42 small multi-family units on the combined 1.69 acres of high capability land. Should the amendment be approved, the Phase 1 plan revision and Phase 2 application would add 30 multi-family residential units to the combined parcel. Under existing zoning, it would be possible to construct a similar number of tourist accommodation units on just the front portion of the combined parcel. The future multi-family residential development is a localized impact and would not contribute to any increase in overall growth or associated greenhouse gas (GHG) emissions beyond what was considered in the Regional Plan or City General Plan. The location of the additional multi-family residential units in the amendment area is within close proximity to transit, jobs, and services is likely to result in reduced trips and trips lengths and lowered GHG compared to development occurring further from a Town Center Area. Therefore this development is consistent with the Regional Plan and City General Plan and is not anticipated to contribute to an increase in overall GHG emission that would cumulatively contribute to global climate change. The City General Plan EIR identified

significant GHG emissions impacts and the City adopted mitigation measures to address this issue, which remain in effect. The TCAP amendments would not interfere with implementation of these measures, GHG reduction targets, or GHG emissions reduction strategies. Because development and potential population increases associated with this and other pending amendments (i.e., TCAP Beach Retreat) must be consistent with the regional growth management system allowed by the Regional Plan and focus on bringing additional density to centers where GHG emissions will be lower compared to development allowed outside of centers, it is not anticipated to contribute considerably to global climate change and the impact is less than significant.

Traffic

The TCAP rezone amendment would not affect, alter, revise or conflict with applicable plans, ordinances or policies establishing the measures of effectiveness for the performance of the circulation system. Due to the existing development within and surrounding the amendment area, there is no potential for significant traffic increases, particularly with the presence of nearby transit stops. Redevelopment could increase land use density, and thereby increase vehicle trips however, the area is small and the number of units that could be developed is not substantial enough to result in a significant traffic increase. Increases in vehicle trips associated with redevelopment at the proposed density limits would not be significant. Consistent with the Regional Plan, individual redevelopment projects in the TCAP that would generate a net increase of 1,300 VMT or more would be required to prepare a project-level traffic analyses in accordance with the TRPA Code. The proposed 30 unit multi-family residential project would generate 559 VMT, well below the 1,300 screening limit for preparation of a project-level traffic analysis. For any new VMT that are generated (regardless of whether a traffic analysis is completed), TRPA requires an applicant to offset the potential regional traffic and air quality effects of the new trips by requiring an applicant either to: (1) contribute to the Air Quality Mitigation Fund, or (2) implement regional and cumulative mitigation measures equivalent or greater in cost than the calculated Air Quality Mitigation Fee.

Water Quality

Redevelopment within the area would be required to meet existing BMP standards to control potential increases in stormwater runoff and pollutant loading onsite. Except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year 1-hour storm are required for approval of all projects within the Tahoe Basin (TRPA Code Ordinances, Section 60.4.6). The Project includes stormwater facilities to collect and treat the 20-year, 1-hour storm event. Therefore, the Project plus other new development within the TCAP is not expected to cumulatively create or contribute additional runoff that would exceed the capacity of existing or planned stormwater drainage system.

Cultural Resources

Because federal and state regulations, the TRPA Code of Ordinances (Chapter 67), and City General Plan policies address protection of these resources and provide processes to avoid or minimize impacts to historic and archaeological resources, the amendment area contains no known resources, and any redevelopment would be required to comply with federal and state regulations, TRPA Code of Ordinances and the City General Plan policies during project specific review, the amendments would not contribute to an adverse cumulative effect on archeological or historical resources.

Noise

The TCAP amendments would not alter noise policies and the existing maximum CNEL levels and Regional Plan and General Plan noise policies would continue to be applied. Given the small number of

potential additional units and traffic from proposed multi-family residential development, no notable increase in noise would occur. Therefore, the amendment would not create a significant noise level increase. For these reasons, the proposed rezone amendment would not contribute to an adverse cumulative increase in noise levels.

Geologic Hazards

The proposed amendments would not alter any policies regarding geologic resources or hazards. Because existing TRPA and City protections are in place, and project-specific environmental review is required for the multi-family residential development project, implementation of the proposed amendments would not result in increased exposure of people or property to geologic hazards. Project land coverage would use land coverage banked from the removal of the former Colony Inn.

Risk of Upset (Emergency Evacuation)

The proposed amendments would not alter any regional or local goals or policies regarding risk of upset, hazards or emergency evacuation. If approved, the amendments would expand the TCAP boundary where multi-family residential development is permitted, immediately adjacent to an existing mixed-use development district. The proposed amendment is located within a town center boundary, where wildfire danger is inherently less because these areas are closer to fire stations, public utility infrastructure such as fire hydrants, and access roadways. The proposed multi-family housing that may be constructed following adoption of the amendments is subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help prevent structure loss during a wildfire. Placement of the proposed multi-family development close to existing ingress/egress routes and designated evacuation routes to efficiently evacuate both the proposed project population and the existing community population, is consistent with existing evacuation plans and simultaneously provides for emergency access to the project site. Because existing TRPA and City plans are in place to evacuate residents during an emergency, implementation of the proposed amendments would not result in increased exposure of people or property to wildfire and other emergency evacuation hazards.

Scenic Resources

As discussed in the analysis, the amendment would alter the allowable maximum height standards and density limits for multi-family dwellings within parcels composing the amendment area. However, the proposal is not adjacent to any scenic threshold site, nor visible from offsite scenic resources. The existing TCAP 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 TCAP amendment would not contribute to an adverse cumulative effect on scenic resources.

Recreation

The TCAP protects existing recreational resources and provides for the development of increased recreation opportunities through the construction of trailheads, bike paths and lanes, and the TCAP amendments would not alter these planned improvements. No restrictions to access on public lands or new limitations on recreational resources is proposed by the amendments.

Implementation of the proposed amendments would be consistent with policies contemplated and analyzed in the General Plan EIR, from which this analysis tiers, including their potential to contribute to cumulative environmental effects. The General Plan EIR identified resources with localized cumulative issues such as traffic, water quality, cultural resources, noise, geologic hazards, and scenic impacts, which were analyzed in the TCAP IS/IEC and this IS/IEC and were not found to have adverse cumulative effects. Therefore,

implementation of the proposed amendments would not result in a considerable contribution to cumulative adverse conditions.

Public Services and Utilities

The same service and utility providers provide service to the two parcels regardless of whether they are currently zoned mixed-use or Recreation. Therefore, rezoning the parcel from the Recreation to Mixed-Use District within the existing TCAP Town Center boundary does not alter demand on services or capacity.

Environmental Analysis: *Less than Significant 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 amendment 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 area is urbanized and already partially developed and the potential for new impacts is low. Therefore, implementation of the amendments would not create a substantial direct or indirect adverse effect on human beings.

Environmental Analysis: *Less than Significant 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 in Question 5.4.23-1 that concludes implementation of the proposed amendments would not degrade the quality of the environment, reduce habitat of a fish population, threaten or eliminate a plant or animal community or eliminate important examples of a major period of California or Nevada history or prehistory.

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 TCAP 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 TCAP implements these policies, which promote concentrating development and redevelopment in urban centers, such as the Mixed-Use District, combined with transfer of land coverage and development rights from sensitive lands and lands more distant from community center, and restoration of those areas (TRPA 2012a). The proposed 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, such as increasing the number of affordable housing units.

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 discussion and analysis for Question 5.4.23-2 above.

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 discussion and analysis for Question 5.4.23-3 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

5.5 CERTIFICATION [TRPA ONLY]

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Tahoe Regional Planning Agency

Date

5.6 REFERENCES

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APPENDIX A LSC TECHNICAL TRAFFIC REPORTS



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Tahoe City, CA 96145
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July 8, 2019

Michael Wischmeyer, CEO
HVR Acquisitions LLC
PO Box 803
Zephyr Cove, NV 89448

RE: Old Colony Inn Residential Development—
Trip Generation Analysis

Dear Mr. Wischmeyer:

Per your request, LSC Transportation Consultants, Inc. has prepared a trip generation analysis for the potential housing development at the old Colony Inn site in South Lake Tahoe. The site is located on Montreal Road between Heavenly Village Way and Fern Road behind the Raley's shopping area. As the project is under the TRPA's 200 trips per day threshold, only a trip generation letter is needed, rather than a full traffic study.

The proposed project would consist of 4 duplex units, 12 single family units and 1 unit over the garage as shown in the attached site plan. This report provides the number of trips generated by the project based on standard rates and then a reduction for non-auto trips will be considered.

Trip Generation

Trip generation evaluates the number of vehicle trips that would be generated by the proposed project. Standard trip rates are provided in the Tahoe Regional Planning Agency's (TRPA) *Trip Table* (TRPA, 2019) and in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 10th Edition* (ITE, 2017). These standard rates are shown in Table 1 along with the proposed number of units.

Non-Auto Reduction

The project area has a significant volume of non-motorized transportation due to the nearby destinations, flat topography and presence of pedestrian and bicycle amenities. Available survey data was reviewed to identify non-auto travel mode reduction factors. Based on TRPA travel surveys conducted in the summer of 2018, the non-automotive trip percentage of similar land uses (permanent and second homes, and vacation rentals such as Airbnb) in the Stateline area is 37 percent. This data includes 59 surveys, which satisfies the TRPA's minimum requirement for

estimating non-auto reductions of 50 surveys. The majority of these non-auto trips are made by walking, as the site is within a convenient walking distance of Village Shopping Center, the Heavenly gondola area, bus stop, many restaurants, etc. Due to the lack of connection to the nearby pedestrian walkways and sidewalks and the large square footage of most of the proposed homes, the non-auto access is assumed to be slightly lower at 30 percent as shown in Table 1.

By applying the trip generation rates and the non-auto reduction, the resulting estimated trip generation at the site driveways is calculated to be 112 daily trips and 11 PM peak hour trips (7 inbound and 4 outbound), as shown in Table 1.



Please contact our office with any comments or questions pertaining to this analysis.

Respectfully Submitted,

LSC TRANSPORTATION CONSULTANTS, INC.

By: Leslie Suen
Leslie Suen, PE, Engineer

Enclosed: Site Plan, Table 1

Table 1: Old Colony Inn Trip Generation

Description	Quantity	Units	ITE Land Use Category	Trip Generation Rates				Reduction for Non-Auto Access	External Trip Generation at Site Driveways			
				Daily	PM Peak Hour		Total		Daily	PM Peak Hour		Total
					In	Out		In		Out		
Single Family Residence	12	DU	Single-Family (ITE 210)	9.54	0.62	0.37	0.99	30%	80	5	3	8
Duplex	4	DU	Single-Family (ITE 210)	9.54	0.62	0.37	0.99	30%	27	2	1	3
Over Garage Apartment	1	DU	Multi-Family (ITE 220)	7.32	0.35	0.21	0.56	30%	5	0	0	0
Total	17	DU							112	7	4	11

DU = Dwelling Unit
Source: LSC Transportation Consultants, Inc., Tahoe Regional Planning Agency (TRPA), and Institute of Transportation Engineers Trip Generation (10th Edition)



WISCHMEYER RESIDENCES

A.P.N. 029-441-04
A.P.N. 029-240-11
3794 MONTREAL RD.
SOUTH LAKE TAHOE, CA, 96150
EL DORADO COUNTY

JOB NO: 201831
DATE: 01/28/2019
REVISIONS:

COUNT	UNIT TYPE	#BEDROOMS	LIVING SF	GARAGE SF	TOTAL SF
2	DUPLEX				
1	1ST FLOOR	2 BED	1,150 SF	200 SF	1,350 SF
2	2ND/3RD FLOOR	3-4 BED	2,500 SF	200 SF	2,700 SF
1	SINGLE FAMILY				
5	SMALL 3 STORY	3 BED	2,300 SF	400 SF	2,700 SF
3	MEDIUM 3 STORY	4 BED	3,300 SF	400 SF	3,700 SF
4	LARGE 3 STORY	5 BED	4,300 SF	500 SF	4,800 SF
1	OVER GARAGE	1 BED	800 SF	200 SF	1,000 SF
17 TOTAL UNITS					

COUNT	BUILDING TYPE	FOOTPRINT
2	DUPLEX	1,410 SF
1	SINGLE FAMILY	1,350 SF
5	SMALL 3 STORY	900 SF
3	MEDIUM 3 STORY	1,245 SF
4	LARGE 3 STORY	1,520 SF
1	GARAGE w/ UNIT OVER	800 SF
15 TOTAL BUILDINGS		

COUNT	PARKING TYPE	TOTAL SPACES
4	SURFACE PARKING	4
2	GARAGE PARKING	2
8	2 CAR	16
4	3 CAR	12
1	SEPARATE GARAGE STR.	4
38 PARKING SPACES ON SITE		

NOT FOR CONSTRUCTION

SITE LAYOUT

A1



LSC Transportation Consultants, Inc.

2690 Lake Forest Road, Suite C

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Tahoe City, CA 96145

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September 6, 2023

Michael Wischmeyer
HVR Acquisitions LLC
PO Box 803
Zephyr Cove, NV 89448

RE: SLT Old Colony Inn Redevelopment – VMT and Parking Analysis

Dear Mr. Wischmeyer:

Per your request, LSC Transportation Consultants, Inc. has prepared a Vehicle Miles Traveled (VMT) and parking analysis for the proposed 30 residential units located on Montreal Road east of Fern Road in the City of South Lake Tahoe, California. First, the land uses are discussed. Then the VMT analysis is presented. Then the parking demand of the proposed project is estimated, based on the applicable parking code. Finally, the total parking demand is compared to the proposed parking supply to determine the overall parking balance.

Land Uses

The project proposes to provide 30 residential units which will be split into two separate phases. Phase 1 will construct two market-rate detached single-family dwelling units with private attached garages and parking in front of the unit. In addition, phase 1 will construct two multi-family developments composed of an additional 16 multi-family dwelling units. Three surface parking spaces will be provided for guest parking.

Phase 2 will be composed of one market-rate detached single-family dwelling unit and one duplex composed of two market-rate dwelling units. All three of these units will have a private attached garage and parking in front of the units. In addition, phase 2 will construct one multi-family development composed of an additional 9 multi-family dwelling units. Six additional surface parking spaces will be provided for guest parking.

In total, the project upon full buildout will be composed of 3 market-rate detached single-family dwelling units, one market-rate duplex composed of two dwelling units and 25 market-rate multi-family dwelling units.

VMT Analysis

VMT was evaluated in accordance with latest TRPA Project Impact Assessment Guidelines (January 3, 2022). Per TRPA standards, this analysis focuses on VMT generated within the Tahoe Basin only. The project VMT was evaluated using the online Project Impact Analysis Tool developed by TRPA. The project is located in PIA Zone 6. Based on the PIA tool, the 18 market rate units in Phase 1 would generate 335 daily VMT as shown in Table 1

and the attached output. Because the project is within ½ mile of a Town or Regional Center and the total project VMT is lower than 1,300 VMT threshold, the project is considered a low VMT project and is screened from any further analysis. The mobility fee associated with Phase 1 is \$65,727.00.

For Phase 2, the 12 market rate units would generate 224 daily VMT as shown in Table 1. The mobility fee for Phase 2 of the project is \$43,948.80.

Parking Demand of the Proposed Project

The City of South Lake Tahoe Code is the applicable parking code for this project. Table 2 presents the evaluation of the parking demand associated with the proposed land uses.

For phase 1, applying the parking rates for single-family homes to the detached housing units results in a total demand of 4 parking spaces. The rate for attached housing units is based on the multi-family rate and the number of bedrooms in each unit. In addition, multi-family dwelling units that contain more than one bedroom must also provide guest parking. Applying the parking rates to the attached housing units results in a total demand of 32 parking spaces. As all the attached housing units contain more than one bedroom, the guest parking for the attached housing units results in a total demand of 4 parking spaces. The Tourist Core Area Plan was also reviewed, and no additional parking reductions were identified.

The same parking rates described above were applied to Phase 2. For Phase 2, the detached housing unit and the duplex results in a total demand of 6 parking spaces and the attached housing unit plus guest parking results in a total demand of 20 parking spaces.

Proposed Parking Supply

The detached housing units and the duplex have private garages and driveways available for use. As reserved parking for each unit is available, the parking supply is considered adequate.

The proposed parking supply for the attached housing units is 27 parking spaces on site for phase 1 and 22 parking spaces for phase 2. As the anticipated parking demand is 36 parking spaces in Phase 1, the proposed parking results in a deficit of 9 parking spaces. For Phase 2, as the anticipated parking demand is 20 parking spaces, the proposed parking results in a surplus of 2 parking spaces.

Looking at the full buildout of the project, a total of 56 parking spaces are required for the attached housing. As there are only 49 parking spaces provided, there is a deficit of 7 parking spaces and the parking supply is considered inadequate.

Conclusions

The following conclusions are made based on this analysis:

- The total VMT generated by the proposed 30 residential units is 559 vehicle miles traveled and is therefore screened from further analysis.
- The mobility fee for the project is \$109,675.80.
- There is adequate parking for the detached housing units.

- Upon full buildout, the attached housing will require 56 parking spaces. As only 49 parking spaces are provided, the parking is considered inadequate and an additional 7 spaces are required.



Please contact our office at (530) 583-4053 with any questions or comments pertaining to this analysis.

Respectfully Submitted,
LSC Transportation Consultants, Inc.

by Leslie Suen
Leslie Suen, PE, Associate

Attached: Tables 1 and 2, TRPA PIA Output

TABLE 1: South Lake Tahoe Old Colony Inn Update - VMT					
Description	Quantity	Units	Project VMT		
			Screened Out?	Total VMT	Mobility Fee
Phase 1					
Market-Rate Units	18	DU	Yes	335	\$ 65,727.00
Phase 2					
Market-Rate Units	12	DU	Yes	224	\$ 43,948.80
Total	30	DU	Yes	559	\$ 109,675.80
<i>DU = Dwelling Units; KSF = 1,000 square feet; VMT = Vehicle Miles Traveled</i>					
Source: LSC Transportation Consultants, Inc. and TRPA PIA Tool					

Table 2: South Lake Tahoe Old Colony Inn Update - Peak Parking Demand

Description	Quantity	Units	Land Use Category	Parking Rate ¹	Code Required Parking	Parking Spaces Provided
Phase 1						
<i>Detached Housing</i> ²						
Building 1	1	DU	Single-Family House	2.0 space per DU	2	4
Building 2	1	DU	Single-Family House	2.0 space per DU	2	4
Detached Housing Units have parking in front and inside attached garages						
<i>Attached Housing</i> ²						
Building 3	6	DU	Multifamily Development	2.0 space per DU	12	10
Building 4	10	DU	Multifamily Development	2.0 space per DU	20	14
Guest Parking			Multifamily Development	0.25 space per multi-room DU	4	3
Subtotal for Attached Housing Phase 1					36	27
Parking Deficit for Phase 1					-9	
Phase 2						
<i>Detached Housing</i> ²						
Building 5	1	DU	Single-Family House	2.0 space per DU	2	4
Building 7	2	DU	Duplex	2.0 space per DU	4	6
Detached Housing Units have parking in front and inside attached garages						
<i>Attached Housing</i> ²						
Building 6	9	DU	Multifamily Development	2.0 space per DU	18	16
Guest Parking			Multifamily Development	0.25 space per multi-room DU	2	6
Subtotal for Attached Housing Phase 2					20	22
Parking Surplus for Phase 2					2	
Full Buildout						
<i>Detached Housing and Duplexes</i> ²						
Building 1					2	4
Building 2					2	4
Building 5					2	4
Building 7					4	6
Detached Housing Units and the Duplex have parking in front and inside attached garages						
<i>Attached Housing</i> ²						
Building 3					12	10
Building 4					20	14
Building 6					18	16
Guest Parking					6	9
Total Attached Housing Parking Demand					56	49
Parking Deficit for Full Buildout					-7	
<p><i>DU = Dwelling Units; KSF = 1,000 square feet; BD = bedroom</i></p> <p><i>Note 1: Parking Requirements from South Lake Tahoe Code Sections 6.85.</i></p> <p><i>Note 2: All housing units have more than 1 bedroom</i></p> <p><i>LSC Transportation Consultants, Inc.</i></p>						

Project Details

The tool provides initial screening for all project types and more detailed analysis for residential, tourist accommodation unit, and public service projects. All non-screened commercial, recreation, and other projects will need to complete a more detailed transportation analysis. For detailed information on the PIA framework, tool usage, and calculations see the User Guidelines. For detailed information on the PIA framework, tool usage, and calculations select the User Guidelines tab. For questions about the project impact assessment process contact Melanie Sloan (msloan@trpa.gov). For technical issues with the tool contact Reid Haefer (rhaefer@trpa.gov).

Date Submitted

Tue Sep 5 20:55:05 2023

Report Notes

None

Analysis Type

TRPA

Existing Land Use

Not Applicable

Proposed Project

SLT Old Colony - Phase 1

Residential (Market-Rate)

18.00 Units

\$65,727

VMT

Proposed Project Gross VMT - 335

Existing VMT - 0

Mitigated VMT - 0

Project Total Net VMT - 335

Standard of Significance VMT - 0

Mitigation Needed - 0

Mobility Fee - \$65,727

Screening

Screened - Yes

Additional Analysis Required?

Mitigation Info

Mitigations -

Percent - 0.00%

Other Project Details

Zone ID - Zone 6

Zone Average Trip Length - 4.97

ITE Trip Rate (if applicable) -

Zone VMT Per Capita Standard of Significance - 9.25

Located in Town/Regional Center - Yes

Located in Bonus Unit Eligible Area - Yes

Jurisdiction - South Lake Tahoe

Parcel Number (APN) - 029-342-001

Project Details

The tool provides initial screening for all project types and more detailed analysis for residential, tourist accommodation unit, and public service projects. All non-screened commercial, recreation, and other projects will need to complete a more detailed transportation analysis. For detailed information on the PIA framework, tool usage, and calculations see the User Guidelines. For detailed information on the PIA framework, tool usage, and calculations select the User Guidelines tab. For questions about the project impact assessment process contact Melanie Sloan (msloan@trpa.gov). For technical issues with the tool contact Reid Haefer (rhaefer@trpa.gov).

Date Submitted

Tue Sep 5 20:55:38 2023

Report Notes

None

Analysis Type

TRPA

Existing Land Use

Not Applicable

Proposed Project

SLT Old Colony - Phase 1

Residential (Market-Rate)

12.00 Units

\$43,948.80

VMT

Proposed Project Gross VMT - 224

Existing VMT - 0

Mitigated VMT - 0

Project Total Net VMT - 224

Standard of Significance VMT - 0

Mitigation Needed - 0

Mobility Fee - \$43,948.80

Screening

Screened - Yes

Additional Analysis Required?

Mitigation Info

Mitigations -

Percent - 0.00%

Other Project Details

Zone ID - Zone 6

Zone Average Trip Length - 4.97

ITE Trip Rate (if applicable) -

Zone VMT Per Capita Standard of Significance - 9.25

Located in Town/Regional Center - Yes

Located in Bonus Unit Eligible Area - Yes

Jurisdiction - South Lake Tahoe

Parcel Number (APN) - 029-342-001

Attachment D

Required Findings/Rationale and Finding of No Significant Effect (FONSE)

ATTACHMENT D

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

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

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

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

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

- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS).
- TRPA, *Tourist Core Area Plan IEC/FONSE*, certified by the TRPA Governing Board on November 11, 2013 (TCAP IEC).
- City of South Lake Tahoe, *General Plan Update EIR*, certified by the City Council on May 17, 2011.
- 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 on April 2021 (RTP IS/IEC).

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

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

This IEC is tiered from the TRPA 2012 Regional Plan Update EIS in accordance with Section 6.12 of the TRPA Rules of Procedures. The 2012

RPU EIS is a Program EIS that was prepared pursuant to Article VI of TRPA Rules of Procedures (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code of Ordinances. The 2012 Regional Plan Update (RPU) is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The TCAP is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

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

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 5.3 of the IEC and based on the analysis contained in the IEC, it has been determined that 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 (Measure PS-1: Fencing), could have no significant effect on the environment. Therefore, a Mitigated Finding of No Significant Effect will be prepared.

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

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

The proposed amendments include rezoning a parcel from Recreation to Tourist Center Mixed-Use and the addition of policies related to the restriction of land uses and density allowed on the rezoned parcel. These amendments, as described in this packet, will become part of the

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Regional Plan and will replace existing plans for this geographical area within the City of South Lake Tahoe.

The IEC assessed potential impacts to the affected physical environment from the amendments to design standards in Appendix C of the TCAP. It also evaluated project specific environmental impacts of a proposed multi-family residential development should the amendments be adopted. Based on the review of the evidence, the analysis and conclusions in the IEC determined that the amendments will not have a significant impact on the environment not otherwise evaluated in the RPU EIS and TCAP IEC and potential significant impacts will be mitigated or addressed through implementation of Project specific mitigation (Measure PS-1: fencing around the proposed multi-family residential development), the RPU, RTP, and the City's General Plan.

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

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

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

The amendments were prepared in conformance with the substantive and procedural requirements of the Goals and Policies, as implemented through TRPA Code of Ordinances, Chapter 13, *Area Plans*. The TCAP is consistent with the Tahoe Regional Plan and TRPA Code of Ordinances, as shown in the Conformance Review Checklist and as demonstrated by the IEC. The proposed amendments include rezoning a parcel from Recreation to Tourist Center Mixed-Use.

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

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

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

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

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Section 4.4.2.B also requires TRPA to disclose the impact of the proposed project on its cumulative accounting of units of use (e.g., residential allocations, commercial floor area). The TCAP Amendment does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed or allocated as part of these amendments. For the subsequent multi-family residential development project proposed within the TCAP, existing banked units of use located within the project area would be utilized if approved.

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

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

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

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

TRPA reviewed the proposed amendment in conformance with the compliance measures and threshold indicators and found no adverse effects. TRPA anticipates that implementation of the TCAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of implementation of the TCAP depend upon the number and size of redevelopment projects, the specific extent and timing or rate of effects of the TCAP cannot be determined at this time. However, pursuant to Chapter 13 of the TRPA Code of Ordinances, TRPA will monitor all development projects within the TCAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of the threshold every four years.

The amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Any allocations used as a result of these amendments and the subsequent multi-family residential development would be taken from banked units of use currently available on the subject parcel (APN 029-441-024).

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

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

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

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

Rationale: **I. Introduction**

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

The 1980 Compact inaugurated an era of establishing and enforcing rigorous

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

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

Regional Plan Update Process

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

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ongoing environmental degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

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

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

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

Regional Plan Update Amendments

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

Second, the RPU promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying, environmentally-sensitive areas into existing urbanized community centers. The RPU provides incentives so that private capital can be deployed to

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speed this transformation.

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

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

II. TCAP Amendments and Threshold Gain

The TCAP Amendments accelerate threshold gain including water quality restoration, scenic quality improvement, and other ecological benefits, by supporting environmental redevelopment opportunities and Environmental Improvement Program (EIP) investments. The amendments will help to accelerate environmental redevelopment within an existing town center by facilitating development of multi-family residential housing within close proximity to the commercial core. Locating multi-family residential and short term vacation rentals in walkable Town Center areas reduces VMT and traffic congestion. These redevelopment incentives are intended to increase the rate of redevelopment and will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, scenic quality and recreational improvements to projects that wouldn’t otherwise be redeveloped absent TCAP provisions.

The TCAP’s Development and Design Standards represent a significant step forward in enhancing the aesthetics of the built environment and will result in improvements to the scenic threshold as projects are approved and built.

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Redevelopment of existing Town Centers and the Regional Center is identified in the Regional Plan as a high priority.

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

A. Water Quality

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

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

B. Air Quality

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

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

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

TRPA's 2020 *Regional Transportation Plan: Linking Tahoe (RTP)* includes an analysis of its conformity with the California State Implementation Plan to ensure that the RTP remains consistent with State and local air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The proposed amendment does not propose substantial changes to land use assumptions for mixed-use assigned to the amendment area and the TCAP would continue to promote higher density residential uses within one-quarter mile of transit, commercial, and public service uses, and therefore would not change the conformity determination by state regulators. The amendments would facilitate a subsequent multi-family residential development project that would place residential uses within one-quarter mile of services.

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

C. Soil Conservation

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

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

D. Scenic Quality

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

The subject area is located near US Highway 50 Urban Roadway Scenic Corridor Unit #32 (Casino Area), which is not in attainment. However, the amendment area is not visible from the US Highway 50 roadway unit, or scenic resource 32-1 which looks towards and over the amendment area to Heavenly Mountain Resort.

Future redevelopment within the subject area will not be allowed to degrade the shoreline scenic attainment. Redevelopment will be required to comply with the following TCAP Goals and Policies:

Goal NCR-1 Scenic Resources

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

Policy NCR-1.1

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

Policy NCR-1.2

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

Policy NCR-1.3

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

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

E. Vegetation

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

The proposed amendment area is undeveloped and covered with limited native vegetation. The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, vegetation surrounding the construction site of the subsequent multi-family residential development project is required to comply with Section 33.6, Vegetation Protection During Construction, of the TRPA Code of Ordinances. Protective requirements include installation of temporary construction fencing, standards for tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

Amending the land uses would not result in tree or vegetation removal. The proposed multi-family residential development project is subject to project-level environmental review and removal of native, live, dead or dying trees is consistent with Chapter 61, Vegetation and Forest Health, of the TRPA Code of Ordinances. Though currently within the TCAP Recreation District, the amendment area is not within TRPA's Conservation or Recreation land use classifications.

F. Recreation

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

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

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

The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9 (Regulation of Additional Recreation Facilities) of the TRPA Code of Ordinances. No additional PAOTs are proposed by the amendment. Though the amendment would rezone a privately-held parcel location within the TCAP recreation zoning district to the tourist mixed-use zoning district, the amendment does not include any changes

to recreational land uses or policies, nor does it eliminate a planned recreational use for the TCAP.

G. Fisheries

While the 2019 Threshold Evaluation found standards for fisheries to generally be in attainment, the standards focus on physical habitat requirements that may not reflect the status of native fish populations. Recent population surveys in Lake Tahoe suggest significant declines in native fish species in parts of the nearshore. Declines are likely the result of impacts from the presence of aquatic invasive species in the lake. While efforts to prevent new invasive species from entering the lake have been successful, mitigating the impact of previously introduced existing invasive species remains a high priority challenge. Invasive species control projects are guided by a science-based implementation plan. Ensuring native fish can persist in the Region and the restoration of the historic trophic structure to the lake will likely require partners to explore novel methods to control invasive species and abate the pressure they are placing on native species. Climate change driven shifts in the timing and form of precipitation in the Region pose a longer-term threat to native fish that may need to be monitored.

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

H. Wildlife

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

Future redevelopment projects in the amendment area would be subject to project-level environmental review and permitting at which time the proposals would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species. (Section 62.4 of the TRPA Code). For the subsequent multi-family residential development, potential effects to animal species was evaluated based on applicable species' distribution and known occurrences relative to the project area and the presence of suitable habitat for the species in or near the project area. The analysis included in the IEC concludes that residential development within the proposed amendment area would not impact sensitive wildlife habitat or species.

Implementation of the proposed amendments and subsequent multi-family

AGENDA ITEM NO. V.B

residential development would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl. While the rezone amendments would allow for some different land uses, density and heights in the amendment area, they do not propose specific new development that threaten protection of listed species or their habitat, and do not affect policies that protect biological resources.

I. Noise

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

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

Noise increases associated with traffic under redevelopment buildout conditions would be similar to existing noise levels as traffic levels are relatively the same between existing and new allowed uses. For these reasons, TCAP amendments would not contribute to an adverse cumulative increase in noise levels.

III. Conclusion

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

the thresholds.

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

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

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

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

The finding of no significant effect based on the initial environmental checklist can be found on the subsequent page.

FINDING OF NO SIGNIFICANT EFFECT

Project Description: Proposed amendments to the City of South Lake Tahoe’s Tourist Core Area 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 (attachment C), Agency staff found that the subject project will not have a significant effect on the environment.



TRPA Executive Director/Designee

April 22, 2024

Date

Attachment E
Compliance Measures Evaluation

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The proposed Amendment makes no changes to the TCAP's BMP requirements and implementation programs. The proposed multiple-family development within the Amendment Area will comply with existing BMP requirements.
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 proposed amendment makes no changes to the TCAP's policies regarding implementation of the CIP.
6	Excess coverage mitigation program: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The proposed amendment does 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. No changes are proposed.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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 TCAP was developed to meet the requirements of Chapter 13, Area Plans, and to implement the 2012 Regional Plan. This amendment will allow residential uses to be developed on a parcel already located within the TCAP boundaries and in a Town Center Overlay. The parcel is located within a 1/4-mile of existing commercial and public service uses and transit consistent with Chapter 13.
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 TCAP maintains the existing Growth Management regulations, Chapters 50 through 53, of the TRPA Code. No changes are proposed with the amendment.
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 TCAP incorporates the existing land coverage provisions in Chapter 30 of the TRPA Code as well as the provisions that allow for high capability lands in Town Centers and the Regional Center to be covered up to 70%. It also includes provisions to protect and restore SEZs, maximize opportunities to remove or mitigate excess land coverage, implement EIP projects (including area wide water quality and erosion control projects), and accelerate BMP implementation. No changes are proposed with the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	N	The proposed amendment is consistent with Goal LU-6 which is included in the TCAP: To focus development in centers in order to maximize incentives and create transit-, bicycle-, and pedestrian-oriented places that serve the needs of both residents and visitors and LU-6.1: Encourage and allow for the revitalization and consolidation of development within centers by allowing for the transfer of residential units of use and tourist accommodation units that have been converted to commercial floor area pursuant to TRPA Code Section 50.10. Thus, the TCAP includes 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 TCAP Amendment will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapter 30.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The TCAP benefits the EIP's SEZ restoration program through policies and provisions for the protection and restoration of SEZs. No changes are proposed with the amendment.
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, IPES, Section 53.9, were not altered by the TCAP. No changes are proposed.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The TCAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes are proposed with the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The TCAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes are proposed with the amendment.
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The amendments do not alter restrictions on rate and/or amount of additional development. The proposed multiple-family residential development will use existing units of use banked within the Amendment Area.
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 TCAP does not increase funding for EIP erosion and runoff control projects but may help to accelerate implementation. No changes are proposed with the amendment.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	The TCAP does not alter the artificial wetlands/runoff treatment program. No changes are proposed in the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The TCAP provides incentives for property owners to hasten the transfer of development rights from sensitive lands, including SEZs, or outlying areas to Town Centers and the Regional Center where redevelopment is better suited and will have beneficial or reduced adverse environmental impacts. No changes are proposed with the amendment.
23	Improved mass transportation	WQ, Trans, Noise	Y	The TCAP amendment facilitates the development of multi-family housing within 1/4 mile of existing transit routes, supporting increased usage of the transit system.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	N	One of the main objectives of the TCAP is to encourage the environmental redevelopment of the built environment and implement the Goals and Policies in the Land Use Element of the Regional Plan. Also see response to Compliance Measure 12. No changes are proposed with the amendment.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	No changes are being proposed that would impact these Compliance Measures. 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</i> Chapter 60	WQ, Soils/SEZ	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	
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 TCAP did not change BMP requirements. See response to Compliance Measures 1 through 4. No changes are proposed with the amendment.
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	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	The amendment will not alter the effectiveness of compliance measures relating to timber harvesting or outdoor recreation.
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 TCAP did not expand ORV use, and no changes are proposed.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	The existing TRPA Code provisions remain in effect, and no changes are proposed with the amendment.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	The existing Code provisions related to the Shorezone remain in effect, and no changes are proposed that would impact Compliance Measures 43 through 50. There is no shorezone within Amendment Area.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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, Scenic	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	The TCAP did not alter the list of exempt activities. No changes are proposed.

WATER QUALITY/SEZ - SUPPLEMENTAL

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The proposed amendment does not include any provisions that would impact Compliance Measures 52 through 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	

AIR QUALITY/TRANSPORTATION - IN PLACE

62	Fixed Route Transit - South Shore: STAGE	Trans, Rec	Y	The TCAP includes Goals and Policies that support the implementation of the City's General Plan, adopted Mobility 2035: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan (refer to the TCAP, Section 6, Transportation). The plans include a number of projects to improve pedestrian and bike access, including the U.S. 50 South Shore Community Revitalization Project (Loop Road), South Tahoe Greenway, and Pioneer Trail Pedestrian Upgrades. These elements of the TCAP are expected to accelerate implementation of Compliance Measures 71 & 72. The TCAP Amendment does not impact any transit services, bikeways, or pedestrian facilities except to encourage multi-family development within close proximity to South
64	Demand Responsive Transit	Trans	N	
65	Seasonal Transit Services	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
72	Pedestrian facilities	Trans, Rec, Scenic	N	Shore's year-round and winter routes, potentially increasing ridership.
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The TRPA Code provisions related to Compliance Measures 73 through 75 remain in effect, and no changes are proposed with the amendment.
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	
76	U.S. Postal Service Mail Delivery	Trans	N	The TCAP amendment will not impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ, Trans	N	The TRPA Code provisions related to Compliance Measures 77 through 78 remain in effect, and no changes are proposed with the amendment.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	No changes are proposed to the Code's provisions related to established vehicle emission limitations.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	No changes are proposed.
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	No changes are proposed.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The TCAP 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,
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	

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Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
88	Traffic Management Program - Tahoe City	Trans	N	alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola. The proposed amendment and any subsequent multi-family residential housing project is screened out from a detailed VMT evaluation. Development associated with the amendment will use existing units of use banked within the Amendment Area and would not generate additional demand for waterborne transit services.
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	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	
AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL				
98	Demand Responsive Transit - North Shore	Trans	N	The TCAP Amendment does not impact any transit services, bikeways, or pedestrian facilities except to encourage multi-family development within close proximity to South Shore's year-round and winter routes, potentially increasing ridership. No changes to existing policies are proposed.
99	Coordinated Transit System - South Shore	Trans	Y	
100	Transit Passenger Facilities	Trans	N	
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	

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Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	
VEGETATION - IN PLACE				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The TCAP did not alter the provisions of Chapter 33, and no changes are proposed with the amendment.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The TCAP did not alter the provisions of Chapter 61, and no changes are proposed with the amendment.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	The TCAP, as amended, is consistent with Chapter 5 of the TRPA Code.
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 responses to Compliance Measures 43 through 50
136	Project Review	WQ, Veg	N	Projects on the rezoned parcels will be reviewed and inspected according to the MOU between the City and TRPA.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	See responses 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
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	No changes are proposed.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	No changes are proposed.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	No changes are proposed.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	No changes are proposed.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
VEGETATION - SUPPLEMENTAL				
147	Deepwater Plant Protection	WQ, Veg	N	No changes are proposed.
WILDLIFE - IN PLACE				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	No changes are proposed.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec,	N	No changes are proposed.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	No changes are proposed.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	No changes are proposed.
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 Measures 136 and 137.
FISHERIES - IN PLACE				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	No changes are proposed.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The TCAP does not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	No changes are proposed.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	No changes are proposed.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	No changes are proposed.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	No changes are proposed.
Compliance M	BMP and revegetation practices	WQ, Fish	N	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	No changes are proposed.
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	No changes are proposed.
170	Compliance inspection	Fish	N	No changes are proposed.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
171	Public Education Program	Wildlife, Fish	N	The TCAP does not include a public education component, but does address the City's education and outreach efforts regarding green building. No changes are proposed.
NOISE - IN PLACE				
172	Airport noise enforcement program	Wildlife, Fish	N	No changes are proposed.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	No changes are proposed.
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	No changes are proposed.
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	No changes are proposed.
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 TCAP should reduce VMT via installation of pedestrian and bike paths and improving public transit. No changes are proposed.
179	Transportation corridor design criteria	Trans, Noise	N	The City of South Lake Tahoe, CalTrans, and Mobility 2035 standards will continue to apply, where applicable.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	No changes are proposed.
182	Project Review	Noise	N	See response to Compliance Measures 136 and 137.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing complaint systems are not being modified.
184	Transportation corridor compliance program	Trans, Noise	N	No changes are proposed.
185	Exemptions to noise limitations	Noise	N	No changes are proposed.
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	No changes are proposed.
187	Personal watercraft noise controls	Wildlife, Noise	N	No changes are proposed.
NOISE - SUPPLEMENTAL				
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 TCAP amendment.
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measure 10.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	The TRPA, in coordination with the City of South Lake Tahoe, will continue to process Specific and Master Plan Plans pursuant to Chapter 14 of the TRPA Code of Ordinances.
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The TCAP amendment is not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The TCAP includes hiking and riding facilities reflected in the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan and Lake Tahoe Region Bicycle and Pedestrian Plan. Therefore, the TCAP is expected to accelerate implementation of this compliance measure. No changes are proposed with the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
194	Scenic quality of recreation facilities	Rec, Scenic	N	All proposals for new recreation facilities within the TCAP will have to meet Scenic Quality standards. No changes are proposed.
195	Density standards	Rec	Y	The proposed amendment includes a special policy which would limit uses to multi-family residential at a density of no more than 4 units/acre within the Amendment Area located in the TSC-MU District.
196	Bonus incentive program	Rec	N	The TCAP Amendment does not alter existing bonus unit incentives.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	All applicable TRPA Code Of Ordinance findings will continue to have to be met with the future approval of projects within the TCAP, as amended.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	No changes are proposed.
199	Annual user surveys	Rec	N	No changes are proposed.
RECREATION - SUPPLEMENTAL				
200	Regional recreational plan	Rec	N	No changes are proposed.
201	Establish fair share resource capacity estimates	Rec	N	The TCAP does not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling. No changes are proposed with the amendment.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	See responses 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.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	The TCAP Development and Design Standards (see Table 7) include height standards that are consistent with Chapter 37 of the TRPA Code of Ordinances, as well as take advantage of the new height provisions in the Regional Plan and Chapter 13 of the TRPA Code of Ordinances. No changes to the adopted height standards are proposed.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	No changes are proposed.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	No changes are proposed.
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	N	No changes are proposed.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See responses 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	No changes are proposed.
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 responses to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	N	No changes are proposed.
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	See response to Compliance Measure 194.
218	Project Review Information Packet	Scenic	N	See response to Compliance Measure 194.
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	See response to Compliance Measure 194.
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A

SCENIC - SUPPLEMENTAL

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed with the TCAP amendment.
222	Integrate project identified in SQIP	Scenic	N	No changes are proposed.

Attachment F

Area Plan Finding of Conformity Checklist

Tahoe Regional Planning Agency

Area Plan Finding of Conformity Checklist

AREA PLAN INFORMATION

Area Plan Name: Tourist Core Area Plan Amendment (Recreation Parcel Rezone)
Lead Agency: City of South Lake Tahoe
Submitted to TRPA: October 21, 2021
TRPA File No: N/A

CONFORMITY REVIEW

Review Stage: Final Review
Conformity Review Date: TBD
TRPA Reviewer: Alyssa Bettinger

HEARING DATES

Lead Agency Approval: April 24, 2024
APC: May 8, 2024
Governing Board: June 26, 2024
Appeal Deadline: N/A
MOU Approval Deadline: N/A

CHARACTERISTICS

Geographic Area and Description: Tourist Core Area Plan (TCAP): Tourist Center Mixed Use District
Land Use Classifications: Recreation and Tourist Center Mixed Use

Area Plan Amendment Summary: The proposed amendments affect TCAP Appendix C, Table 1: Permitted Uses by Land Use District as follows:

- Amend the existing zoning for a portion of APN 029-441-024, specifically the portion of the parcel formerly recognized as APN 029-240-011, from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU) to allow additional residential uses and

match the zoning of the parcel with which it has recently been consolidated (APN 029-441-004);

- Add an applicable TSC-MU policy to APN 029-441-024 that would limit the use of this parcel to residential, linear public facilities, recreation, resource management, and open space (tourist, commercial, and most general public service land uses would be prohibited);

Conformity Checklist

		TRPA Code Section	Conformity		
			YES	NO	N/A
A. Contents of Area Plans					
1	General	13.5.1	●		
2	Relationship to Other Code Sections	13.5.2	●		
B. Development and Community Design Standards					
<i>Building Height</i>					
1	Outside of Centers	13.5.3			●
2	Within Town Centers	13.5.3	●		
3	Within the Regional Center	13.5.3	●		
4	Within the High-Density Tourist District	13.5.3			●
<i>Density</i>					
5	Single-Family Dwellings	13.5.3			●
6	Multiple-Family Dwellings outside of Centers	13.5.3			●
7	Multiple-Family Dwellings within Centers	13.5.3	●		
8	Tourist Accommodations	13.5.3			●
<i>Land Coverage</i>					
9	Land Coverage	13.5.3			●
10	Alternative Comprehensive Coverage Management	13.5.3.B.1			●
<i>Site Design</i>					
11	Site Design Standards	13.5.3	●		
<i>Complete Streets</i>					
12	Complete Streets	13.5.3			●
C. Alternative Development Standards and Guidelines Authorized in an Area Plan					
1	Alternative Comprehensive Coverage Management System	13.5.3.B.1			●
2	Alternative Parking Strategies	13.5.3.B.2			●
3	Areawide Water Quality Treatments and Funding Mechanisms	13.5.3.B.3			●
4	Alternative Transfer Ratios for Development Rights	13.5.3.B.4			●

		TRPA Code Section	Conformity		
			YES	NO	N/A
D. Development Standards and Guidelines Encouraged in Area Plans					
1	Urban Bear Strategy	13.5.3.C.1			●
2	Urban Forestry	13.5.3.C.2			●
E. Development on Resort Recreation Parcels					
1	Development on Resort Recreation Parcels	13.5.3.D			●
F. Greenhouse Gas Reduction					
1	Greenhouse Gas Reduction Strategy	13.5.3.E			●
G. Community Design Standards					
1	Development in All Areas	13.5.3.F.1.a			●
2	Development in Regional Center or Town Centers	13.5.3.F.1.b			●
3	Building Heights	13.5.3.F.2			●
4	Building Design	13.5.3.F.3			●
5	Landscaping	13.5.3.F.4			●
6	Lighting	13.5.3.F.5			●
7	Signing – Alternative Standards	13.5.3.F.6			●
8	Signing – General Policies	13.5.3.F.6			●
H. Modification to Town Center Boundaries					
1	Modification to Town Center Boundaries	13.5.3.G			●
I. Conformity Review Procedures for Area Plans					
1	Initiation of Area Planning Process by Lead Agency	13.6.1	●		
2	Initial Approval of Area Plan by Lead Agency	13.6.2	●		
3	Review by Advisory Planning Commission	13.6.3	●		
4	Approval of Area Plan by TRPA	13.6.4	●		
J. Findings for Conformance with the Regional Plan					
<i>General Review Standards for All Area Plans</i>					
1	Zoning Designations	13.6.5.A.1	●		
2	Regional Plan Policies	13.6.5.A.2	●		

		TRPA Code Section	Conformity		
			YES	NO	N/A
3	Regional Plan Land Use Map	13.6.5.A.3	●		
4	Environmental Improvement Projects	13.6.5.A.4			●
5	Redevelopment	13.6.5.A.5	●		
6	Established Residential Areas	13.6.5.A.6			●
7	Stream Environment Zones	13.6.5.A.7			●
8	Alternative Transportation Facilities and Implementation	13.6.5.A.8			●
<i>Load Reduction Plans</i>					
9	Load Reduction Plans	13.6.5.B			●
<i>Additional Review Standards for Town Centers and the Regional Center</i>					
10	Building and Site Design Standards	13.6.5.C.1			●
11	Alternative Transportation	13.6.5.C.2			●
12	Promoting Pedestrian Activity	13.6.5.C.3			●
13	Redevelopment Capacity	13.6.5.C.4			●
14	Coverage Reduction and Stormwater Management	13.6.5.C.5			●
15	Threshold Gain	13.6.5.C.6	●		
<i>Additional Review Standards for the High-Density Tourist District</i>					
16	Building and Site Design	13.6.5.D.1			●
17	Alternative Transportation	13.6.5.D.2			●
18	Threshold Gains	13.6.5.D.3			●
K. Area Plan Amendments					
1	Conformity Review for Amendments to an Area Plan	13.6.6			●
2	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Notice	13.6.7.A			●
3	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Timing	13.6.7.B	●		
L. Administration					
1	Effect of Finding of Conformance of Area Plan	13.6.8	●		

		TRPA Code Section	Conformity		
			YES	NO	N/A
2	Procedures for Adoption of Memorandum of Understanding	13.7			●
3	Monitoring, Certification, and Enforcement of an Area Plan	13.8			●
4	Appeal Procedure	13.9	●		

Conformity Review Notes

A. CONTENTS OF AREA PLANS

1. General YES NO N/A

Citation 13.5.1

Requirement An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA’s Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

Notes The adopted TCAP consists of goals, policies, actions, projects, maps, ordinances, and related materials that conform to the Regional Plan. The adopted land use and zoning maps are consistent with Regional Plan Map 1, *Conceptual Regional Land Use Map*. No modifications to boundaries of the Conceptual Regional Plan Land Use Map is proposed.

The proposed amendments rezones an existing parcel from Recreation to Tourist Center Mixed-Use. The rezoned parcel is designated as Tourist Land Use Classification in the Conceptual Land Use Map.

2. Relationship to Other Sections of the Code YES NO N/A

Citation 13.5.2

Requirement This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area

Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

Notes

The Area Plan's development standards are included as Appendix C to the TCAP. Under the proposed amendments, only permissible land uses would be affected for the subject parcel. No other design standard changes are proposed.

B. DEVELOPMENT AND COMMUNITY DESIGN STANDARDS

Area plans shall have development standards that are consistent with those in Table 13.5.3-1

MAXIMUM BUILDING HEIGHT

1. **Outside of Centers** YES NO N/A

Citation 13.5.3

Requirement Building height standards shall be consistent with Code Section 37.4.

Notes

2. **Within Town Centers** YES NO N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 4 stories and 56 feet.

Notes

3. **Within the Regional Center** YES NO N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 6 stories and 95 feet.

Notes

4. **Within the High-Density Tourist District** YES NO N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 197 feet.

Notes

DENSITY

5. **Single-Family Dwellings** YES NO N/A

Citation 13.5.3

Requirement Single-family dwelling density shall be consistent with Code Section 31.3.

Notes The proposed amendments do not make any changes to single-family density standard.

6. **Multiple-Family Dwellings outside of Centers** YES NO N/A

Citation 13.5.3

Requirement Multiple-family dwelling density outside of Centers shall be consistent with Code Section 31.3.

Notes The proposed amendments do not make any changes to existing multiple-family dwelling density outside of centers.

7. **Multiple-Family Dwellings within Centers** YES NO N/A

Citation 13.5.3

Requirement Multiple-family dwelling density within Centers shall be a maximum of 25 units per acre.

Notes The proposed amendments do not make any changes to existing multi-family dwelling density inside centers, which is 25 units per acre.

8. **Tourist Accommodations** YES NO N/A

Citation 13.5.3

Requirement Tourist accommodations (other than bed and breakfast) shall have a maximum density of 40 units per acre.

Notes The proposed amendments do not make any changes to tourist accommodation density. The amendment will apply the tourist density standard to the rezoned parcel. However, the permissible use list is proposed to be amended to prohibit tourist accommodation uses on the rezoned parcel.

LAND COVERAGE

9. **Land Coverage** YES NO N/A

Citation 13.5.3

Requirement Land coverage standards shall be consistent with Section 30.4 of the TRPA Code.

Notes The proposed amendments do not make any changes to land coverage.

10. **Alternative Comprehensive Coverage Management System** YES NO N/A
See Section C.1 of this document.

SITE DESIGN

11. **Site Design Standards** YES NO N/A
Citation 13.5.3

Requirement Area plans shall conform to Section 36.5 of the TRPA Code.

Notes The development standards in Appendix C of the TCAP are functionally equivalent to the standards set forth in Section 36.5 of the TRPA Code of Ordinances.

COMPLETE STREETS

12. **Complete Streets** YES NO N/A
Citation 13.5.3

Requirement Within Centers, plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporation of the Regional Bike and Pedestrian Plan.

Notes The proposed amendments do not make any changes to complete street standards.

C. ALTERNATIVE DEVELOPMENT STANDARDS AND GUIDELINES AUTHORIZED IN AREA PLANS

1. **Alternative Comprehensive Coverage Management System** YES NO N/A
Citation 13.5.3.B.1

Requirement An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). For purposes of this provision, “total” coverage is the greater of existing or allowed coverage.

Notes The City of South Lake Tahoe has chosen not to develop an alternative comprehensive coverage management system. This is an optional component.

2. Alternative Parking Strategies

YES NO N/A

Citation 13.5.3.B.2

- Requirement* An Area Plan is encouraged to include shared or area-wide parking strategies to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following:
- Reduction or relaxation of minimum parking standards;
 - Creation of maximum parking standards;
 - Shared parking;
 - In-lieu payment to meet parking requirements;
 - On-street parking;
 - Parking along major regional travel routes;
 - Creation of bicycle parking standards;
 - Free or discounted transit;
 - Deeply discounted transit passes for community residents; and
 - Paid parking management

Notes

The City of South Lake Tahoe has chosen not to develop alternative parking strategies. This is an optional component. The existing Area Plan does include policies and standards that mirror some of the listed parking strategies.

3. Areawide Water Quality Treatments and Funding Mechanisms

YES NO N/A

Citation 13.5.3.B.3

- Requirement* An Area Plan may include water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:
- Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm;
 - Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;
 - Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;
 - Strong consideration shall be given to areas connected to surface waters;
 - Area-wide BMP plans shall consider area-wide and parcel level BMP requirements as an integrated system;
 - Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components or area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards.
 - Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements.

Notes No changes are proposed to stormwater projects.

4. Alternative Transfer Ratios for Development Rights YES NO N/A

Citation 13.5.3.B.4

Requirement Within a Stream Restoration Plan Area as depicted in Map 1 in the Regional Plan, an Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environment gain compared to the TRPA transfer ratios set forth in Chapter 51: Transfer of Development.

Notes No changes are proposed to alternative transfer ratios.

D. DEVELOPMENT STANDARDS AND GUIDELINES ENCOURAGED IN AREA PLANS

1. Urban Bear Strategy YES NO N/A

Citation 13.5.3.C.1

Requirement In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

Notes The City Code requires bear-proof trash enclosures for all multi-family dwelling projects. South Tahoe Refuse Company will also be offering bear-proof trash containers to all single-family dwelling units located in the City of South Lake Tahoe

2. Urban Forestry YES NO N/A

Citation 13.5.3.C.2

Requirement In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

Notes No changes are proposed to an urban forestry strategy.

E. DEVELOPMENT ON RESORT RECREATION PARCELS

1. Development on Resort Recreation Parcels YES NO N/A

Citation 13.5.3.D

Requirement In addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions:

- The parcels must become part of an approved Area Plan;
- Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions allowed;
- Development shall be transferred from outside the area designated as Resort Recreation; and
- Transfers shall result in the retirement of existing development.

Notes The TCAP does not have any contain any parcels that are designated Resort Recreation.

F. GREENHOUSE GAS REDUCTION

1. Greenhouse Gas Reduction Strategy

YES NO N/A

Citation 13.5.3.E

Requirement To be found in conformance with the Regional Plan, Area Plans shall include a strategy to reduce emissions of Greenhouse Gases from the operation or construction of buildings. The strategy shall include elements in addition to those included to satisfy other state requirements or requirements of this code. Additional elements included in the strategy may include but are not limited to the following:

- A local green building incentive program to reduce the energy consumption of new or remodeled buildings;
- A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits;
- Modifications to the applicable building code or design standards to reduce energy consumption; or
- Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities.

Notes Buildings constructed within the TCAP are subject to the California Building Code which already includes some of the nation’s strictest standards to reduce energy use. Moreover, the City is upgrading municipal facilities with energy efficiency upgrades and installing solar facilities. No changes are proposed to a GHG strategy.

G. COMMUNITY DESIGN STANDARDS

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

1. Development in All Areas

YES NO N/A

Citation 13.5.3.F.1.a

Requirement All new development shall consider, at minimum, the following site design standards:

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- Existing natural features retained and incorporated into the site design;
- Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;
- Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards, and
- Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

Notes Appendix C of the TCAP includes these site design standards. No changes are proposed to the standards above.

2. Development in Regional Center or Town Centers YES NO N/A

Citation 13.5.3.F.1.b

Requirement In addition to the standards above, development in Town Centers or the Regional Center shall address the following design standards:

- Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.
- Area Plans shall encourage the protection of views of Lake Tahoe.
- Building height and density should be varied with some buildings smaller and less dense than others.
- Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.
- Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.

Notes Appendix C of the TCAP includes these site design standards. No changes are proposed to the standards above and they will apply to any new projects proposed on the rezoned parcel.

3. Building Heights YES NO N/A

Citation 13.5.3.F.2

Requirement

- Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 of the Code of Ordinances
- Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.

- Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

Notes Building height is set forth in Appendix C of the TCAP and is consistent with these standards. No changes are proposed to building height. The rezoned parcel will be subject to the existing maximum height of 56 feet.

4. Building Design YES NO N/A

Citation 13.5.3.F.3

Requirement Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- The scale of structures should be compatible with existing and planned land uses in the area.
- Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
- Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

Notes Building design is set forth in Appendix C of the TCAP and is consistent with these standards. No changes are proposed to these standards. The rezoned parcel will be subject to the existing design building design standards of the TCAP.

5. Landscaping YES NO N/A

Citation 13.5.3.F.4

Requirement The following should be considered with respect to this design component of a project:

- Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.
- Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

Notes No changes are proposed to these TCAP landscape standards. Any future project will be subject to the landscape standards of the TCAP and the City Water Efficient Landscape Ordinance.

6. Lighting YES NO N/A

Citation 13.5.3.F.5

Requirement Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

- Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
- Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
- Lights should not blink, flash, or change intensity except for temporary public safety signs.

Notes The City exterior lighting standards apply in the TCAP. The exterior lighting standards include provisions to allow for adequate level of lighting while protecting the night time sky. No change is proposed as part of these amendments. Any future project on the rezoned parcel will be required to install cutoff shields on all exterior lights and all lighting shall be directed downwards.

7. Signing – Alternative Standards YES NO N/A

Citation 13.5.3.F.6

Requirement Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.

Notes The city’s substitute signage standards are used within the TCAP. No change is proposed as part of these amendments.

8. Signing – General Policies YES NO N/A

Citation 13.5.3.F.6

Requirement In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated.
- Signs should be incorporated into building design;
- When possible, signs should be consolidated into clusters to avoid clutter.
- Signage should be attached to buildings when possible; and
- Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

Notes The city’s substitute signage standards are used within the TCAP. No change is proposed as part of these amendments.

H. MODIFICATION TO TOWN CENTER BOUNDARIES

1. **Modification to Town Center Boundaries** YES NO N/A

Citation 13.5.3.G

Requirement When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:

- Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard.
- Properties included in a Center shall be less than ¼ mile from existing Commercial and Public Service uses.
- Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

Notes The amendments do not include any modifications to the Town Center boundaries.

I. CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

1. **Initiation of Area Planning Process by Lead Agency** YES NO N/A

Citation 13.6.1

Requirement The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

Notes The City of South Lake Tahoe served as lead agency for these amendments.

2. **Initial Approval of Area Plan by Lead Agency** YES NO N/A

Citation 13.6.2

Requirement If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

Notes The City of South Lake Tahoe involved the public at large and interested stakeholders pursuant to state law and the California Environmental Quality Act (CEQA). Additionally, City staff worked with TRPA staff on the amendment package and environmental review.

3. Review by Advisory Planning Commission YES NO N/A

Citation 13.6.3

Requirement The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable. jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

Notes The Area Plan is scheduled for review by the Advisory Planning Commission on May 8, 2024

4. Approval of Area Plan by TRPA YES NO N/A

Citation 13.6.4

Requirement For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.

Notes The Area Plan will be scheduled for review by the Governing Board on June 26, 2024 after review by the Advisory Planning Commission and the Regional Plan Committee. The Governing Board will need to find the Area Plan amendment is in conformance with the Regional Plan before it takes effect.

J. FINDINGS OF CONFORMANCE WITH THE REGIONAL PLAN

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:

GENERAL REVIEW STANDARDS FOR ALL AREA PLANS

1. Zoning Designations YES NO N/A

Citation 13.6.5.A.1

Requirement The submitted Area Plan shall identify zoning designations, allowed land uses, and development standards throughout the plan area.

Notes Appendix C (specifically Table 1) of the TCAP amendments identifies changes to the Permitted Uses by Land Use District and the Proposed Zoning Map shows the rezone area from Recreation to Tourist Center Mixed-Use).

2. Regional Plan Policies YES NO N/A

Citation 13.6.5.A.2

Requirement The submitted Area Plan shall be consistent with all applicable Regional Plan policies, including, but not limited to, the regional growth management system, development allocations, and coverage requirements.

Notes The Area Plan contains goals and policies that are in alignment with Regional Plan policies. No changes to policies, the regional growth management system, development allocations, or coverage requirements are proposed as part of these amendments.

3. Regional Plan Land Use Map YES NO N/A

Citation 13.6.5.A.3

Requirement The submitted Area Plan shall either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with Regional Plan policies and provide threshold gain.

Notes The proposed rezone and limitations for the amendment area are consistent with the Tourist regional land use.

4. Environmental Improvement Projects YES NO N/A

Citation 13.6.5.A.4

Requirement The submitted Area Plan shall recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide threshold gain.

Notes The Area Plan recognizes and incorporates the Environmental Improvement Program (EIP). Planned environmental improvement projects are included in the plan. No changes are proposed as part of the amendments.

5. Redevelopment YES NO N/A

Citation 13.6.5.A.

Requirement The submitted Area Plan shall promote environmentally beneficial redevelopment and revitalization within town centers, regional centers and the High Density Tourist District.

Notes The Area Plan promotes redevelopment within Town Centers by incorporating the incentives established in the 2012 Regional Plan Update. The Town Center is eligible for increased density, coverage, and height as a result of area plan adoption. This promotes compact development and promotes the Regional Plan’s land use and transportation strategies. The amendments do not affect the area plan’s redevelopment strategy, but furthers the Area Plan’s land use strategy to promote higher density housing within close proximity to an active Town Center.

6. Established Residential Areas YES NO N/A

Citation 13.6.5.A.6

Requirement The submitted Area Plan shall preserve the character of established residential areas outside of town centers, regional centers and the High Density Tourist District, while seeking opportunities for environmental improvements within residential areas.

Notes No changes to residential areas outside of Town Centers are proposed as part of these amendments.

7. Stream Environment Zones YES NO N/A

Citation 13.6.5.A.7

Requirement The submitted Area Plan shall protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in disturbed Stream Environment zones within town centers, regional centers and the High-Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone.

Notes No changes are proposed under the amendments. The existing Stream Environment Zone located on the rezoned parcel will be restored and will be protected from further encroachment.

8. Alternative Transportation Facilities and Implementation YES NO N/A

Citation 13.6.5.A.8

Requirement The submitted Area Plan shall identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

Notes No changes are proposed as part of the amendments.

LOAD REDUCTION PLANS

9. Load Reduction Plans YES NO N/A

Citation 13.6.5.B

Requirement TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.

Notes No changes are proposed as part of the amendments.

ADDITIONAL REVIEW STANDARDS FOR TOWN CENTERS AND THE REGIONAL CENTER

10. Building and Site Design Standards YES NO N/A

Citation 13.6.5.C.1

Requirement The submitted Area Plan shall include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.

Notes No changes to building and site design standards are proposed as part of these amendments.

11. Alternative Transportation YES NO N/A

Citation 13.6.5.C.2

Requirement The submitted Area Plan shall promote walking, bicycling, transit use and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers.

Notes No changes to alternative transportation are proposed as part of these amendments.

12. Promoting Pedestrian Activity YES NO N/A

Citation 13.6.5.C.3

Requirement The submitted Area Plan shall use standards within town centers and regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use.

Notes The Design Standards promote pedestrian activity through site design, building design, and transportation facility standards and guidelines. The permissible uses for these areas also promote an active, pedestrian-friendly environment. No changes to pedestrian infrastructure are proposed as part of these amendments.

13. Redevelopment Capacity YES NO N/A

Citation 13.6.5.C.4

Requirement The submitted Area Plan shall ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers.

Notes The TCAP as adopted incorporates the height, density and coverage standards allowed in the Regional Plan to ensure adequate capacity for redevelopment and transfers of developments. No changes for redevelopment capacity are proposed as part of these amendments.

14. Coverage Reduction and Stormwater Management YES NO N/A

Citation 13.6.5.C.5

Requirement The submitted Area Plan shall identify an integrated community strategy for coverage reduction and enhanced stormwater management.

Notes No changes are proposed as part of these amendments.

15. Threshold Gain YES NO N/A

Citation 13.6.5.C.6

Requirement The submitted Area Plan shall demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

Notes See previous responses. All development is required to adhere to the standards of the TCAP which are designed to promote threshold gains including but not limited to scenic, community design, air quality, soils and water quality. No changes to the area plan's threshold gain strategies are proposed under these amendments.

ADDITIONAL REVIEW STANDARDS FOR THE HIGH-DENSITY TOURIST DISTRICT

16. Building and Site Design YES NO N/A

Citation 13.6.5.D.1

Requirement The submitted Area Plan shall include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.

Notes No changes are proposed as part of these amendments.

17. Alternative Transportation YES NO N/A

Citation 13.6.5.D.2

Requirement The submitted Area Plan shall provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions.

Notes No changes are proposed as part of these amendments.

18. Threshold Gain YES NO N/A

Citation 13.6.5.D.3

Requirement The submitted Area Plan shall demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.

Notes No changes are proposed as part of these amendments.

K. AREA PLAN AMENDMENTS

1. Conformity Review for Amendments to an Area Plan YES NO N/A

Citation 13.6.6

Requirement Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board’s review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

Notes The amendment to this area plan is of a narrow focus and has been reviewed by staff for conformity with the Regional Plan. The Governing Board’s review will be limited to determining the conformity of the specific amendment.

2. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan - Notice YES NO N/A

Citation 13.6.7.A

Requirement TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.

Notes The proposed amendments were initiated by the City of South Lake Tahoe.

3. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan - Timing YES NO N/A

Citation 13.6.7.B

Requirement If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board’s review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

Notes The proposed amendments were initiated by the City of South Lake Tahoe.

L. ADMINISTRATION

1. Effect of Finding of Conformance of Area Plan YES NO N/A

Citation 13.6.8

Requirement By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

Notes The Governing Board found the area plan to be in conformance with the Regional Plan on November 11, 2013. These amendments will be reviewed by the Governing Board prior to going into effect. The anticipated date of review by the Governing Board is June 26, 2024

2. Procedures for Adoption of Memorandum of Understanding YES NO N/A

Citation 13.7

Requirement An Area Plan shall be consistent with the Procedures for Adoption of a Memorandum of Understanding.

Notes A memorandum of understanding delegating permitting authority is already in place. No change is necessary.

3. Monitoring, Certification, and Enforcement of an Area Plan YES NO N/A

Citation 13.8

Requirement An Area Plan shall include notification, monitoring, annual review, and recertification procedures consistent with Code Section 13.8.

Notes TRPA has conducted routine monitoring, annual review, and recertification of the TCAP.

4. Appeal Procedure YES NO N/A

Citation 13.9

Requirement The Area Plan shall include an appeal procedure consistent with Code Section 13.9.

Notes Final decisions made by the City in accordance with the TCAP/MOU may be appealed to TRPA in accordance with Section 13. 9 of TRPA Code. No change is proposed as part of these amendments.