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## STAFF REPORT

Date: July 20, 2022

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

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

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### Staff Recommendation:

TRPA staff requests that the Regional Plan Implementation Committee (RPIC) 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:

In order to recommend approval of the proposed amendments, the RPIC 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 2022-\_\_, 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.

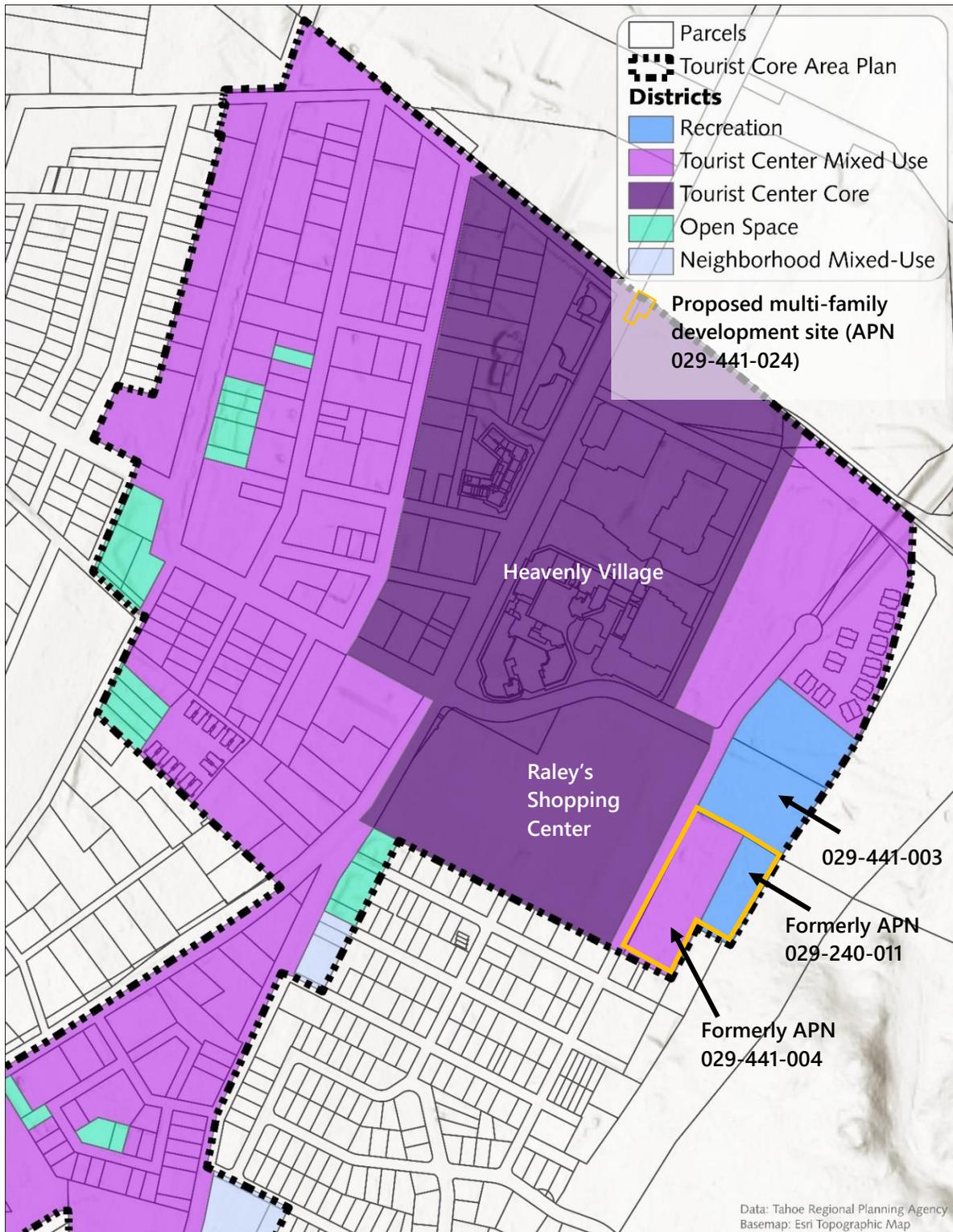
The City Planning Commission took public comment on the proposed amendment at their June 16, 2022 meeting. The Planning Commission is scheduled to consider the proposed amendments for recommended approval to the City Council on September 15, 2022. If recommended for approval, the City Council will consider adoption of the proposed amendments on October 4, 2022. If the RPIC recommends TRPA adoption, TRPA staff anticipate bringing these amendments to the Advisory Planning Commission (APC) on August 10, 2022 for a recommendation of approval and to the Governing Board on October 26, 2022 for consideration of final approval and adoption.

**Tentative Hearing Schedule:**

- **City Planning Commission** **June 16, 2022**
  - No action: public comment
  
- **TRPA Regional Plan Implementation Committee (RPIC)** **July 27, 2022**
  - Possible action: consideration of recommended approval to Governing Board
  
- **TRPA Advisory Planning Commission (APC)** **August 10, 2022**
  - Possible action: consideration of recommended approval to Governing Board
  
- **City Planning Commission** **September 15, 2022**
  - Possible action: consideration of recommended approval to City Council
  
- **City Council** **October 4, 2022**
  - Possible action: consideration of adoption
  
- **TRPA Governing Board** **October 26, 2022**
  - Possible action: consideration of approval and adoption

Summary:

The City of South Lake Tahoe and the TRPA Governing Board adopted the Tourist Core Area Plan (TCAP) in 2013. The “amendment area” is defined as 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, height limits, and density. The former Colony Inn parcel (formerly APN 029-441-004) is located within the Tourist Core Area Plan’s Tourist Center Mixed Use district, while the adjacent parcel and amendment area (formerly APN 029-240-011) is located within the area plan’s Recreation district.



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

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) and include policies within the area plan that would limit future land uses and density in the amendment area. If adopted, these policies would ultimately decrease the maximum development potential on the newly consolidated parcel (APN 029-441-024) from what would be currently allowed under the existing zoning. 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 but does not allow multi-family development. The proposed project would include a total of 10 multi-family residential structures on the combined 3.79 acre parcel. The project as proposed would be permitted by the City through their permitting delegation memorandum of understanding with TRPA. (i.e. the City would complete TRPA review and an application for the proposed project would not be submitted to TRPA directly)

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 proposed amendments do not include any changes to development and design standards within the TCAP or the Regional Plan. The specific changes (i.e. language) proposed by these amendments is included in Attachment B as tracked changes.



The City of South Lake Tahoe serves as the lead agency for the proposed amendments. City staff worked closely with TRPA staff regarding the amendment language as well as the environmental review to ensure Regional Plan conformance.

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 Compliance Measures evaluation 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.

Additional Information:

Further information regarding the proposed amendments, including the environmental impact analysis, regional plan conformance review and analysis, public outreach and comment, and draft TRPA ordinance can be found in the attached City's memorandum to the RPIC (Attachment A) and Attachments B-F.

Contact Information:

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

Attachments:

- A. City Staff Summary
  - Exhibit 1: Proposed Amendments to the Tourist Core Area Plan, Appendix C, Table 1: Permitted Uses by Land Use District
  - Exhibit 2: Plan Area Statement 089B – California South Stateline Resort Area
  - Exhibit 3: Public Comment Letter (League to Save Lake Tahoe)
  - Exhibit 4: Public Comment Letter (California Tahoe Conservancy)
  - Exhibit 5: Public Comment Letter (Joe Irwin)
- B. TRPA Adopting Ordinance 2022-\_\_
  - 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 TRPA Regional Plan Implementation Committee

**Meeting Date:** July 27, 2022

**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 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.

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 with the intent to develop multi-family residential on Assessor's Parcel Number (APN) 029-441-024 (formerly APNs 029-240-011 and 029-441-004) located along Montreal Blvd behind the Raley's shopping center near Heavenly Village. (See Figure 1.) It should be noted that the City has already approved a four-unit multi-family project on the former APN 029-441-004. (See Figure 3.)

## Initial Proposal:

HVR initially 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 have expanded the boundary of the TSC-MU zoning district, allowing additional land uses (multi-family, tourist accommodation, commercial and public services uses) that are not currently allowed in the Recreation zoning district and would have allowed additional heights up to 56 feet from 36 feet and increase density to 25 units an acre. HVR's intent at the time in pursuing this initial proposal was to develop multi-residential units on APN 029-441-004, which is already zoned TSC-MUC, and on the two adjacent parcels (APNs 029-240-011 & 029-441-003).

## Revised Proposal as a Result of Public Comment:

After facilitating a public workshop on the initial proposal as discussed above 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 initial proposal in response to concerns. These concerns were primarily centered on potential private development near the entrance of the Van Sickle Bi-State Park should APN 029-441-003 be developed. Further information regarding the comments received is included in the subsequent “Issue and Discussion” section of this report.

The revised proposed “amendment area” is defined as a 1.29 acre portion (formerly APN 029-240-011) of Assessor’s Parcel Number (APN) 029-441-024. (See Figure 1.) In June 2021, two 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 revised proposed amendments would amend existing zoning on the 1.29 acre portion of the site from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU) zoning district. This change would allow land uses within the amendment area that are not currently allowed within the Recreation district, including multi-family residential. The proposed revised amendments would also include policies that would limit future land uses and density on the combined parcels (APN 029-441-024) to ensure compatibility with surrounding land uses and serve as a transition between tourist-related commercial uses to the north of the site and recreation uses to the south of the site. If adopted, these policies would ultimately decrease the maximum development potential on the two combined parcels than what would otherwise be allowed today under the Recreation district. (See Exhibit 1, “Proposed Amendments” for a comparison of allowed land uses and specific redline changes.)

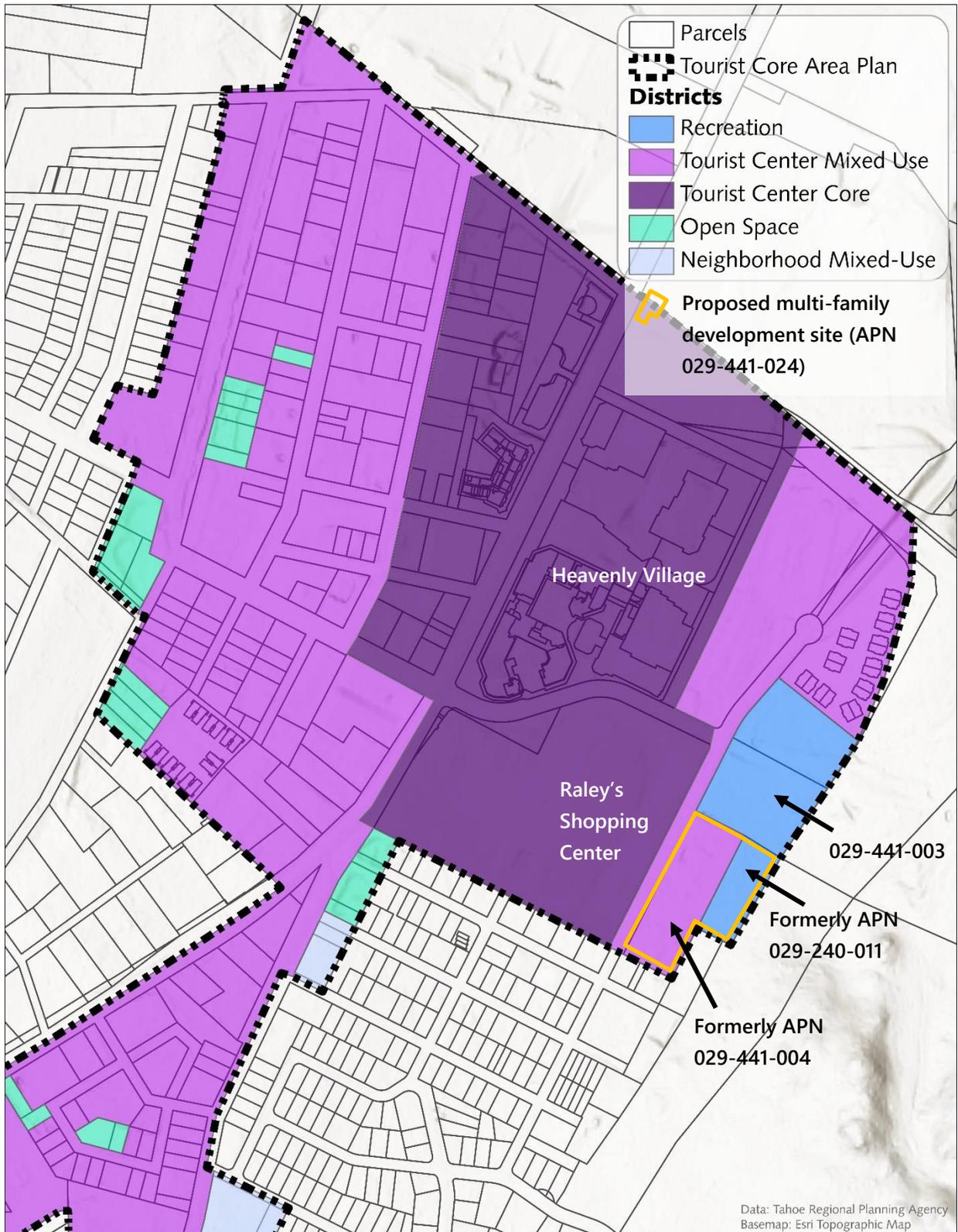
APN 029-441-003 at the entrance to Van Sickle Bi-State Park, which was included in the initial proposal, would not be rezoned as part of the revised amendment package.

The applicant (HVR Acquisitions) wishes to develop up to six (6) additional multi-family residential units on the 1.29 acre portion of the parcel located within the Recreation district. A four (4) unit Multi-Family Project has been approved by the City for the portion included in the TSC-MU district. Once built out, the eventual project would include a total of 10 multi-family residential structures (detached units) on the combined 3.79 acre site (APN 029-441-024). It is anticipated that the multi-family residential units would be subdivided into individual airspace condominiums and rented as short-term vacation home rentals (VHRs).

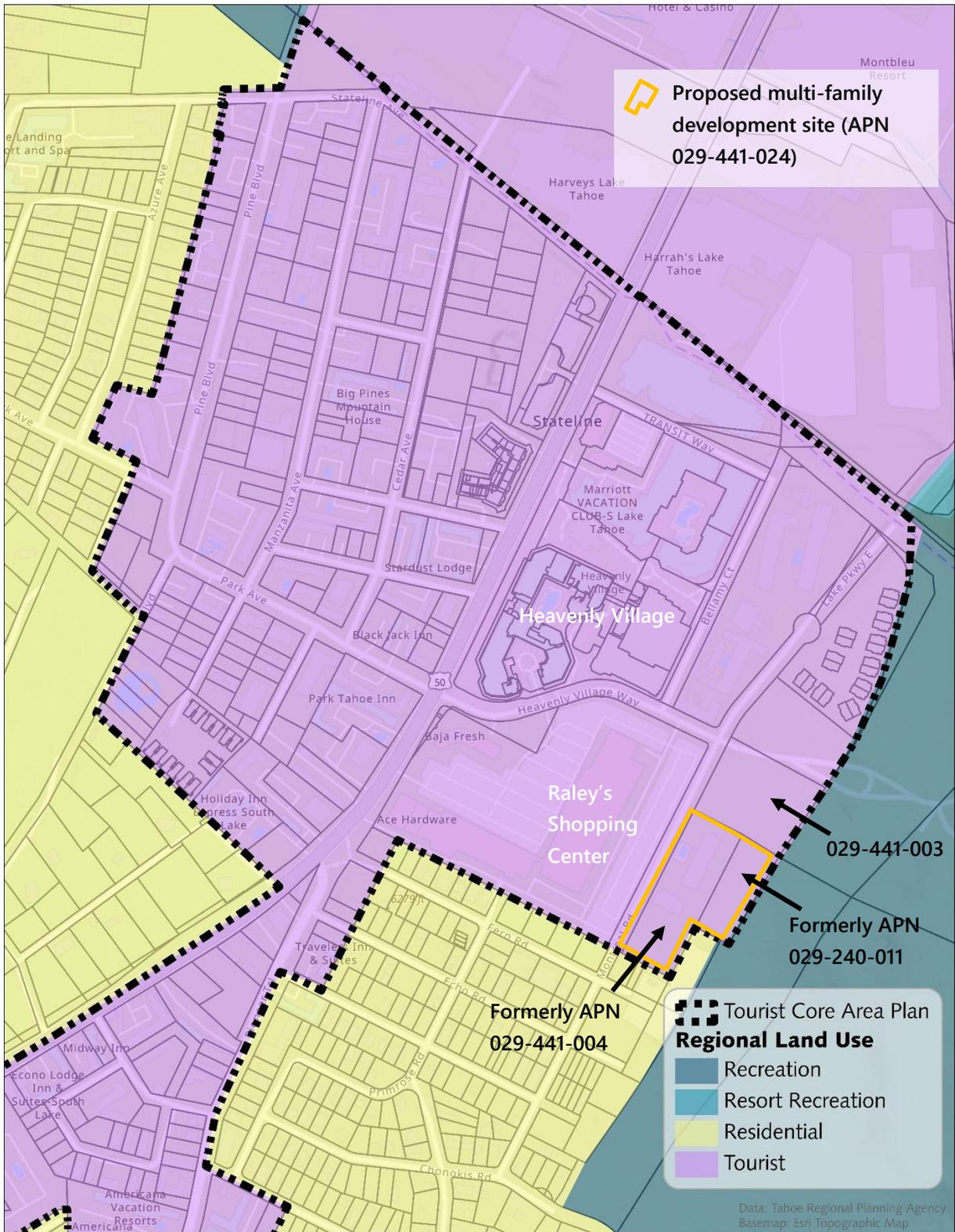
The amendment would result in changes to the local area plan land use designations within the amendment area; however, this change aligns with the City’s General Plan and TRPA’s Regional Plan land use maps. The City’s General Plan designates the amendment area as a “Tourist Center”. This designation is intended for the most intensive land uses, including major commercial/visitor centers and mixed-use residential. Likewise, the amendment area is included in Regional Plan conceptual land use designation for “tourist” uses and is within an existing town center and transfer of development rights receiving area. (See Figure 2.)

Further discussion and analysis of the initial proposal and revised proposal and its potential impacts are provided below in the “Issue and Discussion” section.

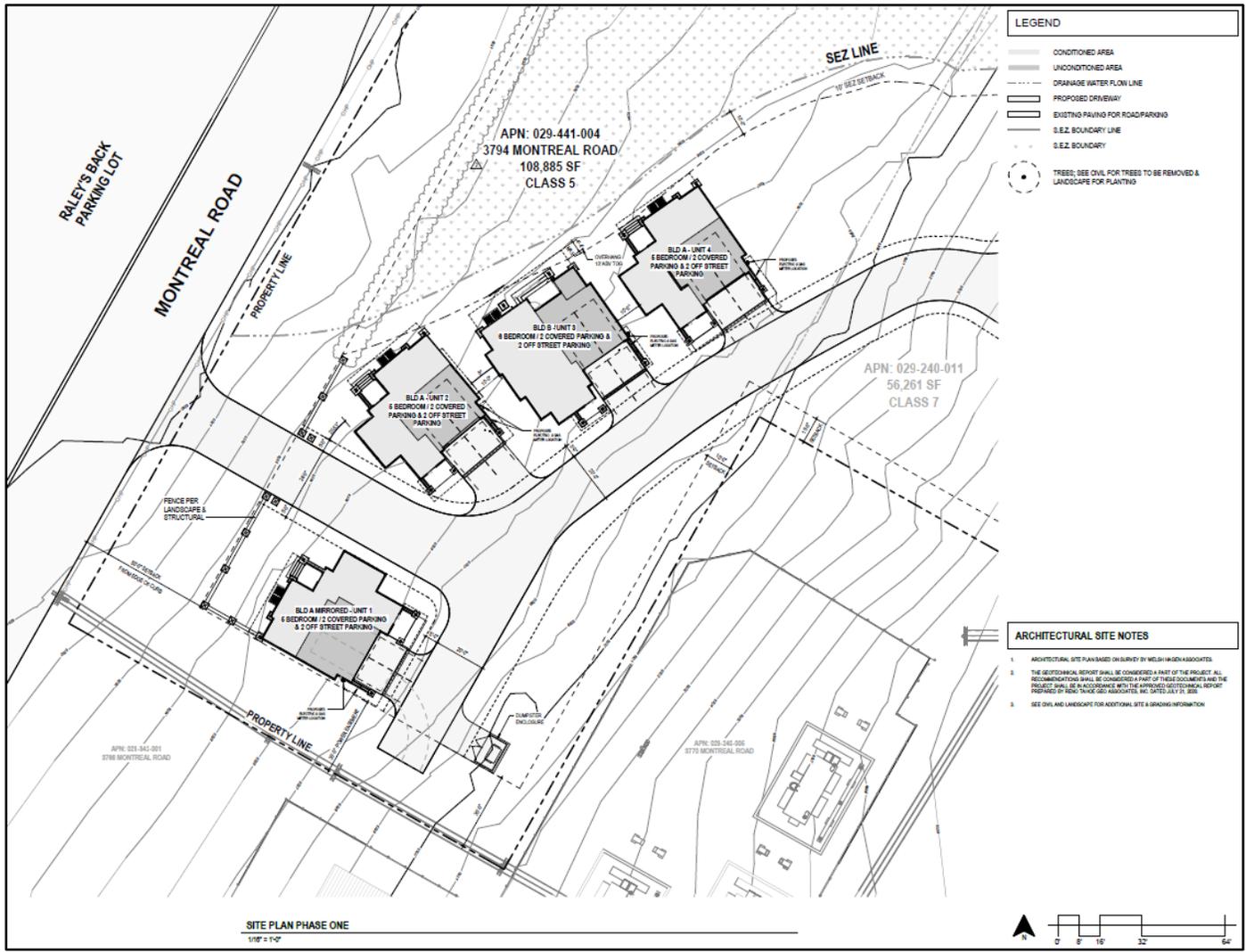
**Figure 1 –Location Map & Amendment Area (Tourist Core Area Plan)**



**Figure 2 – Regional Land Use Designations & Town Center Boundaries**



**Figure 3 – Approved Multi-Family Project on Former APN 029-441-004**



**Issue and Discussion:**

In June 2021, two 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 former APN 029-441-004 is located within the Tourist Center Mixed-Use (TSC-MU) zoning district of the Tourist Core Area Plan and the former APN 029-240-011 is located within the Recreation zoning district. These two districts have different allowable uses, density, and height standards. Multi-family residential is not currently allowed within the Recreation district. The applicant HVR Acquisitions proposes to amend 1.29 acre portion of APN 029-441-024 (formerly APN 029-240-011) from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU) zoning district specifically to allow for multi-family residential.

The Tourist Core Area Plan currently has three parcels within the Recreation zoning district totaling 5.5 acres, two of which are privately owned by HVR Acquisitions (former APN 029-441-

011 and 029-441-003) the third parcel is publicly owned by the State of California (California Tahoe Conservancy). The Recreation district allows for a variety of recreation uses such as dispersed recreation and parks. Permissible uses in this district 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. Like all other districts in the Tourist Core Area Plan, a maximum of 70 percent coverage is allowed on high capability lands.

The subject parcel (or “amendment area”, APN 029-441-024) was previously zoned tourist accommodation (See Exhibit 2, PAS 089B – California South Stateline Resort Area.) prior to the adoption of the Tourist Core Area Plan but was 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 residentials 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 area plan.

Since adoption of the community plan, the amendment area parcel has been held in private ownership and there has not been any proposals or discussion 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 the parcel. In total, approximately 46% of the parcel is designated SEZ and is not developable. (See Figure 4 and Figure 5.) Any development would be limited to the high capability portion located to the southwestern portion of the former APN 029-240-011 and the northeastern portion of 029-441-003, which is adjacent to Van Sickle Bi-State Park.

Figure 4 – Former APN 029-240-011 (now APN 029-441-024) Land Capability Verification

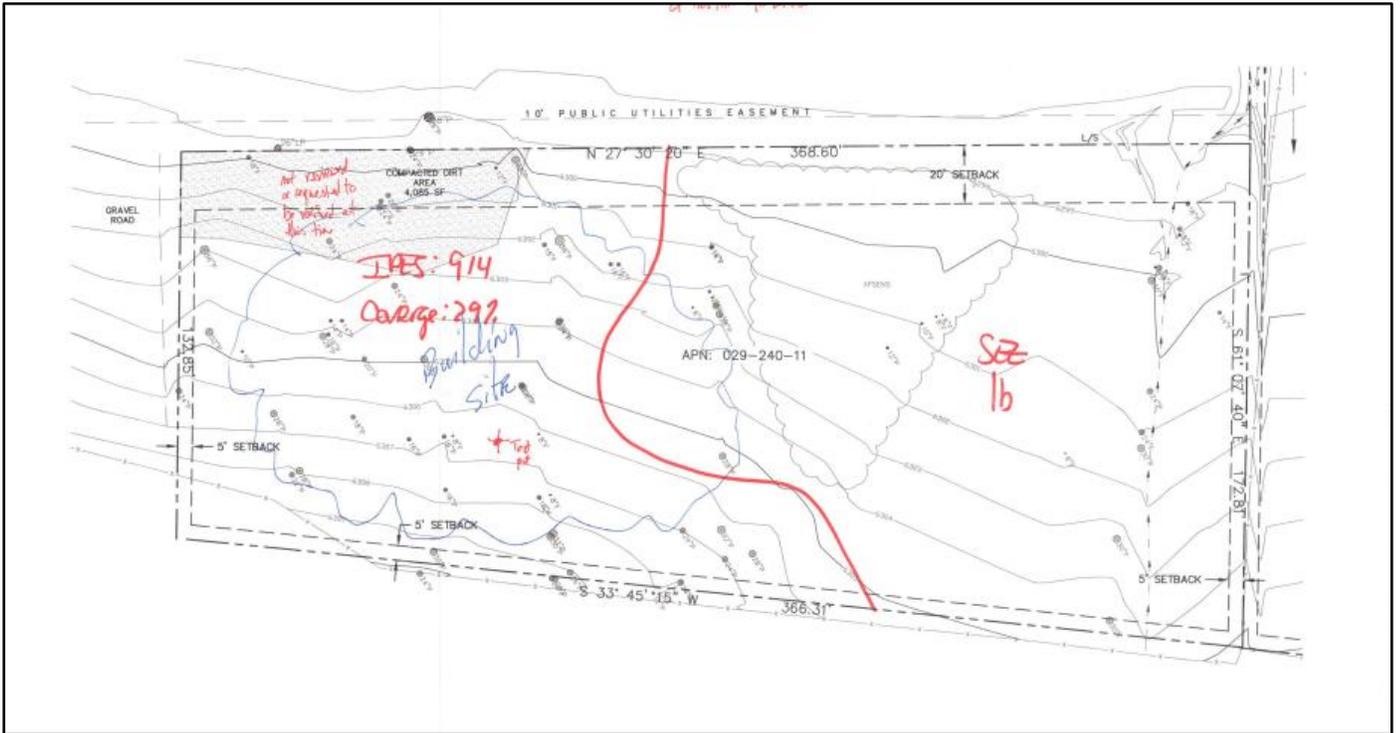
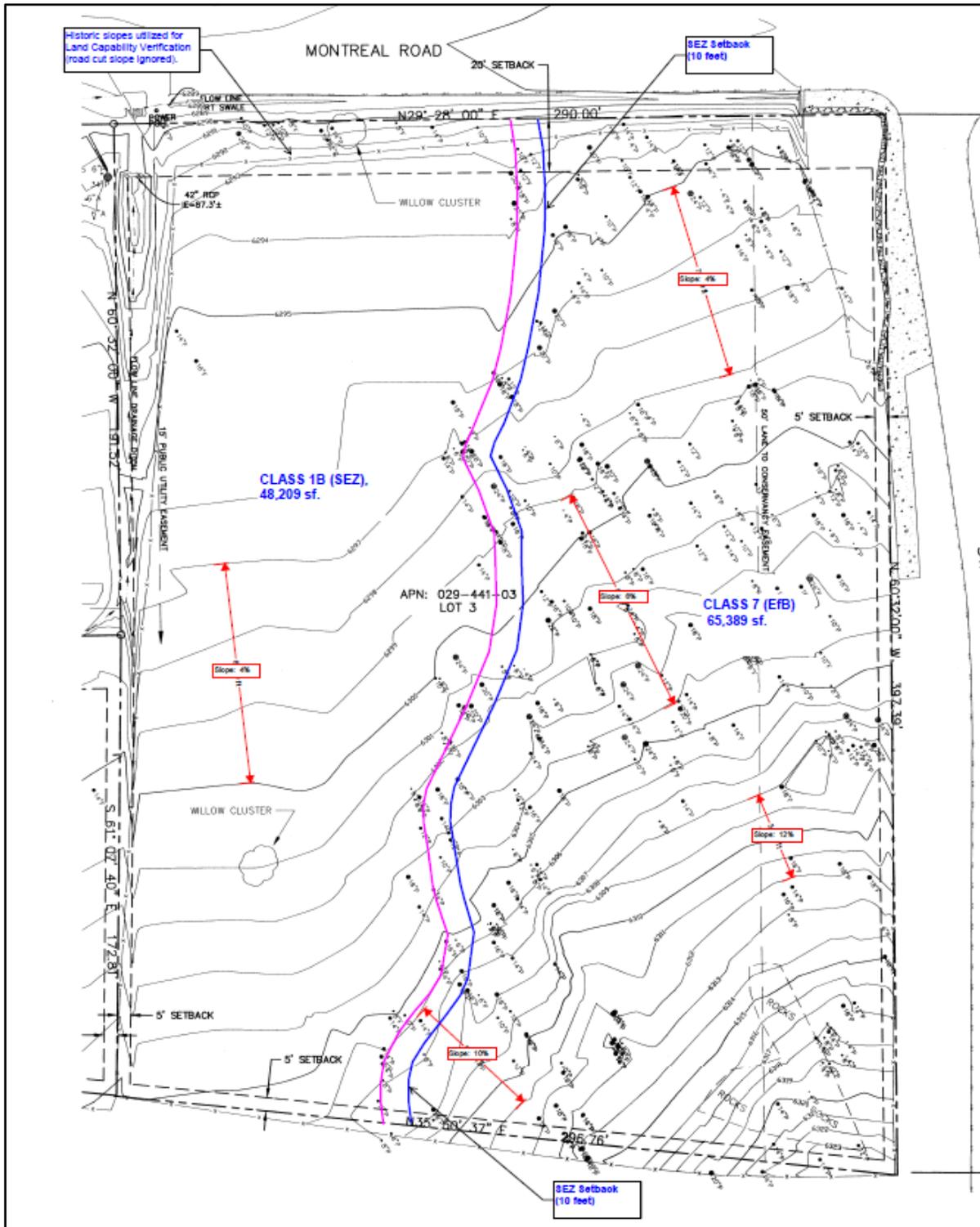


Figure 5 – APN 029-441-003 Land Capability Verification



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.

After the scoping meeting, City staff continued to have discussions with California Tahoe Conservancy to address their concerns with the proposed amendment, and in response to their concerns and those of the public, the applicant revised the proposed amendment to remove the parcel adjacent to Van Sickle Bi-State Park from the proposal. This parcel would remain zoned as recreation and could not be developed with a higher density of residential uses. (See Figure 1.) However, the current designation as recreation would allow future development on the high capability portion of the parcel to include a myriad of recreation uses, employee housing, or a residential caretaker facility. A separate environment analysis would be required for any future proposed project.

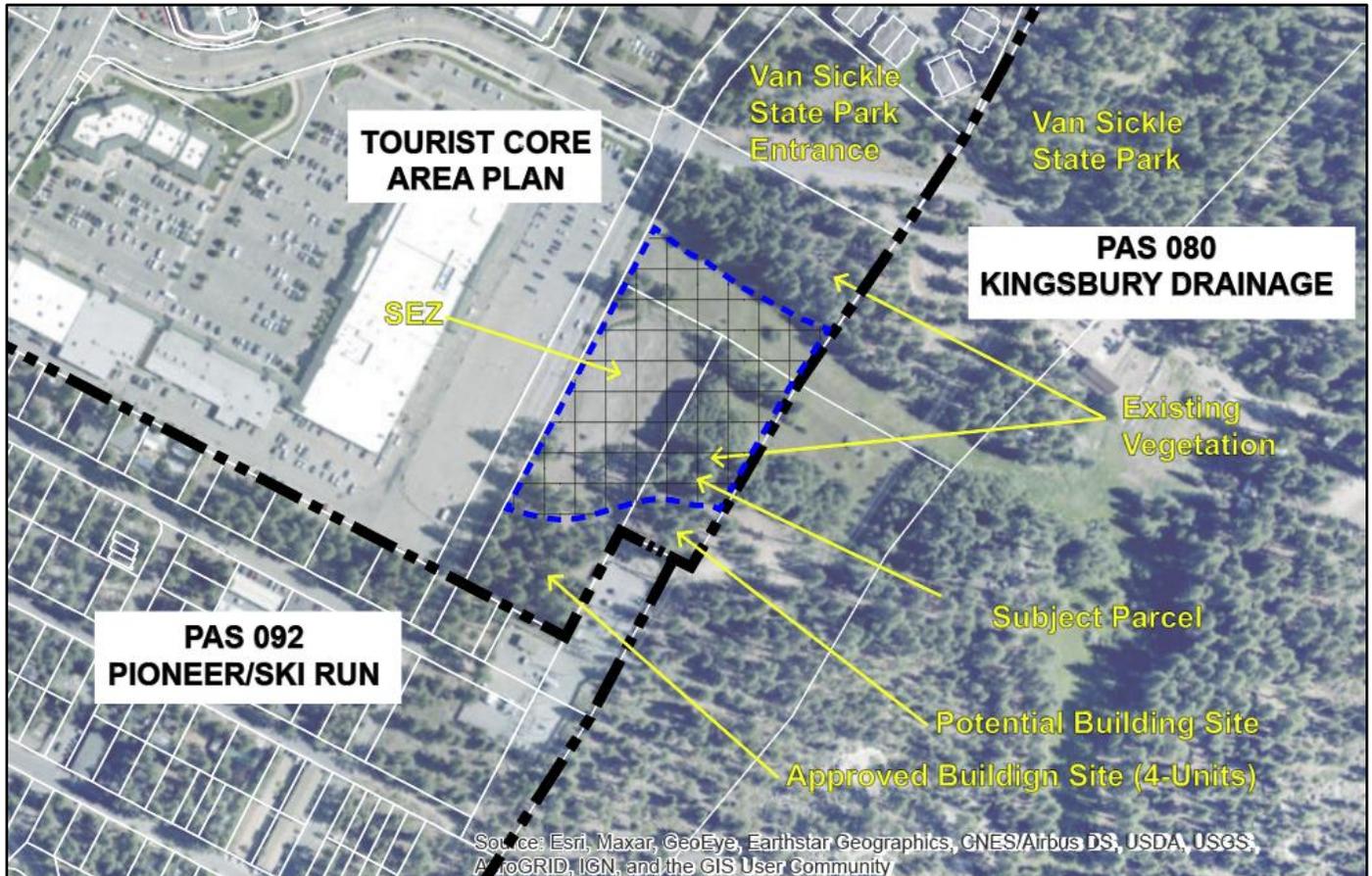
In response to concerns related to a change in recreation character and potential scenic impacts, the proposed amendment was also revised to add policies to the TSC-MU district that are specifically applicable to the subject parcel. These policies would limit the use of this parcel to residential, linear public facilities, recreation, resource management, and open space uses (tourist, commercial, and most general public service land uses would be prohibited) and cap the maximum density of residential units on the parcel to 4 units per acre. (See Exhibit 1, "Proposed Amendments", for a comparison of land uses and specific redline changes.) It should be noted that higher density development is desirable and encouraged in the Tourist Core Area Plan. However, as discussed earlier in the staff report, the subject parcel is constrained and only a portion of the property is developable resulting in the concentration of the total allowable density on the high capability portion.

The developable portion of the subject parcel (APN 029-441-024) is approximately 540 feet from Van Sickle Bi-State Park and is well screened with mature vegetation located along the southern boundary of the Van Sickle Bi-State Park property line and the adjacent parcel (see Figure 6). 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.

To reduce any potential encroachment on public lands, the SEZ, or degrade habitat, and restrict the storage of personal property on adjacent public lands, the Initial Study has incorporated a mitigation measure that requires any potential future project to install a visually permeable fence

(wrought iron) fence along the subject parcel boundary and along the SEZ setback line. The fence will reduce any potential encroachment on the SEZ or on adjacent public lands and would reduce the impact to a less-than-significant level.

**Figure 6 – Subject Parcel in Relation to Van Sickle State Park**



Concerns were expressed that limited parking at Van Sickle Bi-State Park would be used by private individuals of 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 Bi-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 Bi-State 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.

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.

The revisions to the proposed amendment are intended to be responsive to the comments received, and was Initial Study was revised to evaluate the impacts of the revised amendment and is discussed below.

Public comment received on the proposed amendments are attached as Exhibits 3-5 to this report.

### Initial Study

To evaluate the potential environmental impacts of the proposed amendment, Hauge Brueck Associates prepared a joint Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) and Initial Environmental Checklist pursuant to TRPA regulations. The IS/MND/IEC provides an analysis of the potential for the Project to result in significant environmental impacts. Areas of analysis include aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utility and services systems, and additional mandatory findings of significance related to potential cumulative impacts. The analysis concluded that the proposed Project could potentially have impacts in the following resource areas: public services and recreation.

The IS/MND/IEC concluded that the proposed amendment could result in the potential development of a residential project that could potentially result in informal trails in the adjacent Stream Environment Zone (SEZ) and adjacent public parcels owned and maintained by the California Tahoe Conservancy. To mitigate the potential impacts to Van Sickle Bi-State Park, other public lands, and the SEZ, Mitigation Measure PS-1 would be incorporated as a permit condition in the City/TRPA permit requiring the project proponent to construct a six-foot-high wrought iron fence along the perimeter of the subject parcel and along the SEZ boundary.

Incorporation of the mitigation measure would prohibit encroachment on the SEZ and restrict storage of equipment on public lands and reduce the impact to a less than significant.

### Tribal Consultation

Pursuant to state law, the City has completed requirements for consultation with Native American tribes under Assembly Bill 52 and the California Environmental Quality Act (CEQA) Guidelines (see Attachment 04, pages 109-110). Consultation letters were sent 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. At this time, no comments have been received.

## Public Comment Period and Public Noticing

The IS/MND/IEC 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/IEC 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 began on Friday, April 1, 2022 and ended on May 19, 2022. A Notice of Availability and Notice of Intent, advertising the review period was mailed to all affected property owners within 300 feet of subject parcel on April 6, 2022 and published in the Tahoe Daily Tribune on April 8, 2022.

The City received two responses during the public circulation period from the League to Save Lake Tahoe and the California Tahoe Conservancy. (See Exhibits 3 and 4.) Planning staff will evaluate the comments and will prepare responses for the Final Initial Study and Mitigated Negative Declaration for the Planning Commission to consider.

### **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.*

*Housing 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 residential uses within a designated Town Center and is within proximity of commercial, recreation, employment, transit and public service uses. However, the amendment also proposes to reduce the density from 25 units an acre to 4 units an acre, which is inconsistent with General Plan policies that designated the Tourist Center as a location for high-density residential uses. However, it should be noted that the reduction was proposed in response to comments received from the public and the CTC. Concerns include the affect a high-density residential development would have on the recreation character, restored SEZ and potential conflicts resource and management conflicts with adjacent public lands. Reduced density would result a less dense land use pattern and thus would not affect the recreation character of the area. It should also be noted that much of the subject parcel is designated SEZ and is not developable and thus achieving a dense land use pattern on the developable portion is likely not feasible.

### 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](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 and regional land use maps. 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.. Further analysis and conformance review with the Regional Plan is included in this packet.

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 properties formerly zoned Recreation that are in close proximity to employment centers, services, recreation, and transit.

### **Exhibits:**

1. Proposed Amendments
2. Plan Area Statement 089B – California South Stateline Resort Area
3. Public Comment Letter (League to Save Lake Tahoe)
4. Public Comment Letter (California Tahoe Conservancy)
5. Public Comment Letter (Joe Irwin)

Exhibit 1 to Attachment A

Proposed Amendments to the Tourist Core Area Plan, Appendix C, Table 1: Permitted Uses by Land Use

District

**Exhibit 1:  
Proposed Amendments to the Tourist Core Area Plan,  
Appendix C, Table 1: Permitted Uses by Land Use District**

Proposed language is underlined in red and deleted language is struck through.

<b>Table 1: PERMITTED USES BY LAND USE DISTRICT</b>								
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
<b>RESIDENTIAL</b>								
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	S 1	-
<u>Accessory Dwelling Unit<sup>13</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>S</u>	<u>-</u>
<b>TOURIST ACCOMMODATION</b>								
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	-	-
<b>RETAIL COMMERCIAL</b>								
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 <sup>11</sup>	S	<u>S12</u>	-	-	S	S	-	-
<b>ENTERTAINMENT COMMERCIAL</b>								
Amusement & Recreation	S	<u>S12</u>	-	-	-	A	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	S	S	-
Outdoor Amusements	-	S	S	-	S	S	S	-
<b>SERVICE COMMERCIAL</b>								
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	-	-
<b>LIGHT INDUSTRIAL COMMERCIAL</b>								
Small Scale Manufacturing	S	<u>S12</u>	S9	S	-	-	-	-
<b>WHOLESALE/STORAGE COMMERCIAL</b>								
Vehicle Storage & Parking <sup>11</sup>	S	<u>S12</u>	S9	S	S	S	-	-
<b>GENERAL PUBLIC SERVICE</b>								
Religious Assembly	-	<u>S12</u>	S9	-	S	A	-	-
Cultural Facilities	S	<u>S12</u>	S9	-	S	A	-	-

**Exhibit 1:  
Proposed Amendments to the Tourist Core Area Plan,  
Appendix C, Table 1: Permitted Uses by Land Use District**

Proposed language is underlined in red and deleted language is struck through.

<b>Table 1: PERMITTED USES BY LAND USE DISTRICT</b>								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	<b>TSC-C</b>	<b>TSC-MU</b>	<b>TSC-MUC</b>	<b>TSC-NMX</b>	<b>TSC-G</b>	<b>TSC-G Special Area #1</b>	<b>REC</b>	<b>OS</b>
Daycare Centers/Preschool	A	<u>A12</u>	A1 O	A	A	A	-	-
Government Offices	-	-	A9	-	-	S	-	-
Local Assembly & Entertainment	S	<u>S12</u>	-	-	-	S	-	-
Local Public Health and Safety Facilities <sup>11</sup>	A	A	A	A	A	A	A	A
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	-
Public Utility Centers <sup>11</sup>	-	<u>S12</u>	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
<b>LINEAR PUBLIC FACILITIES</b>								
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
<b>RECREATION</b>								
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	-	-	-
<b>RESOURCE MANAGEMENT</b>								
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	-
<b>OPEN SPACE</b>								
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 on APN 029-441-024.**
13. **See TRPA Code of Ordinances section 21.3.2 and City Code Section 6.85.050 for the permissibility of accessory dwelling units.**

**TABLE 4: LOT AND DENSITY STANDARDS**

DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC
Maximum Density: Employee Housing Family (dwelling units/acre)	15	15	15	15	15	15
Maximum Density: Multi-Person Dwelling (persons/acre)	25	25	25	25	25	n/a
Maximum Density: Multi-Family (dwelling units/acre)	25	25 <b>(C)</b>	25	25	25	n/a
Maximum Density: Single Family Dwelling	1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence					
Maximum Density: Tourist Accommodation (dwelling units/acre)	40	40	40	40	40	n/a
Minimum Lot Size (sq ft)	10,000 (A)	10,000 (A)	10,000 (A)	10,000 (A)	6,000 (A)	10,000 (A)
Minimum Lot Width (feet)	80 (A)	80 (A)	80 (A)	80 (A)	60 (A)	80 (A)
Minimum Lot Depth (feet)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)
Maximum Land Coverage-Base + Transferred (% of project area located within	Within 300 feet of the High Water Mark of Lake Tahoe, maximum coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7,					

TABLE 4: LOT AND DENSITY STANDARDS						
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC
land capability districts 4-7)	inclusive. Further than 300 feet from the High Water Line of Lake Tahoe, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive. Also see Section 30.4 of the TRPA Code of Ordinances					

**A. Reduced Minimum Lot Size and Dimensions.** Smaller lots may be approved as part of a condominium, or other airspace subdivision pursuant to City Code 6.55.190.

**B. Mixed-Use Density.** The maximum density for mixed-use projects includes up to 40 Tourist Units per acre and up to 25 residential units per acre. If a project includes nonconforming tourist or residential density, any new tourist or residential density must take into account the overage in overall density and reduce the allowable density for new construction so that the total density does not exceed 65 units per acre. In the case of a mixed-use project that includes a commercial use or other use that is not subject to a density calculation, combined with residential and/or tourist uses, the project may include the total allowable commercial square footage, and the maximum allowable tourist and residential units per acre, using the full parcel area as the denominator in the density calculation.

The maximum mixed-use density for TSC-G Special Area 1 is 40 units per acre. Otherwise, the lot and density standards for TSC-G Special Area 1 are identical to those in the TSC-G zoning district.

**C. Density for APN 029-441-024. The maximum density for multi-family residential development on APN 029-441-024 is 4 units per acre.**

Exhibit 2 to Attachment A

Plan Area Statement 089B – California South Stateline Resort Area

PLAN DESIGNATION:

Land Use Classification - TOURIST

Management Strategy - REDIRECTION

Special Designation - PRELIMINARY COMMUNITY PLAN AREA  
 ELIGIBLE FOR REDEVELOPMENT PLANS  
 TDR RECEIVING AREA FOR:  
 1. Existing Development  
 2. Residential Bonus Units  
 (Policy 5 limitation)  
 SCENIC RESTORATION AREA  
 PREFERRED AFFORDABLE HOUSING LOCATION  
 MULTI-RESIDENTIAL INCENTIVE PROGRAM  
 (Policy 5 limitation)

DESCRIPTION:

Location: This is a hotel/motel area on the California side of South Stateline and is located on TRPA maps H-16 and H-17.

Existing Uses: This area includes numerous motels, the Crescent V shopping center, Lakeside Marina, numerous commercial establishments, and some older residences. The area is 95 percent built out.

Existing Environment: The land classification of this area is a mixture of high and low hazard. The shorezone tolerance district is 1. Land coverage and disturbance is high.

PLANNING STATEMENT: This area should continue as a minor tourist center with an emphasis on redirection through redevelopment.

PLANNING CONSIDERATIONS:

1. This area has traffic congestion problems at peak periods.
2. This area is the major traffic generator in the Basin.
3. There is a disturbed barrier beach with littoral drift problems.
4. This area contains Scenic Roadway Unit 32 and Scenic Shoreline Unit 31 and the roadway unit is targeted for restoration as required by the scenic threshold.
5. This area has some drainage problems on Pine Boulevard.

6. There is a need for affordable housing in this Plan Area.
7. There are pedestrian access problems in the vicinity of the post office.

SPECIAL POLICIES:

1. Redirection in PAS 089A, 089B, 091, 092 should be consistent with an adopted Redevelopment Plan and Community Plan. These plans may include consideration of additional building height consistent with that permitted by the Code of Ordinances.
2. The Lakeside Marina harbor and adjacent barrier should be reviewed to determine whether or not significant littoral drift problems exist. If a significant littoral drift problem does exist, then reasonable alternatives should be reviewed. Any alternative to mitigate a significant littoral drift problem should receive appropriate private and public financial assistance to accomplish this goal.
3. A special Plan Area transportation plan should be developed for this Plan Area to include consideration of alternative transportation modes, transit terminals, more efficient vehicular and pedestrian access, and movement and parking for tour and other buses outside the Stateline area.
4. Restoration of the barrier beach/SEZ area should be a high priority.
5. This area should be considered for affordable housing for casino employees, on a fair-share basis with the Nevada Plan Areas. Residential bonus units shall only be permitted for employee or affordable housing.
6. Additional pedestrian crossings should be considered in this area, especially near the Stateline post office.
7. The Crescent V Center and adjacent areas should have a high priority for initial redirection activities.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

- Residential - Employee housing (S), home occupations-nonexempt (A), multiple family dwelling (S), multi-person dwelling (S), nursing and personal care (S), residential care (S), secondary residence (S), and single family dwelling (S).
- Tourist Accommodation - Bed and breakfast facilities (A), hotels, motels, and other transient dwelling units (A), timeshare (hotel/motel design) (S), and timeshare (residential design) (S).
- Commercial - Eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (S), general merchandise stores (A), mail order and vending (A), nursery (A), outdoor retail sales (S), service stations (A), amusements and recreation services (A), privately owned assembly and entertainment (S), outdoor amusements (S), broadcasting studios (A), business support services (A), financial services (A), health care services (A), personal services (A), professional offices (A), repair services (A), schools - business and vocational (S), schools - pre-schools (S), secondary storage (S), and vehicle storage and parking (S).
- Public Service - Churches (A), cultural facilities (A), day care centers (A), local assembly and entertainment (S), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), social service organizations (A), pipelines and power transmission (S), transit stations and terminals (S), transportation routes (S), and transmission and receiving facilities (S).
- Recreation - Day use areas (A), participant sports facilities (S), sport assembly (S), beach recreation (A), boat launching facilities (S), outdoor recreation concessions (A), marinas (S), riding and hiking trails (S), and visitor information center (S).
- Resource Management - Reforestation (A), sanitation salvage cut (A), thinning (A), timber stand improvement (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A) and SEZ restoration (A).

PAS 089B

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Nearshore and Foreshore of the Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the nearshore and foreshore. Structures listed as accessory structures may only be permitted as accessory to an existing permissible use located on the adjoining littoral parcel. Shorezone uses and land uses shall be compatible.

Tolerance District 1

- Primary Uses - Water oriented outdoor recreation concessions (A), beach recreation (A), water borne transit (A), boat launching facilities (S), tour boat operations (A), safety and navigation facilities (A), and marinas (S).
- Accessory Structures - Buoys (A), piers (S), fences (S), boat ramps (S), floating docks and platforms (A), shoreline protective structures (S), and water intake lines (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY OF USE, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive programs, special use determinations, allocation limitations and general site development standards.

<u>USE</u>	<u>MAXIMUM DENSITY</u>
<u>Residential</u>	
Single Family Dwelling	1 unit per parcel
Multiple Family Dwelling	15 units per acre
Multi-person Dwelling	25 people per acre
Nursing and Personal Care	25 people per acre
Residential Care	25 people per acre
Secondary Residence	1 unit per area of project
Employee Housing	As per the limitations above
<u>Tourist Accommodation</u>	
Bed and Breakfast	10 units per acre
Hotel, Motel and other	
Transient Units	
-with less than 10%	
of units with kitchens	40 units per acre
-with 10% or more units	
with kitchens	15 units per acre
Timeshare	As per the limitations set forth in this table
<u>Recreation</u>	
Recreation vehicle parks	10 sites per acre

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 145 units.

PAS 089B

Page 4 of 5

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 60 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 100 PAOT      WINTER DAY USE 0 PAOT      OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-1 through 18 of Volume I of the 208 Water Quality Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 corridor. (To be completed.)

PLAN DESIGNATION:

Land Use Classification - TOURIST

Management Strategy - REDIRECTION

Special Designation - PRELIMINARY COMMUNITY PLAN AREA  
ELIGIBLE FOR REDEVELOPMENT PLANS  
TDR RECEIVING AREA FOR:  
1. Existing Development  
SCENIC RESTORATION AREA

DESCRIPTION:

Location: This is the commercial strip along both sides of Ski Run Boulevard extending in both directions down Highway 50 from the intersection of Ski Run Boulevard and Highway 50 and is located on TRPA maps H-17 and G-17.

Existing Uses: This area includes numerous motels, Ski Run Marina, miscellaneous commercial services and a few residential uses. The area is 95 percent built out. The beach area near Ski Run Marina is in private ownership, but is accessible by the public.

Existing Environment: The area is classified as 75 percent SEZ, with the other 25 percent being low hazard. The shoreline is tolerance district 1. The land coverage is 65 percent plus an additional 20 percent disturbed.

PLANNING STATEMENT: This area should be redeveloped to continue to provide tourist accommodations and services with scenic and environmental improvements.

PLANNING CONSIDERATIONS:

1. Extensive modifications to the SEZ and barrier beach have occurred.
2. Local flooding problems exist.
3. Traffic congestion and noise problems are common along Highway 50.
4. Extensive water quality, dredging, siltation, and parking problems exist at the marina.
5. Additional fire hydrants are needed in this area.
6. The SEZ in this area should be considered for reclassification to man-modified.

4. This area would be a good location for a redevelopment demonstration project.
8. Scenic Roadway Unit 33 and Scenic Shoreline Unit 31 are in this area and are targeted for restoration as required by the scenic threshold.

SPECIAL POLICIES:

1. Community Plan and Redevelopment Plans should consider long term improvements anticipated for the Heavenly Valley Ski Area base facility and development in PAS 089A, 089B, 091, and 092.
2. The stream environment zones in this area shall be evaluated as soon as possible. They should then be designated for restoration or reclassification.
3. The Ski Run Marina area should be retained as a view point to the lake and any expansion or modification should be consistent with an approved marina master plan.
4. Undergrounding of utilities in this area should be encouraged.
5. Additional public/private parking should be authorized on a special use basis.
6. Redirection of development should initially occur by means of a special design district and public/private development agreements.
7. Uses incompatible with scenic restoration should not be located on the Highway 50 and Ski Run Boulevard corridors.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area.

- |             |   |  |
|-------------|---|--|
| Residential | - | Employee housing (S), home occupations-nonexempt (A), multiple family dwelling (A), multi-person dwelling (S), nursing and personal care (S), residential care (S), secondary residence (S), and single family dwelling (S). |
|-------------|---|--|

- Tourist Accommodation - Bed and breakfast facilities (A), hotel, motels, and other transient dwelling units (A), timeshare (hotel/motel design) (A), and timeshare (residential design) (A).
- Commercial - Eating and drinking places (A), food and beverage retail sales (A), furniture, home furnishings and equipment (S), general merchandise stores (A), mail order and vending (A), nursery (S), outdoor retail sales (S), service stations (A), amusements and recreation services (A), privately owned assembly and entertainment (S), outdoor amusements (S), animal husbandry services (S), auto repair and service (S), broadcasting studios (A), business support services (A), contract construction services (S), financial services (A), health care services (A), personal services (A), professional offices (A), repair services (A), schools - business and vocational (S), schools - pre-schools (S), secondary storage (S), small scale manufacturing (S), and vehicle storage and parking (S).
- Public Service - Churches (A), cultural facilities (A), day care centers (A), government offices (S), local assembly and entertainment (A), local post office (A), local public health and safety facilities (A), membership organizations (A), publicly owned assembly and entertainment (S), regional public health and safety facilities (S), schools - kindergarten through secondary (S), and social service organizations (A).
- Recreation - Day use areas (A), participant sports facilities (S), beach recreation (A), boat launching facilities (S), outdoor recreation concessions (A), marinas (S), and visitor information center (S).
- Resource Management - Reforestation (A), sanitation salvage cut (A), thinning (A), timber stand improvement (A), tree farms (A), early successional stage vegetation management (A), nonstructural fish habitat management (A), nonstructural wildlife habitat management (A), structural fish habitat management (A), structural wildlife habitat management (A), fire detection and suppression (A), fuels treatment (A), insect and disease suppression (A), sensitive plant management (A), uncommon plant community management (A), erosion control (A), runoff control (A), and SEZ restoration (A).

Nearshore and Foreshore of the Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the nearshore and foreshore. Structures listed as accessory structures may only be permitted as accessory to an existing permissible use located on the adjoining littoral parcel. Shorezone uses and land uses shall be compatible.

Tolerance District 1

- Primary Uses - Water oriented outdoor recreation concessions (A), beach recreation (A), water borne transit (A), boat launching facilities (S), tour boat operations (A), safety and navigation devices (A), and marinas (S).
- Accessory Structures - Buoys (A), piers (multiple use only) (S), fences (S), boat ramps (S), shoreline protective structures (S), and water intake lines (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY OF USE, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<u>USE</u>	<u>MAXIMUM DENSITY</u>
<u>Residential</u>	
Single Family Dwelling	1 unit per parcel
Multiple Family Dwelling	15 units per acre
Multi-person Dwelling	25 people per acre
Nursing and Personal Care	25 people per acre
Residential Care	25 people per acre
Secondary Residence	1 unit per area of project
Employee Housing	As per the limitations above
<u>Tourist Accommodation</u>	
Bed and Breakfast	10 units per acre
Hotel, Motel and other Transient Units	
-with less than 10% of units with kitchens	40 units per acre
-with 10% or more units with kitchens	15 units per acre
Timeshare	As per the limitations set forth in this table

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 60 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 65 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT      WINTER DAY USE 0 PAOT      OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by the Surface Water Management Plan as shown on Figure VIII-17 of Volume I of the 208 Water Quality Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
3. Stream zone restoration as indicated in the Stream Environment Zone Restoration Program. (To be completed.)
4. The scenic restoration and landscaping improvements indicated in the Scenic Quality Implementation Program for the Highway 50 corridor. (To be completed.)

Exhibit 3 to Attachment A

Public Comment Letter (League to Save Lake Tahoe)

May 19, 2022

City of South Lake Tahoe  
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Email: [jsself@trpa.gov](mailto:jsself@trpa.gov)

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Tourist Core Area Plan (TCAP) amendments

Dear Mr. Hitchcock and Ms. Self,

As a member of the 2012 Regional Plan Update (RPU) Bi-State Working Group, the League to Save Lake Tahoe (League) appreciates the opportunity to continue to work with the Tahoe Regional Planning Agency (TRPA) and the City of South Lake Tahoe (City) to implement the RPU. Effective implementation of Area Plans is critical to this ongoing effort. The League thanks the City for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Tourist Core Area Plan (TCAP) amendments.

The League commented during the Scoping period and appreciates the “corner lot” (3828 Montreal Road) being taken out of consideration for development in response.

### **Overview**

The League does not support the current proposed TCAP amendments because they are inconsistent with City and TRPA plans and intent. The Colony Inn parcel was intended to be permanently retired and the stream environment zone (SEZ) restored. The SEZ restoration attempt failed. Rezoning the last recreation/conservation land in the TCAP area does not align with the goals and policies of the City’s General Plan or TRPA’s Regional Plan, which the IS/MND is tiered off of. Because the environmental document only includes one mitigation measure, we are recommending two additional mitigation measures:

1. Restore the SEZ to a functional level and monitor and manage it to ensure it remains functional for the life of the project.
2. Permanently protect the “corner lot” (APN 029-441-003) as Recreation or Open Space through a permanent deed restriction running with the land.

We expect these two mitigation measures to be included for the TCAP amendments and proposed project in order to be approved.

### **SEZ Impacts and Site Suitability for Development**

On March 18, 2008, the City passed a Resolution to permanently retire the Colony Inn site from future development as a condition of transferring the associated tourist accommodation units (TAUs) out of the City limits: “WHEREAS, the Colony Inn located partially Within an area identified for SEZ restoration, Once the Colony Inn is demolished, existing development will be transferred out of the SEZ and the site will be restored and permanently retired, thereby furthering the goals of the Stateline/Ski Run Community Plan and attainment of TRPA’s thresholds.”<sup>1</sup>

<sup>1</sup> March 18, 2008 City of South Lake Tahoe Staff Report and Resolution.

[http://slt.granicus.com/MetaViewer.php?view\\_id=4&clip\\_id=181&meta\\_id=15886](http://slt.granicus.com/MetaViewer.php?view_id=4&clip_id=181&meta_id=15886)

The City included a Policy in the TCAP that aligns with its Resolution and approval of TAU transfers from the Colony Inn site: “Onsite land coverage reduction will occur primarily through environmental redevelopment by providing development incentives in centers that promote the relocation and transfer of land coverage. The City will endeavor, where feasible, to reduce and avoid creating new coverage in order to benefit the objectives of the TCAP and other areas of South Tahoe.”<sup>2</sup> This language was discussed at the November 2013 TRPA Governing Board meeting, including whether or not to specifically include the Colony Inn site as a target restoration site. In the end, though a specific site was not targeted for restoration and the Colony Inn site was intended for restoration and permanent retirement as stipulated above.

*The City needs to decide whether this amendment meets the intent of the General Plan and TCAP including the goals and policies contained within it. The City’s Attorney will also need to determine whether or not a new Resolution is required to allow this Area Plan amendment.*

Between 2009 and 2013 the Colony Inn was demolished and the SEZ should have been restored, but the restoration failed. According to TRPA’s 2020 SEZ Baseline Report, the Colony Inn site (Colony Inn Meadows) restoration failed.<sup>3</sup> The SEZ only ranked a “C,” indicating an unhealthy SEZ due to a ditch running through the entire project, dewatering the meadow and leading to loss of vegetation vigor. With the proposed amendments, the coverage limit would increase from 30 percent to 70 percent, with coverage transfer on applicable lands with capability 4-7. Additional development around the SEZ where headcuts and ditches are present, significantly and irreversibly impact the SEZ which expressly violates the 2008 City Resolution and the intent of SEZ restoration. Regardless of the success of the SEZ restoration efforts, the site was to be permanently retired, in line with the City’s 2008 Resolution and enforced by TRPA’s approval of the Boulder Bay Community Enhancement Program Project EIS in 2009.<sup>4</sup>

In September, October, and November of 2013, the TRPA Regional Plan Implementation Committee (RPIC) and Governing Board had lengthy discussions internally and with the City and the public. One of the results of the discussion was the City reinforcing that it “wanted to identify [Colony Inn] as a priority site for getting the stream environment zone restoration completed.”<sup>5</sup> Other outcomes relevant to these proposed amendments are enshrined in the TCAP itself:

- “The Colony Inn which was located in SEZ lands by the intersection of Montreal Road and Heavenly Village Way was demolished and 64,800 square feet of land coverage was removed and banked, and the site stabilized. The existing tourist accommodation units removed from the site are proposed for transfer to the Boulder Bay Project in North Stateline. A condition of the Boulder Bay permit requires that the property be restored to a functioning SEZ prior to the units being transferred.” Page 3-4.
- “The Tourist Core Area Plan responds to the needed SEZ improvements: Restore the disturbed SEZ on the Colony Inn parcel located along Montreal Road.” Page 7-5.

<sup>2</sup> October 15, 2013 TCAP. Policy NCR-4.1, page 7-3. <https://www.cityofslt.us/DocumentCenter/View/3508/Final-Tourist-Core-Area-Plan?bidId=>

<sup>3</sup> December 2020 Lake Tahoe Basin SEZ Baseline Condition Assessment. Report: [https://gis.trpa.org/TahoeSEZViewer/SEZ%20baseline%20condition%20assessment\\_v8.pdf](https://gis.trpa.org/TahoeSEZViewer/SEZ%20baseline%20condition%20assessment_v8.pdf); StoryMap: <https://www.google.com/url?q=https://storymaps.arcgis.com/stories/815a21db82944f7f95ce94d76c73a19b&sa=D&source=docs&ust=1652741001866899&usg=AOvVaw2791Wlh0aSr9wKajKr5gZW>

<sup>4</sup> November 4, 2009 Boulder Bay CEP Project EIS. [https://www.trpa.gov/wp-content/uploads/documents/archive/4\\_01\\_Land\\_Use.pdf](https://www.trpa.gov/wp-content/uploads/documents/archive/4_01_Land_Use.pdf)

<sup>5</sup> October 24, 2013 Meeting Minutes from TRPA RPIC meeting. Page 19. <https://www.trpa.gov/wp-content/uploads/documents/archive/January-29-2014-Governing-Board-Packet.pdf>

In July of 2013, the League submitted comments on the TCAP in its early stages of development, including a clarifying question about the Colony Inn site. The November 2013 TRPA Governing Board meeting included responses to comments and #8 directly addresses the Colony Inn site.<sup>6</sup> While the Boulder Bay project has been long-delayed and is currently changing with new ownership of that site, TRPA's transfer rules may still apply and the intent to permanently retire the site is clear.

*TRPA Counsel will need to provide an analysis of the SEZ Restoration Credits and requirement to permanently retire and "stabilize" the site based on TRPA Code and TCAP approvals in 2013, and the final intent captured in TCAP.*

### **Recreation/Open Space**

The IS/MND for the proposed amendments tiers off of the City's 2011 General Plan and TRPA's 2012 RPU, and references the TCAP.

In the City's General Plan, the parcels that are the subject of the amendments are identified as "Conservation."<sup>7</sup> The General Plan's Conservation designation "provides for the permanent preservation of natural resources, habitat protection, watershed management, public and quasi-public uses, areas that contain public health and safety hazards such as floodways, and areas containing environmentally-sensitive features."<sup>8</sup> The parcels being considered for the amendment are the only General Plan Conservation parcels in the TCAP area, and some of the only infill/smaller lot Conservation parcels in the entire General Plan. This was done deliberately and likely linked to the discussions when Colony Inn was demolished.

In the TCAP, the parcels in question are zoned as recreation. While this questionably aligns with the intent in the General Plan, Recreation districts in the TCAP are "intended to allow a variety of recreation uses such as dispersed recreation and parks. Permissible uses include day use areas and group facilities."<sup>9</sup> The dispersed recreation use most closely aligns with the intent of the Conservation designation in the General Plan. When the TCAP was developed, the Conservation designation arguably should have translated to the Open Space designation which "is intended to preserve land in its present use that would: 1) conserve and enhance natural or scenic resources; 2) protect streams environment zones, sensitive lands, water quality or water supply; 3) promote soil and habitat conservation; 4) enhance recreation opportunities; and/or 5) preserve visual quality along highways, roads, and street corridors or scenic vistas. The land is predominantly open, undeveloped, or in a lightly developed and is suitable for any of the following: natural areas, wildlife and native plant habitat; erosion control facilities, stream environment zones, stream corridors; passive parks; and/or trails for non-motorized activities."<sup>10</sup> This Open Space designation also aligns with TCAP policies NCR-2.3 and R-2.3,<sup>11</sup> which would be very difficult or impossible to implement or achieve if the proposed amendments are approved.

<sup>6</sup> November 20, 2013 Response to Comments on the TCAP. Response #8, Page 4. [https://www.trpa.gov/wp-content/uploads/documents/archive/6\\_FINAL\\_Attachment-E\\_Responses-to-Comments.pdf](https://www.trpa.gov/wp-content/uploads/documents/archive/6_FINAL_Attachment-E_Responses-to-Comments.pdf)

<sup>7</sup> October 15, 2013 TCAP. Figure 2-2.

<sup>8</sup> May 17, 2011 City of South Lake Tahoe General Plan. Land Use Element, page LU-3.

[https://www.cityofslt.us/DocumentCenter/View/5639/SLTGPU\\_PD\\_2-LandUse\\_Final\\_2011-05-17?bidId=](https://www.cityofslt.us/DocumentCenter/View/5639/SLTGPU_PD_2-LandUse_Final_2011-05-17?bidId=)

<sup>9</sup> October 15, 2013 TCAP. Page 5-6.

<sup>10</sup> *Ibid.*

<sup>11</sup> TCAP Policy NCR-2.3: Encourage the use and access to designated open space for passive recreation uses when they conform to resource restrictions

TCAP Policy R-2.3: Encourage landscaped, small passive parks in and around the Tourist Core

TRPA's Regional Plan (RPU) was updated in 2012, between the adoption of the City's General Plan and the TCAP. The IS/MND, in section 1.8, selected a few TRPA- specific and -referenced goals and policies that this project *may* support but the ones it may conflict with are not included which does not allow a fair assessment of the pros and cons of the proposed project. These include, but are not limited to ROS-2.9, ROS-2.10, ROS-2.11, Land Use Element Goal 1 Policies 2 and 3, Soils Goal 1 Policy 7, Open Space Goal 1, and Stream Environment Standard SC-2.

To comply with the City's and TRPA's land use designations and goals and policies related to open space and recreation, the "corner parcel" at 3828 Montreal Road (APN 029-441-003) needs to be permanently retired as Recreation or Open Space through a deed restriction on the parcel. This would include the access easement associated with the Colony Inn to the Van Sickle access road.

### **Summary and Recommendations**

For this IS/MND to tier off of the City's General Plan and TRPA's Regional Plan, the amendments analyzed must be consistent with those plans. The proposed amendments are not consistent with the land use designations or the majority of the relevant goals and policies in the documents being tiered off of, which sets a dangerous precedent. In addition to the inconsistency, the impacts to recreation, public services, biological resources, land use/planning, population/housing, and overall cumulative impacts have been underestimated, ignored, or not mitigated to less than significant. We recommend three mitigation measures that could put the amendments into conformance with the General Plan and Regional Plan:

1. To mitigate for recreation and public service impacts: enhance the existing mitigation which is Putting up a fence to block access directly to Van Sickle, the future Greenway path, and existing SEZ. Based on the map provided as Figure 2-2 on page 16 of the IS/MND, the fencing needs to go around the entire property and could include tying into the substation fencing. It would be easy to leave the property and get around the fencing as depicted from buildings 7, 8, and 10, pretty easy from building 9, and not difficult from all buildings.
2. To mitigate impacts to biological resources and land/use planning (SEZs): create a new mitigation measure, enforced through a permit condition or deed restriction, requiring the SEZ on the parcel(s) to be restored to a functional state and monitored and maintained for the life of the project.
3. To mitigate for conflicts with land use/planning, impacts on population/housing, and cumulative impacts<sup>12</sup>: create a new mitigation measure, enforced through a permanent deed restriction running with the land, permanently designating the "corner parcel" (3828 Montreal Road, APN 029-441-003) as Recreation or Open Space under the relevant TCAP definition.

Finally, mitigation monitoring reporting requirements and schedule need to be developed before approving the amendments,<sup>13</sup> taking into account the updated and new mitigation measures we recommend.

<sup>12</sup> Pursuant to § 15370 of the CEQA Guidelines, mitigation includes: (a) Avoiding the impact altogether by not taking a certain action or parts of an action. (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (e) **Compensating for the impact by replacing or providing substitute resources or environments.**

<sup>13</sup> CEQA § 21081.6.: Upon approving a project for which a MND is adopted, the Lead Agency must also adopt a mitigation monitoring or reporting program.

**Based on City and TRPA Counsel determination, and any new mitigation measures proposed, the League will consider accepting development of Colony Inn site and the “back parcel” as long as the SEZ is restored and permanently monitored; and the “corner lot” is permanently retired with a deed restriction.**

Thank you for the opportunity to provide these comments. Please do not hesitate to contact us to discuss our recommendations and we hope to see an updated IS/MND with additional mitigation measures in order to comply with CEQA and TRPA environmental review, goals, and policies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darcie', with a long horizontal flourish extending to the right.

Darcie Goodman Collins, PhD  
CEO League to Save Lake Tahoe

Exhibit 4 to Attachment A

Public Comment Letter (California Tahoe Conservancy)



May 19, 2022

John Hitchcock  
Planning Manager  
Development Services Department  
1053 Tata Lane  
South Lake Tahoe, CA 96150

**Re: Proposed Tourist Core Area Plan/Specific Plan Amendment Initial Study/Mitigated Negative Declaration and Initial Environmental Checklist/Finding of No Significant Impact**

**BOARD MEMBERS**

**NATURAL RESOURCES AGENCY**  
*Wade Crowfoot, Secretary*

**DEPARTMENT OF FINANCE**  
*Keely Bosler, Director*  
*Gayle Miller, Designee*

**SENATE PUBLIC MEMBER**  
*Jay Hansen*

**ASSEMBLY PUBLIC MEMBER**  
*Adam Acosta*

**CITY OF SOUTH LAKE TAHOE**  
*Tamara Wallace*

**EL DORADO COUNTY**  
*Sue Novasel, Chair*

**PLACER COUNTY**  
*Cindy Gustafson, Vice Chair*

**U.S. FOREST SERVICE (ex-officio)**  
*Erick Walker*

**VACANT**  
*Executive Director*

**JANE FREEMAN**  
*Deputy Director*

Dear Mr. Hitchcock,

On behalf of the California Tahoe Conservancy (Conservancy), we appreciate the opportunity to provide comments on the City of South Lake Tahoe's (City) proposed Tourist Core Area Plan/Specific Plan Amendment (amendment) Initial Study/Mitigated Negative Declaration and Initial Environmental Checklist/Finding of No Significant Effect (IS/MND). Our agency jointly manages Van Sickle Bi-State Park (Park) with Nevada Division of State Parks (NDSP). The Conservancy believes the Park will be negatively impacted by the rezoning of El Dorado County Assessment Number (AN) 029-240-011 from recreation to tourist center mixed use and the associated 10-unit housing project (housing project) analyzed in the IS/MND. In addition, we are concerned that possible actions associated with the housing project on the adjacent private parcel (AN 029-441-003) (private parcel) that is at the entrance to the Park could impact the Park and visitor experience.

The Conservancy provided comments during the scoping period concerning impacts to the historic character and natural aesthetic of the Park entrance; increased vehicle traffic and pedestrian safety; and management issues related to new user trails, personal storage, parking, and trash resulting from the proposed amendment and housing project. The Conservancy appreciates the IS/MND modifications made by the City in response to our comments including removal of the private parcel from the amendment and inclusion of the six-foot tall rod iron fence as mitigation. However, we believe the amendment and associated housing project still have potential negative impacts to the Park.

We are writing to describe these potential issues and request the City modify the IS/MND and housing project to address our concerns. Our primary concern is that the City inadequately analyzes potential environmental impacts to the Park in the IS/MND, and does not sufficiently

mitigate the environmental impacts caused by the proposed amendment and housing project.

1. In section 5.4.3 Aesthetics, the City fails to consider the potential environmental impacts of the amendment and housing project to the Park. The housing project as proposed is visible from the Park and will degrade the welcoming historic character and natural aesthetic of the Park. The Conservancy and NDSP specifically designed the Park to promote pedestrian access and highlight the forested and natural appeal of the area. The housing project will remove mature trees and replace them with newly constructed buildings and parking lots. The resulting change may diminish the Park's aesthetic appeal and reduce visitors' experience.
2. In section 5.4.6 Biological Resources, the City does not adequately consider impacts to riparian habitat. The removal of the previous development required restoration of the stream environment zone (SEZ) on this site. The SEZ connects to a portion of the Park. A fully restored and functioning SEZ could provide treatment of run-off that improves lake clarity and vegetative screening for the housing project. However, the restoration in 2009 did not result in a fully functioning SEZ and additional restoration and monitoring efforts are needed.

Given the potential environmental impacts highlighted above, the Conservancy believes the City should apply appropriate measures to avoid or mitigate the impacts. The Conservancy requests onsite mitigation measures for the housing project for each of the resource areas. The mitigation measures should include installing vegetative screening around buildings and parking lots and enhancing SEZ restoration and vegetation.

In addition, the Conservancy is concerned the developer could utilize the recreation zoning of the private parcel for future development that impacts the viewshed, biological resources, and SEZ bordering the Park. The Conservancy requests the City takes steps to limit future development on the private parcel as a mitigation measure of the amendment. The Conservancy foresees a combination of four mitigation measures to accomplish this:

1. Rezone the private parcel from recreation to open space;
2. Deed restrict the private parcel from any future development;
3. Relinquish the reservation to "the Lane Access Easement", recorded on September 16<sup>th</sup>, 2009 and found in the official records of El Dorado County as document number 20090047163; and,
4. Acquire the entire private parcel or the portion containing Park improvements for appraised market value.

The private parcel contains SEZ and undeveloped land serving as a partial viewshed buffer of the housing project from the east side of the project at the entrance to the Park. The Conservancy believes mitigation measures, including open space zoning, deed restrictions, relinquishment of reservation, or acquisition of the parcel will ensure the

existing screening of the housing project remains and potential future uses will not impact existing SEZ and biological resources bordering the Park.

Additionally, the relinquishment of the reservation described in number three above ensures public safety and vehicle traffic concerns raised in the scoping period are mitigated. The easement reservation allows the developer to use the Park entrance to access development on the private parcel, which would cross a pedestrian access trail. This creates a conflict and safety concerns for pedestrians. In addition, vehicular access to the Park is closed from sunset to sunrise during the summer and from November 1 to May 1 during the winter. The Conservancy manages the entrance by opening and closing the gate at the designated times. Private access through the Park entrance will make it more difficult for the Conservancy to effectively do so.

The above listed mitigation measures are not exhaustive and the Conservancy requests to be involved in negotiating what final mitigation measures will be included and implemented. The Conservancy requests all mitigation measures be specific and enforceable in this IS/MND.

In summary, we appreciate the opportunity to comment on the IS/MND. We believe that the proposed amendment and housing project have the potential to negatively impact the Park as detailed above. We look forward to further discussing with the City how these issues will be addressed in the IS/MND and considered in the planning and implementation of the proposed amendment and housing project. Please follow-up with Mr. Nick Meyer, [nick.meyer@tahoe.ca.gov](mailto:nick.meyer@tahoe.ca.gov) or (530) 543-6073, with any questions or concerns.

Sincerely,

*Jane Freeman*

Jane Freeman  
Deputy Director

Cc: Janice Keillor, Deputy Administrator, Nevada Division of State Parks  
Allen Wooldridge, Tahoe Region Manager, Nevada Division of State Parks  
Brett Hartley, Van Sickle Ranger, Nevada Division of State Parks

Exhibit 5 to Attachment A

Public Comment Letter (Joe Irwin)

From: [Will Irwin](#)  
To: [Public Comment](#)  
Cc: [Sue Blankenship](#); [Joanne McDonough](#); [Joseph Irvin](#)  
Subject: Planning Commission — Public Comment Item 4  
Date: Saturday, May 7, 2022 8:03:31 PM  
Attachments: [708516montreal.png](#)  
[Two South Lake Tahoe parcels facing zoning change for hotel and condominium project.pdf](#)  
[3794 Montreal Road.pdf](#)  
[029-441.pdf](#)

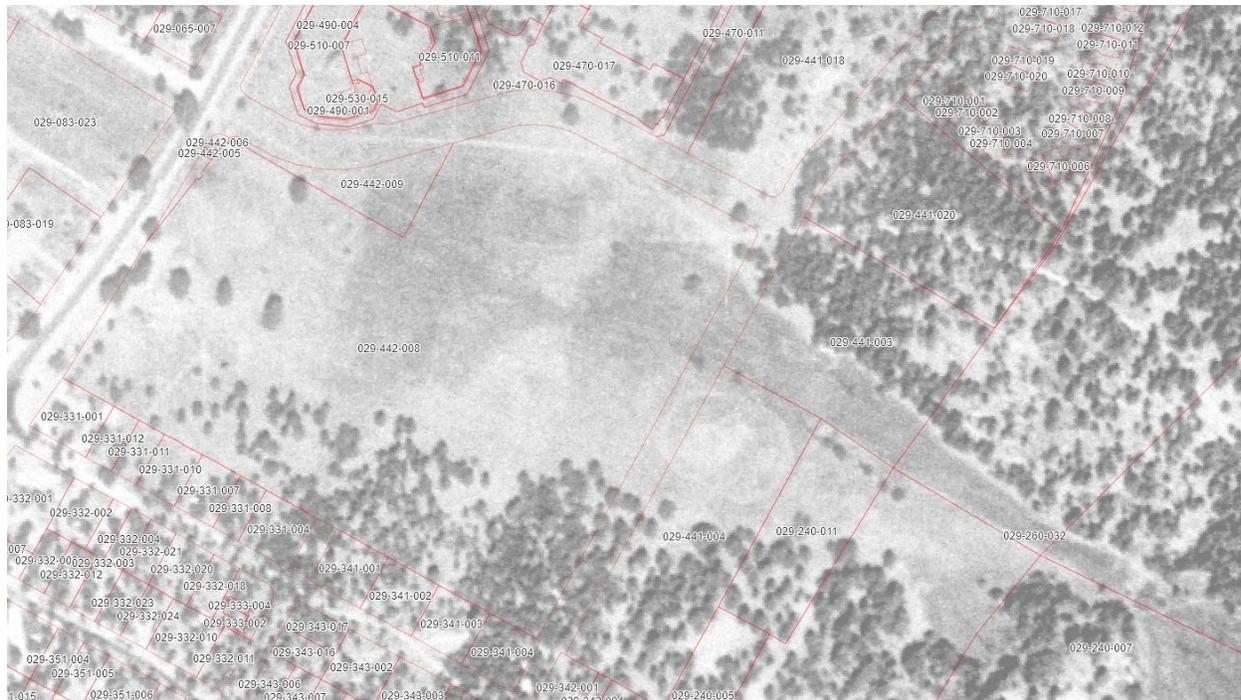
Planning Commission,

Do not develop our meadows! This land was deliberately saved in conjunction with [Rabe Meadow along Burke Creek](#) because it has already been publicly decided continued meadow development would cause irreversible harm to Lake Tahoe. [Meadows](#) provide critical habitat and ecosystem function which even affects the clarity of Lake Tahoe. Nearly all of the historic meadows in the Tahoe basin have already been developed.

[The Regional Plan requires that developments on historic meadows be reversed and the land restored. Remaining open space needs to be preserved as well.](#) You need to further [restore, maintain, and improve](#), this meadow parcel, rather than develop it. In fact, **this land was already restored**, so that other construction projects could occur elsewhere. What is occurring with the Regional Plan is really an obscene bait and switch, and sets precedent that we can arbitrarily and capriciously ignore the Regional Plan and instead continue to destroy Lake Tahoe! The kelpocrats running the Planning Commission, City Council, and TRPA will not stop until every last meadow has been bulldozed-over to myopically flip a hideous development.

The City should not even have abandoned the Public Utility Easement on [3794 Montreal Road](#) (APN [029-441-004](#) & [029-240-011](#))! The precise purpose for the abandonment of the Public Utility Easement is to allow a large construction project; this agenda item is really just a piecemeal step in the whole development process. The proposed construction project is on the last remaining portion of a large [historic meadow and stream environmental zone](#), which is also [habitat for the Sierra Nevada Yellow-Legged Frog](#), a [federally endangered species](#) (16 USC §§ [1532\(19\)](#) & [1538](#); 50 CFR § [17.11](#); 79 FR [24255](#)). Under the Endangered Species Act, prohibited “harm” includes “significant habitat modification or degradation.” Thus, this habitat as well as the endangered animal is protected from private action ([Babbitt v. Sweet Home](#), 515 U.S. 687 (1995)). California law also generally prohibits the impairment or destruction of habitat to which these species are limited ([EGC, §§ 2050 et seq.](#)). A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (PRC §§ [21083](#) ;14 CCR §§ [15300.2\(c\)](#), [15380](#), & [15382](#)).

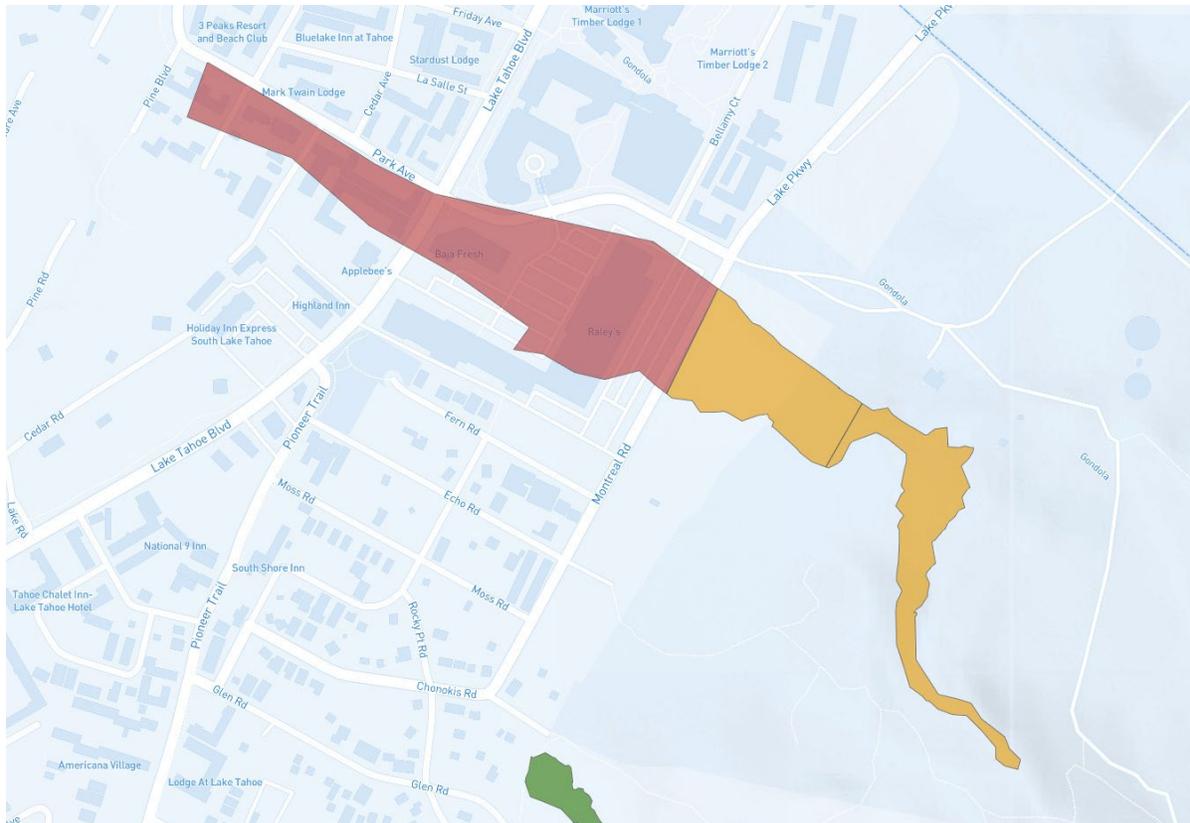
This was a very large fragile alpine meadow in 1940's:



...and these parcels ([APN 029-441-004](#) & [029-240-011](#)) remained meadow through the 1960's:



Before the bi-state compact was created in 1980 to protect and restore the former Stateline meadow land.



Don't allow this meadow to be developed by **Lew Feldman** on behalf of **HVR ACQUISITIONS LLC**. Restore it to open space. Allow our **endangered species** to recover.

Will Irwin  
P.S. *see also*,



Attachment B

TRPA Adopting Ordinance 2022-\_\_

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2022-\_\_

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 \_\_\_\_\_, 2022, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

---

Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

Exhibit 1 to Attachment B

Proposed Amendments to the Tourist Core Area Plan, Table 1: Permitted Uses by Land Use District

**Exhibit 1:**  
**Proposed Amendments to the Tourist Core Area Plan,**  
**Appendix C, Table 1: Permitted Uses by Land Use District & Table 4: Lot and Density**  
**Standards of the Tourist Core Area Plan**

Proposed language is underlined in red and deleted language is struck through.

<b>Table 1: PERMITTED USES BY LAND USE DISTRICT</b>								
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
<b>RESIDENTIAL</b>								
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	-
<u>Accessory Dwelling Unit<sup>13</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>S</u>	-
<b>TOURIST ACCOMMODATION</b>								
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	-	-
<b>RETAIL COMMERCIAL</b>								
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 <sup>11</sup>	S	<u>S12</u>	-	-	S	S	-	-
<b>ENTERTAINMENT COMMERCIAL</b>								
Amusement & Recreation	S	<u>S12</u>	-	-	-	A	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	S	S	-
Outdoor Amusements	-	S	S	-	S	S	S	-
<b>SERVICE COMMERCIAL</b>								
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	-	-
<b>LIGHT INDUSTRIAL COMMERCIAL</b>								
Small Scale Manufacturing	S	<u>S12</u>	S9	S	-	-	-	-
<b>WHOLESALE/STORAGE COMMERCIAL</b>								
Vehicle Storage & Parking <sup>11</sup>	S	<u>S12</u>	S9	S	S	S	-	-
<b>GENERAL PUBLIC SERVICE</b>								

**Exhibit 1:**  
**Proposed Amendments to the Tourist Core Area Plan,**  
**Appendix C, Table 1: Permitted Uses by Land Use District & Table 4: Lot and Density**  
**Standards of the Tourist Core Area Plan**

Proposed language is underlined in red and deleted language is struck through.

<b>Table 1: PERMITTED USES BY LAND USE DISTRICT</b>								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	<b>TSC-C</b>	<b>TSC-MU</b>	<b>TSC-MUC</b>	<b>TSC-NMX</b>	<b>TSC-G</b>	<b>TSC-G Special Area #1</b>	<b>REC</b>	<b>OS</b>
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 <sup>11</sup>	A	A	A	A	A	A	A	A
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	-
Public Utility Centers <sup>11</sup>	-	<u>S12</u>	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
<b>LINEAR PUBLIC FACILITIES</b>								
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
<b>RECREATION</b>								
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	-	-	-
<b>RESOURCE MANAGEMENT</b>								
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	-
<b>OPEN SPACE</b>								
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 on APN 029-441-024.**
13. **See TRPA Code of Ordinances section 21.3.2 and City Code Section 6.85.050 for the permissibility of accessory dwelling units.**

**TABLE 4: LOT AND DENSITY STANDARDS**

DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC
Maximum Density: Employee Housing Family (dwelling units/acre)	15	15	15	15	15	15
Maximum Density: Multi-Person Dwelling (persons/acre)	25	25	25	25	25	n/a
Maximum Density: Multi-Family (dwelling units/acre)	25	25 (C)	25	25	25	n/a
Maximum Density: Single Family Dwelling	1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence					
Maximum Density: Tourist Accommodation (dwelling units/acre)	40	40	40	40	40	n/a
Minimum Lot Size (sq ft)	10,000 (A)	10,000 (A)	10,000 (A)	10,000 (A)	6,000 (A)	10,000 (A)
Minimum Lot Width (feet)	80 (A)	80 (A)	80 (A)	80 (A)	60 (A)	80 (A)
Minimum Lot Depth (feet)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)
Maximum Land Coverage-	Within 300 feet of the High Water Mark of Lake Tahoe,					

TABLE 4: LOT AND DENSITY STANDARDS						
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC
Base + Transferred (% of project area located within land capability districts 4-7)	maximum coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive. Further than 300 feet from the High Water Line of Lake Tahoe, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive. Also see Section 30.4 of the TRPA Code of Ordinances					

**A. Reduced Minimum Lot Size and Dimensions.** Smaller lots may be approved as part of a condominium, or other airspace subdivision pursuant to City Code 6.55.190.

**B. Mixed-Use Density.** The maximum density for mixed-use projects includes up to 40 Tourist Units per acre and up to 25 residential units per acre. If a project includes nonconforming tourist or residential density, any new tourist or residential density must take into account the overage in overall density and reduce the allowable density for new construction so that the total density does not exceed 65 units per acre. In the case of a mixed-use project that includes a commercial use or other use that is not subject to a density calculation, combined with residential and/or tourist uses, the project may include the total allowable commercial square footage, and the maximum allowable tourist and residential units per acre, using the full parcel area as the denominator in the density calculation.

The maximum mixed-use density for TSC-G Special Area 1 is 40 units per acre. Otherwise, the lot and density standards for TSC-G Special Area 1 are identical to those in the TSC-G zoning district.

**C. Density for APN 029-441-024. The maximum density for multi-family residential development on APN 029-441-024 is 4 units per acre.**

Attachment C

[Initial Environmental Checklist \(IEC\)](#)

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

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

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

Chapter 3 (Environmental Documentation) of the TRPA Code of Ordinances. The 2012 Regional Plan Update (RPU) is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The TCAP is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

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

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 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. The added policies would limit the use of the rezoned parcel and adjacent parcel (merged in June 2021 as APN 029-441-024) to residential, linear public facilities, recreation, resource management, and open space

(tourist, commercial, and most general public service land uses would be prohibited) and cap the maximum density of residential units on the parcel to 4 units per acre. These amendments, as described in this packet, will become part of the Regional Plan and will replace existing plans for this geographical area within the City of South Lake Tahoe.

The IEC assessed potential impacts to the affected physical environment from the amendments to design standards in Appendix C of the TCAP. It 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 and the addition of policies related to the restriction of land uses and density allowed on the rezoned parcel. The added policies would limit the use of the rezoned parcel and adjacent parcel (merged in June 2021 as APN 029-441-024) to residential, linear public facilities, recreation, resource management, and open space (tourist, commercial, and most general public service land uses would be prohibited) and cap the maximum density of residential units on the parcel to 4 units per acre.

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

TRPA relies upon the project's accompanying environmental documentation, Staff's professional analysis, and prior plan level documentation, including findings and EISs, to reach the fundamental conclusions regarding the project's consistency with the Regional Plan and thresholds. A project that is consistent with all aspects of the Regional Plan and that does not adversely affect any threshold is, by definition, consistent with compliance measures, indicators and targets. In order to increase its analytical transparency, TRPA has prepared worksheets related specifically to the 4.4.2 considerations, which set forth the 222 compliance and supplemental compliance measures, the 178 indicators and additional factors, and interim and final targets. Effects of the proposed project (here the amendments 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.

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. Because of the policy for the merged parcel that limits land use to multi-family residential and density to no more than 4 units per acre, the number of potential residential units would decrease as a result of the amendment. 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 222 compliance measures and supplemental compliance measures, the over 178 indicators and additional factors that measure threshold progress and threshold target, and interim attainment dates. The amendments will not adversely affect applicable compliance measures, indicators, additional factors and supplemental compliance measures and target dates as identified in the 2019 Threshold Evaluation indicator summaries. TRPA anticipates that implementation of the TCAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of implementation of the TCAP depend upon the number and size of redevelopment projects, the specific extent and timing or rate of effects of the TCAP cannot be determined at this time. However, pursuant to Chapter 13 of the TRPA Code of Ordinances, TRPA will monitor all development projects within the TCAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of the threshold every four years.

The amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Any allocations used as a result of these amendments 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. Because of the policy for the merged parcel that limits land use to multi-family residential and density to no more than 4 units per acre, the number of potential residential units would decrease as a result of the amendment. TRPA therefore finds that the amendments will not cause the thresholds to be exceeded.

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

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

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

**Rationale:** **I. Introduction**

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

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

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

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

### **Regional Plan Update Process**

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

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

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

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

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

### **Regional Plan Update Amendments**

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

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

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

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

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

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

The TCAP Amendments accelerate threshold gain including water quality restoration, scenic quality improvement, and other ecological benefits, by supporting environmental redevelopment opportunities and Environmental Improvement Program (EIP) investments. The amendments will help to accelerate environmental redevelopment within an existing town center by 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.

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 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. Because of the proposed policy that limits land use to multi-family residential and density to no more than 4 units per acre on the amendment area, the number of potential residential units would decrease as a result of the amendment. 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

July 20, 2022

Date

Attachment E

Compliance Measures Evaluation

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>WATER QUALITY/SEZ - IN PLACE</b>				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The 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.

Compliance Measures Affected by the Shoreline Plan

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.

Compliance Measures Affected by the Shoreline Plan

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.

Compliance Measures Affected by the Shoreline Plan

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 TCAP incorporates the RPU's restrictions on the rate and amount of additional development. The proposed amendment includes a policy that limits land use to multi-family residential and density to no more than 4 units per acre within the Amendment Area. As a result, the number of potential residential units would decrease as a result of the amendment than what would otherwise be allowed under the Recreation district as a special use. 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.

Compliance Measures Affected by the Shoreline Plan

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	

Compliance Measures Affected by the Shoreline Plan

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	

Compliance Measures Affected by the Shoreline Plan

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	

Compliance Measures Affected by the Shoreline Plan

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**

Compliance Measures Affected by the Shoreline Plan

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	

Compliance Measures Affected by the Shoreline Plan

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, alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	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.
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	

Compliance Measures Affected by the Shoreline Plan

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	

Compliance Measures Affected by the Shoreline Plan

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	
<b>VEGETATION - IN PLACE</b>				
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	

Compliance Measures Affected by the Shoreline Plan

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.

Compliance Measures Affected by the Shoreline Plan

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
<b>VEGETATION - SUPPLEMENTAL</b>				
147	Deepwater Plant Protection	WQ, Veg	N	No changes are proposed.
<b>WILDLIFE - IN PLACE</b>				
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.
<b>FISHERIES - IN PLACE</b>				
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.

Compliance Measures Affected by the Shoreline Plan

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.
166	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.

Compliance Measures Affected by the Shoreline Plan

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.
<b>NOISE - IN PLACE</b>				
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.

Compliance Measures Affected by the Shoreline Plan

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.
<b>NOISE - SUPPLEMENTAL</b>				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of the TCAP amendment.
<b>RECREATION - IN PLACE</b>				
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.

Compliance Measures Affected by the Shoreline Plan

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.
<b>RECREATION - SUPPLEMENTAL</b>				
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	
<b>SCENIC - IN PLACE</b>				
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.

Compliance Measures Affected by the Shoreline Plan

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
<b>SCENIC - SUPPLEMENTAL</b>				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed with the TCAP amendment.

Compliance Measures Affected by the Shoreline Plan

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
222	Integrate project identified in SQIP	Scenic	N	No changes are proposed.

Attachment F

Area Plan Finding of Conformity Checklist

**Attachment E**

**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: April 4, 2022  
TRPA Reviewer: Jennifer Self

**HEARING DATES**

Lead Agency Approval: October 4, 2022  
APC: August 10, 2022  
Governing Board: October 26, 2022  
Appeal Deadline: N/A  
MOU Approval Deadline: N/A

**CHARACTERISTICS**

Geographic Area and Description: Tourist Center Mixed Use  
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 and Table 4: Lot and Density Standards of the Tourist Core Area Plan 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 (former APN 029-441-004);
- Add applicable TSC-MU policies 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) and cap the maximum density of residential units on the parcel to 4 units per acre.

## Conformity Checklist

		TRPA Code Section	Conformity		
			YES	NO	N/A
<b>A. Contents of Area Plans</b>					
1	<a href="#">General</a>	13.5.1	●		
2	<a href="#">Relationship to Other Code Sections</a>	13.5.2	●		
<b>B. Development and Community Design Standards</b>					
<i>Building Height</i>					
1	<a href="#">Outside of Centers</a>	13.5.3			●
2	<a href="#">Within Town Centers</a>	13.5.3	●		
3	<a href="#">Within the Regional Center</a>	13.5.3	●		
4	<a href="#">Within the High-Density Tourist District</a>	13.5.3	●		
<i>Density</i>					
5	<a href="#">Single-Family Dwellings</a>	13.5.3			●
6	<a href="#">Multiple-Family Dwellings outside of Centers</a>	13.5.3			●
7	<a href="#">Multiple-Family Dwellings within Centers</a>	13.5.3	●		
8	<a href="#">Tourist Accommodations</a>	13.5.3	●		
<i>Land Coverage</i>					
9	<a href="#">Land Coverage</a>	13.5.3			●
10	<a href="#">Alternative Comprehensive Coverage Management</a>	13.5.3.B.1			●
<i>Site Design</i>					
11	<a href="#">Site Design Standards</a>	13.5.3	●		
<i>Complete Streets</i>					
12	<a href="#">Complete Streets</a>	13.5.3			●
<b>C. Alternative Development Standards and Guidelines Authorized in an Area Plan</b>					
1	<a href="#">Alternative Comprehensive Coverage Management System</a>	13.5.3.B.1			●
2	<a href="#">Alternative Parking Strategies</a>	13.5.3.B.2			●
3	<a href="#">Areawide Water Quality Treatments and Funding Mechanisms</a>	13.5.3.B.3			●
4	<a href="#">Alternative Transfer Ratios for Development Rights</a>	13.5.3.B.4			●

		TRPA Code Section	Conformity		
			YES	NO	N/A
<b>D. Development Standards and Guidelines Encouraged in Area Plans</b>					
1	<a href="#">Urban Bear Strategy</a>	13.5.3.C.1			●
2	<a href="#">Urban Forestry</a>	13.5.3.C.2			●
<b>E. Development on Resort Recreation Parcels</b>					
1	<a href="#">Development on Resort Recreation Parcels</a>	13.5.3.D			●
<b>F. Greenhouse Gas Reduction</b>					
1	<a href="#">Greenhouse Gas Reduction Strategy</a>	13.5.3.E			●
<b>G. Community Design Standards</b>					
1	<a href="#">Development in All Areas</a>	13.5.3.F.1.a	●		
2	<a href="#">Development in Regional Center or Town Centers</a>	13.5.3.F.1.b	●		
3	<a href="#">Building Heights</a>	13.5.3.F.2	●		
4	<a href="#">Building Design</a>	13.5.3.F.3	●		
5	<a href="#">Landscaping</a>	13.5.3.F.4	●		
6	<a href="#">Lighting</a>	13.5.3.F.5			●
7	<a href="#">Signing – Alternative Standards</a>	13.5.3.F.6			●
8	<a href="#">Signing – General Policies</a>	13.5.3.F.6			●
<b>H. Modification to Town Center Boundaries</b>					
1	<a href="#">Modification to Town Center Boundaries</a>	13.5.3.G			●
<b>I. Conformity Review Procedures for Area Plans</b>					
1	<a href="#">Initiation of Area Planning Process by Lead Agency</a>	13.6.1	●		
2	<a href="#">Initial Approval of Area Plan by Lead Agency</a>	13.6.2	●		
3	<a href="#">Review by Advisory Planning Commission</a>	13.6.3	●		
4	<a href="#">Approval of Area Plan by TRPA</a>	13.6.4	●		
<b>J. Findings for Conformance with the Regional Plan</b>					
<i>General Review Standards for All Area Plans</i>					
1	<a href="#">Zoning Designations</a>	13.6.5.A.1	●		
2	<a href="#">Regional Plan Policies</a>	13.6.5.A.2	●		

		TRPA Code Section	Conformity		
			YES	NO	N/A
3	<a href="#">Regional Plan Land Use Map</a>	13.6.5.A.3	●		
4	<a href="#">Environmental Improvement Projects</a>	13.6.5.A.4			●
5	<a href="#">Redevelopment</a>	13.6.5.A.5	●		
6	<a href="#">Established Residential Areas</a>	13.6.5.A.6			●
7	<a href="#">Stream Environment Zones</a>	13.6.5.A.7	●		
8	<a href="#">Alternative Transportation Facilities and Implementation</a>	13.6.5.A.8			●
<i>Load Reduction Plans</i>					
9	<a href="#">Load Reduction Plans</a>	13.6.5.B			●
<i>Additional Review Standards for Town Centers and the Regional Center</i>					
10	<a href="#">Building and Site Design Standards</a>	13.6.5.C.1	●		
11	<a href="#">Alternative Transportation</a>	13.6.5.C.2			●
12	<a href="#">Promoting Pedestrian Activity</a>	13.6.5.C.3			●
13	<a href="#">Redevelopment Capacity</a>	13.6.5.C.4			●
14	<a href="#">Coverage Reduction and Stormwater Management</a>	13.6.5.C.5			●
15	<a href="#">Threshold Gain</a>	13.6.5.C.6	●		
<i>Additional Review Standards for the High-Density Tourist District</i>					
16	<a href="#">Building and Site Design</a>	13.6.5.D.1			●
17	<a href="#">Alternative Transportation</a>	13.6.5.D.2			●
18	<a href="#">Threshold Gains</a>	13.6.5.D.3			●
<b>K. Area Plan Amendments</b>					
1	<a href="#">Conformity Review for Amendments to an Area Plan</a>	13.6.6	●		
2	<a href="#">Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Notice</a>	13.6.7.A			●
3	<a href="#">Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Timing</a>	13.6.7.B			●
<b>L. Administration</b>					
1	<a href="#">Effect of Finding of Conformance of Area Plan</a>	13.6.8	●		

		TRPA Code Section	Conformity		
			YES	NO	N/A
2	<a href="#">Procedures for Adoption of Memorandum of Understanding</a>	13.7			●
3	<a href="#">Monitoring, Certification, and Enforcement of an Area Plan</a>	13.8			●
4	<a href="#">Appeal Procedure</a>	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 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 are proposed.

The proposed amendments make changes to only land use development standards in Appendix C of the TCAP.

**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 and densities 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** Building heights are established in Appendix C of the TCAP. The proposed amendments make no changes to building height standards.

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** Building heights are established in Appendix C of the TCAP. The proposed amendments make no changes to building height standards.

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** Building heights are established in Appendix C of the TCAP. The proposed amendments do not make and changes to building height standards or boundaries to a regional center.

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** Building heights are established in Appendix C of the TCAP. The proposed amendments do not make any changes to building height standards or boundaries to a high-density tourist district.

**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 dwelling density.

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. Allowed multi-family density in the amendment area would be limited to 4 units per acre.

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 include changes to multiple-family dwelling density for the amendment area, limiting multi-family residential to no more than 4 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.

**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 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

**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

**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

**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

**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 No changes are proposed to resort recreation parcels.

## 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. 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:

- 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* TCAP establishes these standards in Appendix C. No changes are proposed to these standards.

**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.

**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.

**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 standards.

**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.

**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 August 10, 2022.

**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 October 26, 2022 after review by the Regional Plan Implementation Committee and the Advisory Planning Commission. The Governing Board will need to find the Area Plan 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 Tables 1 and 4) of the TCAP amendments identifies changes to zoning designation (from Recreation to Tourist Center Mixed-Use), allowed land uses (prohibits commercial and tourist use), and development standards (limits residential density to no more than 4 units per acre) for the amendment area.

**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.

**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.

**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 are 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 October 26, 2022.

**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.