

## **1.13.2 Performance Review and Implementation Scheduling (formerly Development and Implementation Priorities) Subelement**

### **Overview**

The Development and Implementation Priorities Subelement of the 1987 Regional Plan coordinates the implementation provisions and time schedules of each Regional Plan Element to achieve and maintain TRPA's adopted thresholds. Under the "action" alternatives (Alternatives 2, 3, and 4), this Subelement would be replaced by a new Subelement called Performance Review and Implementation Scheduling.

The Subelement would continue to address TRPA's environmental review and permitting functions. The four goals and twenty policies of existing Subelement contain direction on how to:

- direct residential development to appropriate locations in accordance with the thresholds;
- manage the growth of development through a schedule and allocation process that is tied to environmental evaluations;
- encourage consolidation of development through a transfer of development rights and transfer of land coverage program;
- and generate offsetting mitigation measures (which would accelerate progress toward meeting the environmental thresholds).

The measures to implement this Subelement are found in the Code in Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; Chapter 37, Individual Parcel Evaluation System; and other chapters addressing transfers and mitigation.

## **Alternative 1—Continuation of Existing Regional Plan**

### **Summary**

Alternative 1, the "No Action" Alternative, assumes the continuation of the goals, policies, regulations, and programs of the 1987 Regional Plan. The existing programs for the Threshold Evaluations, residential and commercial floor area allocations, the Individual Parcel Evaluation System (IPES), residential bonus units, tourist bonus units, transfers of development, and water quality/air quality mitigation would remain in effect and unchanged.

The implementation of the allocation systems would continue under Alternative 1 until the exhaustion of the remaining unused allocations occurs (see Table 1.13-2). All projects using these remaining allocations or proposing redevelopment of existing properties would continue to require offsetting mitigation for erosion and air quality as described in the existing policies. The transfer of existing development would continue to be allowed and encouraged. Existing regulatory and review systems would remain in place. Specifically:

- Thresholds would continue to be evaluated every five years with the next evaluation occurring in 2011. Under the “no action” Alternative, no additional allocations would be authorized.
- The existing IPES program would continue unchanged.
- Residential Allocations would continue to be allocated under the existing system and regulatory structure (i.e., Performance Review System, Sensitive Lot Retirement Program, Moderate Income Housing Program) until the remaining allocations are exhausted (approximately 110 Residential Allocations remain from the 1987 Regional Plan).
- Commercial Floor Area (CFA):
  - CFA within Community Plans would be implemented through the approved allocation process adopted in each Community Plan until exhausted (approximately 160,000 square feet remain from the 1987 Regional Plan).
  - CFA for Special Projects would be implemented through the Special Projects Program approval process until exhausted (187,000 square feet has been reserved but remains unallocated).
  - Irrevocable Commitment – the requirement that irrevocable commitments to implement EIP projects within Community Plans be funded and permitted prior to release of CFA would remain in effect.
- Tourist Accommodation Units (TAUs) would continue to be allocated under the existing system until the remaining units are exhausted (252 TAUs remain from the 1987 Regional Plan)
- Residential Bonus Units would be implemented through the existing regulatory structure (Affordable and Moderate Housing Programs) until the remaining units are exhausted (1000 Residential Bonus Units remain from the 1987 Regional Plan).
- Transfer of Development Rights would continue to be implemented through existing programs.
- The existing Water Quality and Air Quality Offset Mitigation Programs would remain in effect.

### **Goals and Policies**

No changes are proposed for this subelement under Alternative 1.

### **Implementation Measures**

No changes are proposed for this subelement under Alternative 1.

## **Alternative 2**

### **Summary**

Alternative 2 is designed to promote the best in implementation strategies through a combination of regulation and incentives. Under this Alternative, the goals of the 1987 Regional Plan would be updated to reflect the addition of new allocations for residential, tourist, and commercial floor area. In addition, policies would be amended to incorporate the Tahoe Maximum Daily Load (TMDL) by linking the release of commercial floor area allocations to achieving established interim targets.

### **Goals and Policies**

Under Alternative 2, Goal 1 and Policies 1–4 of the Institutional Subelement would be moved to the Performance Review and Implementation Scheduling Subelement because they relate to the review and approval of projects. Policy 5 would remain in the Institutional Subelement, as it relates to the need for a collaborative approach to enforcement. In addition, the following changes would be made to existing goals and policies:

- The allocation schedule and performance standards in the goals related to allocations and transfers of development rights, and in their supporting policies, would be updated.
- The goal related to mitigation would be amended to address mitigation requirements for all thresholds, not just for erosion control and transportation/air quality.

### Implementation Measures

The measures to implement the Performance Review and Implementation Scheduling Subelement under Alternative 2 would generally be found in the Code in Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; Chapter 37, Individual Parcel Evaluation System; and other chapters addressing project review, transfers, and mitigation. Alternative 2 would revise existing systems and allocations and add additional allocations to those considered under Alternative 1 (see Table 1.13-2). Under Alternative 2, existing measures would be amended and several new measures would be added as follows:

- Residential Allocations would continue to be allocated under the existing system and regulatory structure with the following changes:
  - Approximately 4,500 new residential allocations would be made available.
  - Allocations from the Allocation Pool can be used for the Resident Occupancy Program.<sup>23</sup>
  - An additional criterion would be added to the Performance Review System, creating a performance target for affordable housing development.
  - Moderate Income Housing units will be exempted from the allocation requirement.
  - Modify existing performance criteria for EIP projects to link jurisdictions' performance rating – and therefore the number of annual Residential Allocations they receive – to achievement of TMDL interim targets.
- Additional CFA plus the CFA remaining in the 1987 Regional Plan (see *Alternative 1*) would be available as follows:
  - Special Projects CFA. An additional 200,000 square feet of CFA would be available for special projects located within districts designated as Town Centers and Tourist Centers.
  - Transfer of Development CFA. An additional 200,000 square feet would be available for match for transfer of development from sensitive lands districts designated as PTOD areas.
  - EIP Linkage. Release of CFA between Year 1 and Year 5 would require a charter agreement setting forth the strategy and schedule to achieve EIP

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<sup>23</sup> This program is modeled after a similar program in effect in Pitkin County, Colorado. It would provide allocations for development of owner-occupied residential units.

- local funding revenue targets. This agreement would be signed by all EIP partners prior to any initial distributions of new allocations under this Plan.
- TMDL Linkage. Release of development allocations beyond Year 5 would be determined by evaluating the success of these implementing strategies and progress toward TMDL interim targets (*see also EIP Subelement*).
- Once a charter agreement is signed, the existing requirement that irrevocable commitments to implement water quality EIP projects within Community Plans prior to release of CFA would be in effect.
- TAUs. The number of TAUs available would be the 252 TAUs remaining from the 1987 Regional Plan same plus 200 new TAUs to be distributed as Bonus Units. These units would be distributed under the same system and regulatory structure as under Alternative 1.
- Residential Bonus Units. Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be restricted to districts designated as Town Centers and Tourist Centers.
- Transfer of Development Rights. With the exception of transfers involving CFA, the TDR program would continue to be implemented as under the current Plan.

## Alternative 3

### Summary

Alternative 3 is designed, in large part, to continue the implementation of the current system of regulations in the Tahoe Basin while allowing additional development beyond Alternative 1 and 2 to occur. Under this Alternative, the goals of the 1987 Regional Plan would be updated to reflect increased allocations equivalent to what was proposed in the 1987 Plan. Like Alternative 2, this Alternative recognizes the importance of achieving load reduction targets established in the TMDL and proposes to link release of new CFA to interim load reduction targets.

### Goals and Policies

Alternative 3's Goals and Policies would be the same as Alternative 2's.

### Implementation Measures

The measures to implement the Performance Review and Implementation Scheduling Subelement under Alternative 3 would generally be found in the Code in Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; Chapter 37, IPES; and in other chapters addressing project review, transfers, and mitigation. The Implementation Measures under this Alternative would be revised as follows:

- Residential Allocations would continue to be allocated under the current system and regulatory structure. Approximately 5,200 new residential allocations would be made available.
- CFA. 600,000 square feet of new CFA plus the CFA remaining in the 1987 Regional Plan (*see Alternative 1*) would be available for distribution as follows:

- Community Plan CFA. An additional 300,000 square feet of CFA would be available for the 22 Community Plan areas and would be implemented through the existing allocation process.
  - Special Projects CFA. An additional 300,000 square feet of CFA would be available for use and implemented through the existing Special Projects provision in the Code.
  - TMDL Linkage. Distribution of new CFA would be determined by evaluating the success of these implementing strategies and progress toward TMDL interim targets (*see also EIP Subelement*).
  - When sufficient progress toward TMDL interim targets is verified, the requirement that irrevocable commitments to implement water quality EIP projects within Community Plans prior to release of CFA would be in effect.
- TAUs. The number of TAUs available would be the 252 TAUs remaining from the 1987 Regional Plan same plus 400 new TAUs to be distributed as Bonus Units. These units would be distributed under the same system and regulatory structure as under Alternative 1.
  - Residential Bonus Units. Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be restricted to districts designated as PTOD areas.
  - Transfer of Development Rights. With the exception of transfers involving CFA, the TDR program would continue to be implemented as under the current Plan.

## Alternative 4

### Summary

The development potential in Alternative 4 is lower than in Alternatives 2 and 3. Under this Alternative, the goals of the 1987 Regional Plan would be updated to reflect the reduced allocations for residential and commercial floor area. No additional TAUs are proposed in this Alternative. Similar to the other “action” Alternatives, Alternative 4 recognizes the importance of achieving load reduction targets established in the TMDL and proposes to link release of new CFA to the attainment of interim load reduction targets. However, unlike the other “action” Alternatives, Alternative 4 will require that irrevocable commitments to construct water quality projects are actually implemented prior to release of any CFA.

### Goals and Policies

Alternative 4’s Goals and Policies would be the same as Alternative 2’s.

### Implementation Measures

The measures to implement the Performance Review and Implementation Scheduling Subelement under Alternative 4 would generally be found in the Code in Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; Chapter 37, IPES; and other chapters addressing project review, transfers, and mitigation. The Implementation Measures under this Alternative would be revised as follows:

- Residential Allocations would continue to be allocated under the existing system and regulatory structure with the following changes:
  - 10% of annual allocations would be reserved for a Resident Occupancy Program.
  - Approximately 2,600 new residential allocations would be made available.
- CFA. The CFA remaining in the 1987 Regional Plan (see *Alternative 1*) would be available plus of 200,000 additional square feet reserved for transfer of development only. CFA would be distributed with incentives<sup>24</sup> as a matching reward to projects proposing transfer of commercial floor area from sensitive lands to districts designated as Town Centers and Tourist Centers.
  - TMDL Linkage. Distribution of new CFA would be determined by evaluating the success of these implementing strategies and progress toward TMDL interim targets (see also *EIP Subelement*).
  - When sufficient progress toward TMDL interim targets is verified, irrevocable commitment projects would be required to be constructed prior to release of CFA.
- TAUs. The number of TAUs available would be the 252 TAUs remaining from the 1987 Regional Plan. There would be no new TAUs.
- Residential Bonus Units. Assignment of the 1,000 bonus units remaining from the 1987 Regional Plan would be available only in districts designated as PTOD areas.
- Transfer of Development Rights. With the exception of transfers involving CFA, the TDR program would continue to be implemented as under the current Plan.

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<sup>24</sup> Additional height and density would be permitted with special findings within Town and Tourist Centers (see *Community Design Subelement for more details*).

