

## 3.2 LAND USE

Land use planning is used to direct the amount, type, and location of land use and land coverage; balance land uses with transportation investments to achieve travel efficiency and reductions in vehicle miles of travel; and coordinate regional land use guidance with local land use plans. This section identifies the relevant federal, state, and local regulations and policies governing land use; describes existing land use patterns in the study area; and describes the land use planning structure and approach currently used by TRPA, the City of South Lake Tahoe, and Douglas County. It identifies significance criteria for land use impacts, and it assesses the environmental effects of each alternative. Where necessary, mitigation measures are identified to reduce environmental impacts to a less-than-significant level.

During the scoping process, the City of South Lake Tahoe provided comments on the Notice of Preparation/Notice of Intent requesting that the EIR/EIS/EIS address the project's consistency with goals and policies of the City of South Lake Tahoe General Plan, as well as city development and engineering standards, the South Tahoe Redevelopment Demonstration Plan, and the Stateline/Ski Run Community Plan. The Stateline/Ski Run Community Plan has largely been superseded by the city's recently adopted Tourist Core Area Plan. To the degree that these plans and standards are relevant to the project, they are addressed in this section.

The methods of analysis for impacts on land use issues are the various plans and planning documents that regulate and control land use and planning in the study area: the TRPA Regional Plan, Code of Ordinances, area plans, and plan area statements; the City of South Lake Tahoe General Plan; and the Douglas County Comprehensive Master Plan. As discussed in Section 3.16, "Biological Environment," none of the build alternatives would be constructed within an area covered under an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state conservation plan. Therefore, project implementation would not conflict with the provisions of an adopted conservation plan and this issue is not evaluated further.

Cumulative land use impacts are addressed in Section 3.19, "Cumulative Impacts." Recreational resources, uses, and facilities in the study area and relevant regulations, including Department of Transportation Act Section 4(f), are addressed in Section 3.3, "Parks and Recreational Facilities," and Chapter 4, "Other NEPA-, CEQA-, and TRPA-Mandated Sections." Impacts related to community character and cohesion, housing and business relocations, and environmental justice are addressed in Section 3.4, "Community Impacts."

### 3.2.1 Regulatory Setting

A variety of plans and policy statements administered by federal, state, regional, and local agencies apply to the build alternatives. Relevant planning guidance used to evaluate the potential for land use impacts resulting from project implementation is described below. The land use policies and designations relevant to the build alternatives are summarized in Section 3.2.2, "Affected Environment," below.

#### FEDERAL

Federal regulations related to land use are associated with resources such as wetland identification and protection, special status species protection, cultural resource protection, and health and safety on private lands. In the Lake Tahoe Basin, authority to enforce many of these regulations has been delegated to TRPA and/or the states of California and Nevada.

The Federal Highway Administration (FHWA) is the federal lead agency for the project. The only applicable FHWA land use regulation is Section 4(f) of the Department of Transportation Act, which relates to impacts of

transportation projects on parks, recreational, and open space lands; it is discussed in Section 3.3, “Parks and Recreational Facilities,” and Chapter 4, “Other NEPA-, CEQA-, and TRPA-Mandated Sections.”

The U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU) also enforces many federal land use regulations, and manages all National Forest System lands within the Basin. There are no federal lands within the US 50/South Shore Community Revitalization Project site limits. The closest LTBMU holdings in the vicinity are Nevada Beach and Rabe Meadow east of the study area, portions of Heavenly Ski Resort, and lands near Van Sickle Bi-State Park and in the upper areas of the Edgewood Creek watershed.

## **TAHOE REGIONAL PLANNING AGENCY**

### **Environmental Threshold Carrying Capacities**

The Tahoe Regional Planning Agency (TRPA) has established Environmental Threshold Carrying Capacities (threshold standards) that are minimum standards of environmental quality targets to be achieved in the Tahoe Region (TRPA 2012b). No threshold standard applies specifically to land use, and the adopted environmental threshold standards do not define the maximum populations, densities, permitted uses, and other land use criteria for the region. However, the threshold standards do set performance criteria that may be influenced by land use planning considerations, including coverage, restoration-based incentives, and allocation considerations.

### **Lake Tahoe Regional Plan**

The Tahoe Regional Planning Compact calls for the Lake Tahoe Regional Plan (Regional Plan) to establish a balance, or equilibrium, between the natural environment and the human-made environment. The Regional Plan includes Goals and Policies, Code of Ordinances, plan area statements (PASs), community plans, area plans, and other guidance documents. The heart of the Regional Plan is the Goals and Policies, statements of policy that guide decision making as it affects the Tahoe Region’s resources and environmental threshold standards, and are intended to provide opportunities for orderly growth and development consistent with those threshold standards. The Goals and Policies are addressed in six major elements: land use, transportation, conservation, recreation, public services and facilities, and the implementation elements.

The Regional Plan Update was adopted in December 2012. The Land Use Element sets forth the fundamental land use philosophies of the Regional Plan, including the direction of development to the most suitable locations within the Tahoe Region; maintenance of the environmental, economic, social, and physical well-being of the Tahoe Region; and coordination of the Regional Plan with local, state, and federal requirements. Land use designations within the project site and the study area are described in Section 3.2.3, “Affected Environment.”

The Land Use Subelement of the Regional Plan’s Land Use Element includes policies pertaining to growth and development of the Tahoe Region. It is intended to direct the amount, type, and location of land uses and land coverage; balance land uses with the social, environmental, and economic well-being of the Tahoe Region; and coordinate regional land uses with land uses in surrounding areas. The full text of these goals and policies that are relevant to the project, along with a discussion of the project’s consistency with the goals and policies, is included in Appendix E, “Goals and Policies Consistency Analysis.”

### **Code of Ordinances**

The TRPA Code of Ordinances (Code) compiles all of the laws and ordinances needed to implement the goals and policies of the Regional Plan. The Code regulates, among other things, land use, density, rate of growth, land coverage, excavation, and scenic impacts. The regulations are designed to bring the Tahoe Region into conformance with the threshold standards. Public agencies and organizations in the Tahoe Basin must comply with the Code or may establish equivalent or more stringent requirements within their jurisdictions.

### **Permissible Uses**

Chapter 50, “Allocation of Development,” of the Code sets forth requirements for regulating the rate and timing of growth within the Tahoe Region. TRPA regulates growth through the issuance of allocations of housing units, commercial floor area, tourist accommodation units, and people at one time (the number of people that a recreation use can accommodate at a given time). An allocation is generally only required for the main use for which the parcel is developed; accessory uses do not require allocations.

Primary uses are defined in Chapter 21, “Permissible Uses,” of the Code. All parcels have one or more permissible primary uses. PASs, community plans, and area plans define the permissible uses that apply to a particular parcel. Examples of primary uses include hotels and motels, eating and drinking places, and golf courses. Subsection 21.2.1 defines allowed uses as uses listed in the applicable PAS, community plan, or area plan that are appropriate for the specified area, and projects and activities pertaining to such uses may be permitted. By definition, allowed uses are assumed to be compatible with the direction of the Regional Plan and surrounding land uses. Special uses may also be found to be appropriate, but require a closer evaluation. In accordance with Subsection 21.2.2 of the TRPA Code, a special use must be found to: (1) be of a nature, scale, density, intensity, and type appropriate for the surrounding area in which it is located; (2) not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or properties in the neighborhood; and (3) not change the character of the neighborhood, or detrimentally alter the purpose of the applicable PAS, community, or area plan. It must also be determined that the applicant has taken appropriate steps to protect against any such injury and to protect the land, water, and air resources of both the affected property and that of surrounding property owners.

### **Plan Area Statements**

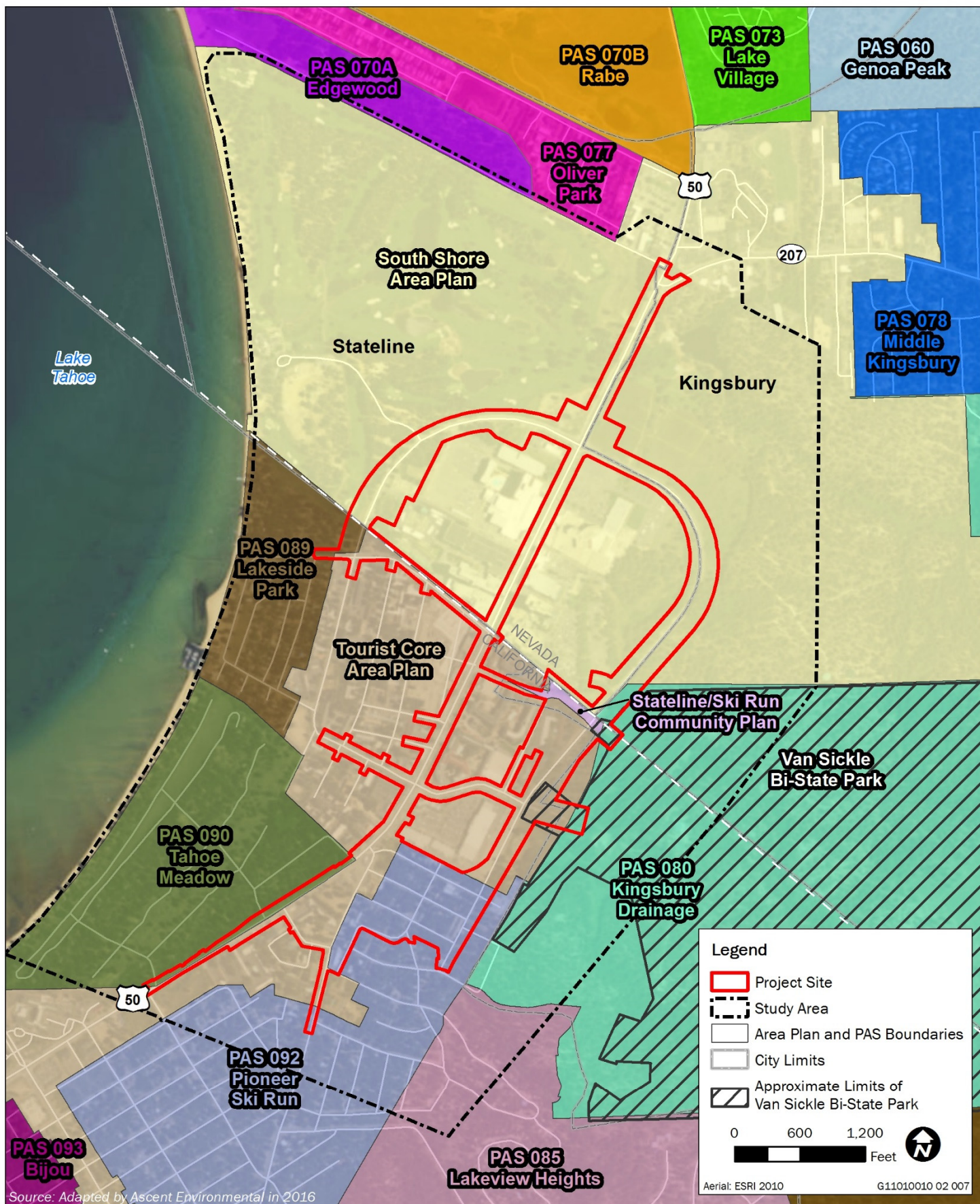
The PASs provide a detailed guide for planning within discrete areas of the Tahoe Region. Each PAS is assigned a single land use classification and one of three management strategies: development with mitigation, redirection of development, or maximum regulation. Some PASs are designated as receiving areas for transfer of development commodities, or areas targeted for scenic restoration and affordable housing provisions. Additionally, PASs provide planning considerations, special policies, maximum densities for residential and tourist development, noise standards, allowable and special uses, and the amount of additional recreation capacity permissible. The PASs that are applicable to the project include PAS 080 Kingsbury Drainage, PAS 089 Lakeside Park, PAS 090 Tahoe Meadows, and PAS 092 Pioneer/Ski Run. The portions of the project site within these PASs are shown in Exhibit 3.2-1. The full text of relevant special policies in these PASs, along with a discussion of the project’s consistency with the goals and policies, is included in Appendix E, “Goals and Policies Consistency Analysis.”

#### **PAS 080 Kingsbury Drainage**

A portion of the study area and a portion of the realigned US 50 right-of-way along Lake Parkway are located within PAS 080. PAS 080 identifies this area as “the backdrop country in the Kingsbury Grade area” east of Lake Parkway, which is characterized as mostly high hazard, with 5 percent of the area designated as a Stream Environment Zone (SEZ). The planning statement for PAS 080 states, “[t]his area should be rehabilitated to provide watershed restoration to enhance the area’s natural features and qualities (TRPA 2002a).” Portions of PAS 080 along existing US 50 were incorporated into the South Shore Area Plan (SSAP) when it was created in November 2013, and relevant policies that apply to these areas from PAS 080 have also been incorporated into the SSAP. PAS 080 includes a special policy that states the area adjoining US 50 should be maintained as a scenic view corridor.

#### **PAS 089 Lakeside Park**

PAS 089 Lakeside Park is located in California next to Lake Tahoe and south of the California/Nevada state line, west of the Tourist Core Area Plan (TCAP). The portion of the study area that includes transportation improvements around the Stateline Avenue/Pine Boulevard intersection is within PAS 089. The planning statement for PAS 089 states, “[t]his area should continue as a residential/recreation area while improving lake access opportunities (TRPA 2014).” No special policies in PAS 089 are relevant to the project.



**Exhibit 3.2-1**

**PASs, Community Plans, and Area Plans in the Study Area**



### **PAS 090 Tahoe Meadows**

PAS 090 Tahoe Meadows is located in California north of US 50 between Ski Run Boulevard and Park Avenue. The portion of the study area west of the new Pioneer Trail/US 50 intersection (Alternatives B and C) or reconstructed Pioneer Trail/US 50 intersection (Alternative D) falls within the edge of PAS 090. The planning statement for PAS 090 states, “[t]his area should continue to be a residential recreation area, maintaining the established rustic character (TRPA 2002b).” This area contains an SEZ and the planning considerations identify the area as “being considered as part of an overall solution to runoff problems in the watershed.” No special policies in PAS 090 are relevant to the project.

### **PAS 092 Pioneer/Ski Run**

PAS 092 Pioneer/Ski Run is located in South Lake Tahoe and includes a primarily residential area set back and separated from US 50 and Ski Run Boulevard by areas in the TCAP, and immediately southwest of the Heavenly Village Center. The southern portion of the new US 50 alignment proposed for Alternatives B, C, and D extends through the northern portion of PAS 092. The planning statement for PAS 092 states, “[t]his area should continue to be residential with improvements made to upgrade that character (TRPA 2002c).” A number of planning considerations identified for PAS 092 are applicable to the build alternatives. Some of the planning considerations identified in PAS 092 include traffic congestion, transit use, and overcrowding in housing units. No special policies in PSA 092 are relevant to the project.

## **Area Plans**

The concept of area plans was introduced with the adoption of the Regional Plan Update in 2012, wherein local public agencies may prepare plans for their jurisdictions that are consistent with the Regional Plan and assume the responsibility for permitting. Area plans use new development allowances for increased land use intensity in specific community centers. Area plans also include development ordinances and zoning designations. PASSs, community plans, and use-specific master plans remain in effect in the newly-adopted Regional Plan (2012) until superseded by an area plan that is developed in accordance with and found in conformance with the Regional Plan.

### **Tourist Core Area Plan**

The City of South Lake Tahoe, in conjunction with and approval from TRPA, adopted the Tourist Core Area Plan (TCAP) on October 15, 2013, which replaced the Stateline/Ski Run Community Plan of 1994 (City of South Lake Tahoe 2013), with limited exception. The single parcel owned by the California Tahoe Conservancy (Conservancy) between Forest Suites Resort and Harrah’s surface parking lot is the only property addressed by the community plan. The tourist core stretches approximately 2 miles along US 50 extending from Fairway Drive to the California and Nevada state line and along Ski Run Boulevard from Lake Tahoe to Pioneer Trail. This area functions as the primary visitor and tourist district in the City of South Lake Tahoe and provides direct access to recreation opportunities such as Heavenly Ski Resort, Ski Run Marina, Lakeside Marina, and Van Sickel Bi-State Park. TCAP Policies applicable to the build alternatives are discussed below.

Many of the policies in the TCAP are similar to those in the Regional Plan. However, the Land Use and Community Design section of the Regional Plan’s Land Use Element does include policies that promote improving connections for pedestrians and cyclists, development of multi-family residential and mixed-use, and new development in the tourist core that improves the character and establishes a distinct sense of place that are specific to the TCAP. The full text of these goals and policies, along with a discussion of the project’s consistency with the goals and policies, is included in Appendix E, “Goals and Policies Consistency Analysis.”

### **South Shore Area Plan**

Douglas County, in conjunction with and with approval from TRPA, prepared and approved the SSAP on November 21, 2013 (Douglas County and TRPA 2013). The SSAP replaced the Stateline Community Plan, Kingsbury Community Plan, a portion of PAS 070A Edgewood, and a portion of PAS 080 Kingsbury Drainage. The SSAP is not a single, standalone document, but includes portions of other planning documents:

- ▲ Chapter 2: Land Use Element – Tahoe Planning Area of the Douglas County Master Plan Land Use Element;
- ▲ a designated area on the Douglas County Future Land Use Map;
- ▲ a designated area on the Douglas County Zoning Map;
- ▲ Chapter 20.703, Tahoe Area Plan Regulations of the Douglas County Development Code; and
- ▲ design standards and guidelines applicable to non-residential uses (originally termed South Shore Design Standards and Guidelines, but now termed Tahoe Design Standards and Guidelines as they are now proposed to apply to all non-residential properties within the Douglas County portion of the Tahoe Basin).

The SSAP includes policies that are similar to those in the Regional Plan. Because the portion of the project within the SSAP is limited to transportation improvements, there are few SSAP policies that are applicable to the project and are limited to enhancing and maintaining the aesthetic character of the built environment that compliments the natural environment. The full text of the relevant SSAP goals and policies, along with a discussion of the project's consistency with these goals and policies, is included in Appendix E, "Goals and Policies Consistency Analysis."

## **Community Plans**

The 1987 Regional Plan designated 22 areas as eligible to be within a community plan. Presently 14 community plan areas that have adopted plans. These plans supersede the PASs and are designed to be more responsive to the needs and opportunities of the respective communities. The original intent of the community plans was to concentrate commercial uses to reduce the negative effects of "strip" development and to provide incentives to renovate, revitalize, and remove blighted commercial development.

### **Stateline/Ski Run Community Plan**

The Conservancy-owned parcel located between Bellamy Court and Lake Parkway is located within a remnant portion of the Stateline/Ski Run Community Plan (see Exhibit 3.2-1). There are no specific policies in the Stateline/Ski Run Community Plan that are relevant to this Conservancy parcel or the project.

## **Environmental Improvement Program**

Please refer to Chapter 2, "Proposed Project and Project Alternatives," for a description of the Lake Tahoe Environmental Improvement Program (EIP). The US 50/South Shore Community Revitalization Project is included in the EIP (Project No. 03.010.02.24). Alternatives B, C, and D would also implement, at least partially, two other EIP projects (EIP Project No. 01.01.01.11: Stateline Water Quality Improvement and EIP Project No. 03.01.02.03: Class One/Two Bike Trail: Linear Park Trail to Stateline).

## **Lake Tahoe Regional Transportation Plan/Sustainable Communities Strategy**

Adopted in 2012, the Lake Tahoe 2035 Regional Transportation Plan (RTP), also known as *Mobility 2035*, includes a list of transportation projects and strategies to improve mobility in the Tahoe Region and provide the opportunity for environmental gains related to a reduction in personal vehicle travel and attendant greenhouse gas emissions, improved air quality, improved water quality, and enhanced recreation opportunities related to bicycle, pedestrian, and transit improvements. The RTP also includes a Sustainable Communities Strategy (SCS), pursuant to California Senate Bill (SB) 375, Statutes of 2008, for the California portion of the Lake Tahoe Region to enable attainment of Regional greenhouse gas reduction targets.

The US 50/South Shore Community Revitalization Project is included as part of the RTP as a Corridor Revitalization Project, under the Tier 1 Project list (RTP #2) described as:

US 50 would be realigned around the Stateline resort-casino corridor to the east, between Lake Parkway in Nevada and a location southwest of Pioneer Trail in California. The new US 50 alignment would include two travel lanes in each direction with left-turn pockets at intersections. Between

Pioneer Trail and Lake Parkway within the resort-casino corridor, US 50 would become a local street and would be converted to two lanes, one way in each direction, with a landscaped median and turn pockets at major driveways and intersections. Expanded sidewalks, bicycle lanes, and traffic signals would be installed to improve the flow of traffic, improve pedestrian safety, and encourage the use of non-auto transportation modes along the roadway (TMPO and TRPA 2012b:4-6).

The 2017 Regional Transportation Plan (2017 RTP), which is an update to the 2012 RTP, and its joint CEQA/TRPA environmental document have been circulated for public review. The vision and goals of the 2017 RTP were based on the 2012 RTP. The projects listed in the 2017 RTP are substantially similar to those in the 2012 RTP, and the US 50/South Shore Community Revitalization Project is included in both documents.

### **Linking Tahoe: Active Transportation Plan**

Please see Section 3.6, “Traffic and Transportation,” for a discussion of the *Linking Tahoe: Active Transportation Plan* (ATP). The ATP updates the Lake Tahoe Bicycle and Pedestrian Plan.

## **STATE**

No state regulations pertaining to land use and planning apply to the US 50/South Shore Community Revitalization Project. Please see Section 3.3, “Parks and Recreational Facilities,” for a discussion of the *Van Sickle Bi-State Master Plan*.

## **LOCAL**

This section includes a summary of and references to relevant policies from the City of South Lake Tahoe General Plan and Douglas County Master Plan. The TCAP and SSAP are planning documents prepared by the City of South Lake Tahoe and Douglas County in collaboration with TRPA, and the goals and policies of these plans are discussed above under, “Tahoe Regional Planning Agency.” The full text of the relevant goals and policies from these local land use planning documents are included in Appendix E, “Goals and Policies Consistency Analysis.” The consistency of project alternatives with these goals and policies is discussed in Appendix E and Impact 3.2-1 below.

### **City of South Lake Tahoe General Plan**

The City of South Lake Tahoe adopted the 2030 General Plan on May 17, 2011. The 2030 General Plan is the city’s policy document containing elements that guide land use, transportation, public facilities and services, recreation, natural resources, and other decisions. General Plan policies that are relevant to the project address issues related to environmental justice, promoting pedestrian and transit-friendly development, encouraging housing to be incorporated into mixed-use projects in Town Centers, and other policies that address other resource topics, including air quality, cultural resources, recreation, and noise.

### **Douglas County Master Plan**

The 2006 Douglas County Master Plan (Douglas County 2012) provides long-range guidance for numerous programs related to planning activities in the county including: development, open space preservation planning, transportation, flood and drainage, water resources planning and management, and capital improvements planning. The Lake Tahoe Planning Area is not included as part of the Land Use Element of the Douglas County Master Plan because the area is within the jurisdiction of TRPA, and the SSAP serves that function. This means that much of the planning guidance and many of the policies and regulations related to growth and development in Douglas County do not apply to the project. Other planning elements of the Douglas County Master Plan apply to the Lake Tahoe Planning Area to the extent that they do not conflict with the provisions of plans or regulations adopted by TRPA.

### 3.2.2 Affected Environment

This subsection discusses the existing and future land uses and zoning within the project. Land uses and zoning for the project site are delineated by several planning documents, including:

- ▲ the TCAP,
- ▲ the SSAP,
- ▲ the PAS 080 Kingsbury Drainage,
- ▲ the PAS 089 Lakeside Park,
- ▲ the PAS 090 Tahoe Meadows, and
- ▲ the PAS 092 Pioneer Ski Run.

#### EXISTING LAND USES WITHIN THE STUDY AREA

Much of the study area consists of developed land with a variety of urban land uses punctuated with a few undeveloped or vacant lots, some of which are utilized for water quality improvement projects and snow storage. A portion of Van Sickle Bi-State Park and other open space or undeveloped areas are within the study area along the eastern section of Lake Parkway. Additionally, this area serves as a gateway between California and Nevada.

Several small businesses, including restaurants and a liquor store are located in the area between US 50 and Pioneer Trail southwest of the intersection of US 50 and Pioneer Trail. A residential neighborhood containing single-family homes, multi-family homes, and vacation rentals is located within the area east of Pioneer Trail, west of Montreal Road, and south of the Heavenly Village Center. See Section 3.4, “Community Impacts,” for a more complete description of this residential area.

The land use conditions in the tourist corridor reflect the resort destination character of the area. In California, on the east side of US 50 and northeast of the Pioneer Trail/US 50 intersection, is the Heavenly Village Center, a commercial area containing a Raley’s grocery store and other commercial/retail uses. Heavenly Village, located north of the Heavenly Village Center, contains a gondola to the Heavenly Mountain Resort, an intermodal transit center, and a mix of commercial establishments. A timeshare lodging facility is located adjacent to the roadway at the California/Nevada state line and next to Harrah’s Casino.

Van Sickle Bi-State Park is located along the east side of Lake Parkway with its entrance at the intersection of Lake Parkway and Heavenly Village Way. North of the state line along Lake Parkway is primarily privately-owned forested open space to the east and the Harrah’s and Montbleu parking lots to the west.

The area west of US 50 bound by Lodge Road to the south, Pine Boulevard to the west, and Stateline Avenue to the north, contains a number of tourist lodging facilities, commercial uses, and dining establishments.

In Nevada, the four major resort-casinos, Harrah’s, Harvey’s, Hard Rock, and Montbleu, are located along US 50 between Stateline Avenue and Lake Parkway.

The area between Pine Boulevard, south of Stateline Avenue, and the lake includes a mix of tourist lodging, housing units, and the Lakeside Marina. Land uses just south of Pine Boulevard include a number of water quality detention basins that provide required stormwater quality control for the tourist core.

#### SURROUNDING LAND USES

Land uses surrounding the project site are generally similar in nature to the visitor-centered development within the project site. The Tahoe Meadows Historic District, a private community, is located southwest of the intersection of Pioneer Trail and US 50. Properties to the west of the project site north of Lodge Road consist of a number of tourist lodging facilities with the shore of Lake Tahoe and Lakeside Marina just beyond.



Single-family and multi-family neighborhoods border the project site to the south. Van Sickle Bi-State Park and privately-owned vacant land containing Jeffrey pine and white fir-mixed conifer forest is located east of the project site. To the north of Lake Parkway and west of US 50 is the Edgewood Tahoe Golf Course, while north of Lake Parkway east of US 50 contains the Friday's Station property, which is undeveloped.

## LAND USE PLANS

The project site is subject to land uses designated in the Regional Plan, which are also reflected in PAS 080, PAS 089, PAS 090, PAS 092, Stateline/Ski Run Community Plan, and further refined in the TCAP and SSAP. Land use designations in the study area include conservation, mixed-use, recreation, residential, resort recreation, and tourist and are shown in Exhibit 3.2-2. Because the City of South Lake Tahoe General Plan and Douglas County Master Plan are consistent with the land uses and zoning identified in the Regional Plan, PASs, Stateline/Ski Run Community Plan, TCAP, and SSAP, land uses from the general plan and master plan are not discussed further.

### Regional Plan Land Use Designations

The Regional Plan's land use designations, including those identified in the TCAP, SSAP, Stateline/Ski Run Community Plan, and PASs within the study area consist of Tourist, Residential, Recreation, and Resort Recreation (Exhibit 3.2-2). The allowable land uses associated with these designations are provided as follows:

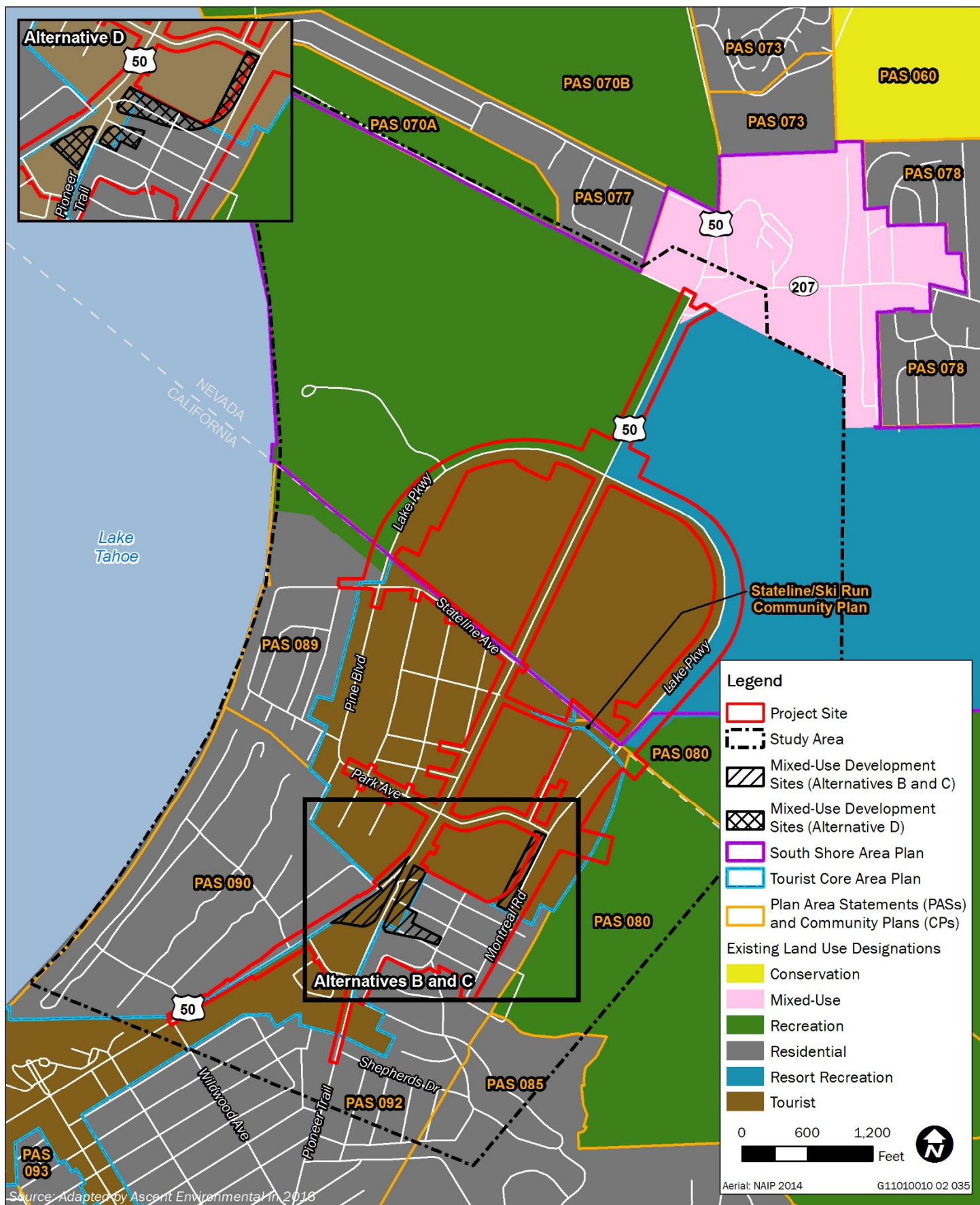
**Conservation:** Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include: (1) public lands already set aside for this purpose; (2) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements; (3) isolated areas which do not contain the necessary infrastructure for development; (4) areas capable of sustaining only passive recreation or non-intensive agriculture; and (5) areas suitable for low-to-moderate resource management.

**Mixed Use:** Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses or have the potential to provide future commercial, public services, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience and enhanced sustainability.

**Recreation:** Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands identified as recreation areas include: (1) areas of existing private and public recreation use; (2) designated local, state, and federal recreation areas; (3) areas without overriding environmental constraints on resource management or recreational purposes; and (4) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

**Resort Recreation:** Resort Recreation areas are the specific Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan.

**Residential:** Residential areas are urban areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include: (1) areas now developed for residential purposes, (2) areas of moderate-to-good land capability, (3) areas within urban boundaries and serviced by utilities, and (4) areas of centralized location in close proximity to commercial services and public facilities.



**Exhibit 3.2-2**

**Existing Land Use Designations in the Study Area**

**Tourist:** Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. These lands include areas that are already developed with a high concentration of uses, good to moderate land capability, contain existing excess land coverage, and are located near commercial services, employment centers, public services and facilities, and multi-modal facilities.

## Zoning Designations

The TCAP and SSAP provide zoning designations for the portions of the project site within their boundaries, which are identified in Exhibit 3.2-3. Although the PASs and Stateline/Ski Run Community Plan do not provide zoning designations, these planning documents do identify allowable uses, standards, and guidance for development within their boundaries similar to what would be prescribed by zoning.

### Tourist Core Area Plan

The TCAP zoning districts within the project site include Tourist Center Core, Tourist Center Mixed-Use, Tourist Center Neighborhood Mixed Use, Recreation, and Open Space. The allowable uses in these zones are as follows (City of South Lake Tahoe 2013:5-5 – 5-6):

**Tourist Center Core (TSC-C):** This district is intended to become a commercial, tourist and recreation destination with public gathering places to meet the needs of both tourists and residents of the south shore. This district allows for horizontal and vertical mixed use projects. The sub-district contains complete streets that support multi-modal transportation options. Permissible uses include tourist accommodation, retail commercial, entertainment, restaurants, recreation, and mixed-use residential development.

**Tourist Center Mixed-Use (TSC-MU):** This district is intended to primarily provide for tourist accommodation uses, with supporting retail commercial uses to meet the regional demand for quality accommodation in the Stateline area in a manner compatible with a pedestrian environment.

**Tourist Center Neighborhood Mixed Use (TSC-NMX):** This district is intended to allow a variety of residential and non-residential uses to encourage a greater mix and intensity of uses in a pedestrian scaled environment that is appropriate to its neighborhood context and adjacent residential uses. Permissible uses include commercial, public service, professional offices, as well as residential and tourist development.

**Recreation (REC):** This district is intended to allow a variety of recreation uses such as dispersed recreation and parks. Permissible uses include day use areas and group facilities.

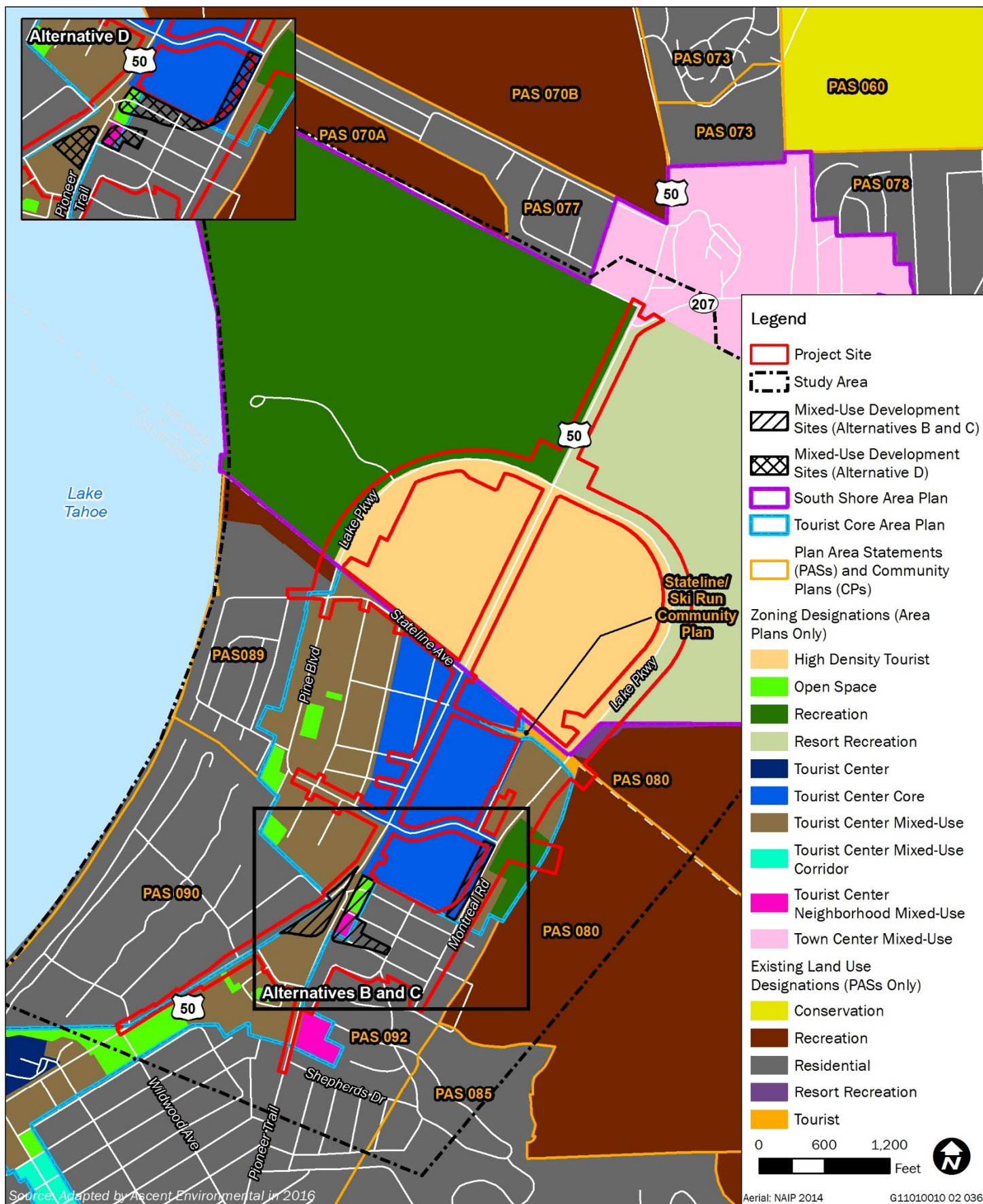
**Open Space (OS):** This district is intended to preserve land in its present use. The land in this district is predominantly open, undeveloped, or in a lightly developed [area] and is suitable for any of the following: natural areas, wildlife and native plant habitat; erosion control facilities, stream environment zones, stream corridors; passive parks; and/or trails for non-motorized activities.

### South Shore Area Plan

The SSAP zoning districts within the project site include High Density Tourist, Town Center Mixed-Use, Recreation, and Resort Recreation. As defined in Douglas County Code Section 20.703.060, the allowable uses in these zones are as follows:

**High Density Tourist (T-T/HDT):** This is an overlay district for the tourist district containing existing resort-casinos and is targeted for redevelopment that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, provides greater access to recreational opportunities, and provides economic opportunities.





**Exhibit 3.2-3**

**Zoning Designations in the Study Area**

**Town Center Mixed-Use (T-MU/TC):** This is a mixed-use district with a town center overlay. This is an area targeted for redevelopment, may include a mix of tourist, recreation, commercial, light industrial, public service, and residential uses. The overlay district is an area that is targeted for redevelopment that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities and future development that will bring environmental gain to the Region.

**Recreation:** This district is for private and public recreation areas, such as golf courses, beaches, state parks, and ski resorts.

**Resort Recreation:** This district is limited to Edgewood Mountain parcels and allows for tourist, commercial and residential uses provided in conjunction with a recreation use. New development must be the result of development transfers that result in the retirement of existing development.

#### **Stateline/Ski Run Community Plan**

The land use classification for this community plan is “Tourist.” A special use permit is required for linear public facilities, including transportation routes.

#### **PAS 080 Kingsbury Drainage**

The land use classification for this PAS is “Conservation.” Permissible uses include single-family dwellings, summer homes, local public health and safety facilities, pipelines and power transmission lines, transmission and receiving facilities, transportation routes, and other recreation and resource management uses.

#### **PAS 089 Lakeside Park**

The land use classification for this PAS is “Residential.” Permissible uses include multiple-family dwellings, single-family dwellings, tourist accommodations, eating and drinking places, vehicle storage and parking, transit stations and terminals, transportation routes, and transmission and receiving facilities among other public service, recreation, and resource management uses.

#### **PAS 090 Tahoe Meadows**

The land use classification for this PAS is “Residential.” Permissible uses include single-family dwellings, transit stations and terminals, transmission and receiving facilities, and transportation routes among other public service and resource management uses.

#### **PAS 092 Pioneer/Ski Run**

The land use classification for this PAS is “Residential.” Permissible uses include single-family dwellings, employee housing, multiple-family dwellings, multi-person dwellings, transit stations and terminals, and transportation routes among other commercial, public service, recreation, and resource management uses.

### **3.2.3 Environmental Consequences**

#### **METHODS AND ASSUMPTIONS**

The land use analysis involved a review of relevant land use plans, policies, and regulations, which compares the existing conditions to the project alternatives. Appendix E, “Goals and Policies Consistency Analysis,” includes a policy-by-policy discussion of each alternative’s consistency with relevant policies contained in the Regional Plan Goals and Policies, TCAP, SSAP, PAS 092 Pioneer/Ski Run, Lake Tahoe Active Transportation Plan, City of South Lake Tahoe General Plan, and Douglas County Master Plan. The tables in Appendix E include a consistency determination and supporting narrative for each policy. The consistency determinations rely on analyses contained in other resource sections in this EIR/EIS/EIS (i.e., Sections 3.2 through 3.16); therefore, the Appendix E discussion includes a cross-reference to the applicable discussion elsewhere in this document where relevant.

Although the draft 2017 RTP has been released for public review, and includes the US 50/South Shore Community Revitalization Project, the 2012 RTP/SCS is the currently adopted plan. Because an initial study/initial environmental checklist has been prepared for the 2017 RTP as a supplement to the RTP/SCS EIR/EIS and does not result in new significant environmental impacts, the analysis below continues to rely on the EIR/EIS.

## **SIGNIFICANCE CRITERIA**

### **NEPA Criteria**

An environmental document prepared to comply with NEPA must consider the context and intensity of the environmental effects that would be caused by or result from the project. Under NEPA, the significance of an effect is used solely to determine whether an EIS must be prepared. Regulations implementing NEPA require that an EIS discuss any inconsistency between the locally preferred action and state and local plans or laws, and if so, the extent to which they would be reconciled (40 CFR Section 1506.2(d)). No other specific factors related to land use are contained in NEPA, CEQ Regulations Implementing NEPA, or FHWA NEPA regulations in 23 CFR 771 et seq.

### **TRPA Criteria**

The “Land Use” criteria from the TRPA Initial Environmental Checklist (IEC) were used to define the land use topics for evaluation. The purpose of the TRPA IEC is primarily to determine if an EIS is required and to help define the topics to be evaluated in greater detail. While many of the IEC checklist questions are conducive for use as significance criteria (that is, they include a defined standard, qualitative or quantitative), many are not, such as those for land use. Impacts would be significant if the project would:

- ▲ include uses which are not listed as permissible uses in the applicable PASs, community plans, and area plans;
- ▲ expand or intensify an existing non-conforming use; or
- ▲ propose uses inconsistent with applicable goals and policies of the TRPA Regional Plan, and applicable Plan Area Statements and Community Plans.

### **CEQA Criteria**

In accordance with Appendix G of the State CEQA Guidelines, impacts relative to land use would be significant if the project would:

- ▲ conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

## **ENVIRONMENTAL EFFECTS OF THE PROJECT ALTERNATIVES**

### **Impact 3.2-1: Conflict with or impede implementation of existing land use plans and policies**

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Implementation of Alternatives B, C, and D transportation improvements and mixed-use development, including replacement housing, would have the potential to conflict with certain policies in relevant planning documents (see Appendix E and summarized herein). However, a conflict with a specific policy alone does not constitute “inconsistency” with a land use plan. The environmental effects of any policy conflicts are addressed in the individual resource sections in Chapter 3, “Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,” of this document. Mitigation is incorporated to avoid or minimize significant effects to the extent feasible. Because Alternatives B, C, and D



would implement the broader vision and goals of the overarching land use plans (i.e., RTP/SCS, TCAP, SSAP, and ATP), these alternatives would not be in conflict with existing land use plans.

Because Alternative A would not construct a realigned US 50 around the tourist core along with other pedestrian and bicycle improvements, Alternative A would not meet the planning goals of the RTP/SCS, TCAP, and SSAP; however, Alternative A would not preclude construction of future transportation improvements in the study area. Similarly, Alternative E would only meet some of the goals of these plans related to safe pedestrian movement along US 50 in the resort-casino portion of the tourist core, because of the limited extent and nature of the improvements. Neither Alternative A nor Alternative E would preclude the possibility for a future proposal to implement similar transportation improvements as those identified in Alternatives B, C, and D. For these reasons, while Alternatives A and E would not meet planning goals, they would not be in conflict with existing land use plans.

**NEPA Environmental Consequences:** The design features of Alternatives A, B, C, D, and E would avoid or minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or feasible to implement.

**CEQA/TRPA Impact Determinations:** Less than Significant for all Alternatives

The project site is located within the City of South Lake Tahoe TCAP, Douglas County SSAP, the Stateline/Ski Run Community Plan, PAS 080, PAS 089, PAS 090, and PAS 092. The project is also regulated by the Lake Tahoe Regional Plan. Policies in the Regional Plan, RTP/SCS, ATP, City of South Lake Tahoe General Plan, and Douglas County Master Plan are also applicable to the project. Consistency with relevant goals and policies from these planning documents is provided in Appendix E.

The transportation improvements proposed by Alternatives B, C, and D, consisting of realignment of US 50 around the tourist core and pedestrian and bicycle infrastructure improvements, are recognized as planned improvements in the RTP/SCS, TCAP, SSAP, and ATP (City of South Lake Tahoe 2013:6-4, 6-5; Douglas County 2013:65; TMPO and TRPA 2012a:4-6; TMPO and TRPA 2016:4-30).

#### **Alternative A: No Build (No Project)**

With Alternative A, no new facilities would be constructed. As shown in Appendix E, policies would generally not be applicable to maintenance of the existing conditions. Implementation of this alternative would not implement planning goals associated with the RTP/SCS, TCAP, SSAP, and ATP (City of South Lake Tahoe 2013:6-4, 6-5; Douglas County 2013:65; TMPO and TRPA 2012a:4-6; TMPO and TRPA 2016:4-30). While the possibility for a future proposal of a similar project remains, its implementation is speculative. Although this alternative would not implement planning goals associated with a realigned US 50 and other associated improvements, adoption of Alternative A would not preclude future opportunities to implement similar transportation improvements as those identified in Alternatives B, C, D, and E, and would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, because of the reasons stated above, Alternative A would avoid or minimize conflicts with implementing land use plans and policies.

#### **Alternative B: Triangle (Locally Preferred Action)**

##### **Transportation Improvements**

As described above, several plans that guide development in the project site recognize the realignment of US 50 and narrowing existing US 50 through the tourist core as a planned improvement; the project is also an EIP project. Implementation of Alternative B includes components that would improve safety and connectivity for pedestrians and cyclists, and enhance transit features, landscaping, lighting, and signage. The project objectives include reducing traffic volumes through the tourist core and “cut-through” traffic in neighborhoods, decreasing dependence on automobiles, creating a safe and walkable district that enhances

pedestrian activities and safety, and providing opportunities for redevelopment and revitalization. As a project identified in the RTP/SCS (TMPO and TRPA 2012a:2-10), Alternative B would help implement the RTP/SCS. The tables contained in Appendix E of this EIR/EIS/EIS discuss the project's consistency with specific goals, policies, and actions contained in Regional Plan, RTP/SCS, ATP, TCAP, SSAP, City of South Lake Tahoe General Plan, and Douglas County Master Plan.

Alternative B would narrow existing US 50 through the tourist core, creating a low speed street, and would enhance pedestrian, bicycle, and transit access and facilities in this area. These are some of the features of Alternative B that would help achieve goals, policies, and actions included in the Regional Plan, TCAP, and SSAP that encourage redevelopment, development of alternative modes of transportation, and creating a seamless connection between California and Nevada and a seamless pedestrian street environment (City of South Lake Tahoe 2013:5-1, 5-2, 6-1, 6-2; Douglas County 2013:75, 76; TRPA 2012a:3-2, 3-4, 3-6).

Realignment of US 50 around the tourist core along with transportation improvements, such as bicycle lanes and sidewalks between Heavenly Village Way and the new US 50/Pioneer Trail intersection, would reduce existing conflicts between cut-through traffic and pedestrians and cyclists in the Rocky Point neighborhood. Additionally, as described in Impact 3.6-1 and Impact 3.6-11, the realignment of US 50 would result in improvements in traffic operations compared to Alternative A during peak periods at the US 50/Pioneer Trail intersection. With these improvements, Alternative B would address some concerns regarding traffic congestion along Pioneer Trail and cut-through traffic through the Rocky Point neighborhood.

Alternative B would include replacement housing, planned to be in one of the three sites proposed for mixed-use development that are all within or mostly within the TCAP boundary; there would be no net loss of housing in the South Shore. The multi-family replacement housing would be constructed to the maximum allowable density in the TCAP and would include deed-restricted affordable housing equal to the amount of affordable housing displaced by the project. Alternative B would redevelop part of the town center near the state line with high density housing, that would provide for affordable housing near jobs and transit. For these reasons, Alternative B would help achieve policies in the Regional Plan, TCAP, and City of South Lake Tahoe related to affordable housing, redevelopment and high density development in the tourist core, and providing replacement housing for residents displaced by the project (City of South Lake Tahoe 2011:LU-11; City of South Lake Tahoe 2013:5-1, 5-3; City of South Lake Tahoe 2014:HE-3; TRPA 2012a:2-2, 2-12).

As shown in Exhibit 3.2-1, portions of the project site are within the boundaries of PAS 080, PAS 089, PAS 090, and PAS 092. Only Special Policy 4 in PAS 080 is applicable to the project. Alternative B is consistent with this policy because it would only include minor transportation changes, including a new sidewalk on the mountain side of US 50 between SR 207 and Lake Parkway, that would not interfere with views in this area.

While Alternative B would clearly meet the intent of certain plans (such as the RTP/SCS), Alternative B would be potentially inconsistent with certain policies in the Regional Plan, TCAP, and City of South Lake Tahoe General Plan. Alternative B is not consistent with policies related to development patterns and community character (Regional Plan Policy LU-3.4), traffic noise (Regional Plan Policy N-2.1, TCAP Policy LU-7.1, and General Plan Policies HS-8.3 and HS-8.4), SEZ restoration in the TCAP (Policy NCR-2.1), and environmental justice (General Plan Policy LU-11.1). The environmental effects of these policy conflicts are addressed in Section 3.4, "Community Impacts," Section 3.15, "Noise and Vibration," and Section 3.16, "Biological Resources." Mitigation is incorporated to avoid or minimize significant effects to the extent feasible.

A conflict with a specific policy alone does not constitute an inconsistency with a land use plan. Therefore, because Alternative B would be consistent with and would implement the overarching land use plans (i.e., RTP/SCS, TCAP, SSAP, and ATP), it would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative B would avoid or minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

#### **Mixed-Use Development including Replacement Housing**

Prior to displacing existing residents, Alternative B would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, “Proposed Project and Project Alternatives”). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. Implementation of Alternative B mixed-use development, including replacement housing, at Site 1, a portion of Site 2, and Site 3 would promote high-density redevelopment consistent with the intent of the TCAP and Regional Plan to encourage redevelopment, support a vibrant walkable pedestrian oriented community, and environmental improvements within the tourist core (City of South Lake Tahoe 2013:5-3, 6-1 – 6-2; TRPA 2012a:2-11, 3-2). Analysis of the consistency of Alternative B mixed-use development, including replacement housing, is included in Appendix E.

A portion of mixed-use development Site 2 is located within PAS 092. Alternative B mixed-use development could include a combination of housing units and commercial floor area, which would help achieve PAS 092 policies and guidance for redevelopment of this area, scenic improvements, and receiving area for multi-residential units. Because mixed-use development located at Site 2 would potentially affect the existing drainage basin near the existing US 50/Pioneer Trail intersection, the mixed-use development would not be consistent with a policy related to maintaining stormwater drainage basins as view corridors (TCAP Policy NCR-1.2). Additional project-level environmental review for a specific proposal for the mixed-use development, including replacement housing, proposed by Alternative B would also be required to demonstrate consistency with this policy.

Because Alternative B mixed-use development, including replacement housing, would be consistent with and would implement the overarching land use plans (i.e., Regional Plan, TCAP, and PAS 092), it would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative B mixed-use development, including replacement housing, would avoid or minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for conflicts with implementing land use plans and policies as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential conflicts with implementing land use plans and policies would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

#### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative B transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would result in a **less-than-significant** impact and the Alternative B mixed-use development, including replacement housing, at one or more of the mixed-use development sites would also result in a **less-than-significant** impact on conflicts with implementing land use plans and policies.

For the purposes of NEPA, the design features of the Alternative B transportation improvements and mixed-use development, including replacement housing, would minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

### **Alternative C: Triangle One-Way**

#### **Transportation Improvements**

With Alternative C, US 50 would be split into two segments—an eastbound segment (US 50 East) that would travel through the tourist core and a westbound section that would travel along existing Lake Parkway (US 50 West). Neither segment would be a complete street and the split directional traffic flow does not implement the traffic and bicycle patterns and circulation envisioned in regional land use and transportation planning documents (i.e., the Regional Plan and RTP/SCS). Similar to Alternative B, Alternative C would include construction of replacement housing.

The tables contained in Appendix E of this EIR/EIS/EIS discuss the project's consistency with specific goals, policies, and actions contained in the Regional Plan, RTP/SCS, ATP, TCAP, SSAP, City of South Lake Tahoe General Plan, and Douglas County Master Plan. Similar to Alternative B, Alternative C would generally meet the intent of the overarching land use plans but would be inconsistent with the policies listed for Alternative B transportation improvements above. Because of the nature of the one-way traffic through and around the tourist core and associated impacts on emergency response, Alternative C would not be consistent with policies related to emergency response (City of South Lake Tahoe General Plan Policies PQP-6.3 and PQP-6.6). Because Alternative C, even with implementation of mitigation, would result in adverse effects, for the purposes of NEPA, and significant and unavoidable impacts, for the purposes of CEQA and TRPA, on roadway segment LOS, this alternative would not be consistent with policies related to traffic operations (Regional Plan Policy T-10.7, TCAP Policy T-1.2, City of South Lake General Plan Policy TC-1.2, and Douglas County Master Plan TP Policy 4.13). The environmental effects of these policy conflicts are addressed in Section 3.6, "Traffic and Transportation." Similar to the reasons described above for Alternative B, Alternative C would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

Because of the reasons stated above, for the purposes of NEPA, the design features of the transportation improvements included in Alternative C would avoid or minimize the conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

#### **Mixed-Use Development including Replacement Housing**

Prior to displacing existing residents, Alternative B would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, "Proposed Project and Project Alternatives"). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. The land use plan consistency determination for Alternative C mixed-use development, including replacement housing, would be the same as that described for Alternative B mixed-use development including replacement housing, because the mixed-use development sites and development potential would be the same for both alternatives. As described above for Alternative B mixed-use development including replacement housing, Alternative C mixed-use development, including replacement housing, would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative C mixed-use development, including replacement housing, would avoid or minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for conflicts with implementing land use plans and policies as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential conflicts with implementing land use plans and policies would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative C transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would result in a **less-than-significant** impact on conflicts with implementing land use plans and policies.

For the purposes of NEPA, taken as a whole, the design features of the Alternative C transportation improvements and mixed-use development, including replacement housing, would minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

### Alternative D: Project Study Report Alternative 2

#### Transportation Improvements

Although Alternative D would result in alignment of the new US 50/Pioneer Trail intersection further east than would occur for Alternative B, all other transportation improvements and construction of replacement housing included in Alternative D would be the same as those for Alternative B. For these reasons, the land use plan consistency determination for Alternative D would be the same as Alternative B. Therefore, as described above for Alternative B, Alternative D transportation improvements would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

Because of the reasons stated above, for the purposes of NEPA, the design features of the transportation improvements included in Alternative D would avoid or minimize the conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

#### Mixed-Use Development including Replacement Housing

Prior to displacing existing residents, Alternative D would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, “Proposed Project and Project Alternatives”). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. The land use plan consistency determination for Alternative D with mixed-use development would be the same as that described above for Alternative B with mixed-use development, because the mixed-use development components would include a similar amount of new commercial space and housing units in generally the same locations (see Exhibits 2-9 and 2-11). Therefore, as described above for Alternative B with mixed-use development, Alternative D with mixed-use development would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative D mixed-use development, including replacement housing, would avoid or minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for conflicts with implementing land use plans and policies as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown,

analysis of the potential conflicts with implementing land use plans and policies would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative D transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would result in a **less-than-significant** impact on conflicts with implementing land use plans and policies.

For the purposes of NEPA, taken as a whole, the design features of the Alternative D transportation improvements and mixed-use development, including replacement housing, would minimize conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

### Alternative E: Skywalk

Alternative E includes development of a raised pedestrian walkway between approximately 100 feet south of Stateline Avenue and near the northern end of the Montbleu Resort (about 450 feet south of Lake Parkway), which was not previously identified in the Regional Plan, RTP/SCS, TCAP, and SSAP. Similar to Alternative A, implementation of this alternative would not meet planning goals associated with the RTP/SCS, ATP, City of South Lake Tahoe General Plan, TCAP, and SSAP. As shown in Appendix E, some policies would generally not be applicable to the skywalk because of the limited extent and nature of the improvements included in this alternative within the resort-casino portion of the tourist core and the areas directly adjacent (see Exhibit 2-13).

Alternative E would be inconsistent with certain policies in the Regional Plan, SSAP, TCAP, City of South Lake Tahoe General Plan, and the Linking Tahoe: Active Transportation Plan. Alternative E is not consistent with policies related to scenic resources (Regional Plan Policies SR-1.1 and SR-1.2, SSAP Policy 5.4, and TCAP Policy NCR-1.1), implementation of an EIP project (Regional Plan Policy FIN-4.1), pedestrian and bicycle system enhancements (TCAP Policies LU-1.7, R-2.1, R-3.1; General Plan Policy TC-1.7; ATP Policies 3.1 and 4.4), and ground vibration impacts (TCAP Policy LU-7.3). The environmental effects of these policy conflicts are addressed in Section 3.6, "Traffic and Transportation," Section 3.7, "Visual Resources/Aesthetics," and Section 3.15, "Noise and Vibration," and Section 3.16, "Biological Resources." Mitigation would be implemented to avoid or minimize significant effects to the extent feasible.

Similar to Alternative A, Alternative E would not preclude the possibility for a future proposal to implement similar transportation improvements as those identified in Alternatives B, C, and D, and would not be in conflict with existing land use plans. This impact would be **less than significant** for the purposes of CEQA and TRPA.

Because of the reasons stated above, for the purposes of NEPA, the design features of the improvements included in Alternative E would avoid or minimize the conflicts with implementing land use plans and policies such that no additional mitigation measures are needed or are feasible to implement.

### **Impact 3.2-2: Include uses that are not listed as permissible uses in the applicable PASs, community plans, and area plans or expand or intensify an existing non-conforming use**

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Alternative A would be a continuation of existing conditions, and as such Alternative A does **not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use**. The transportation improvements proposed for Alternatives B, C, and D, including the realigned US 50, pedestrian overcrossing, and pedestrian and bicycle improvements, meet TRPA's definition of a transportation route. The raised pedestrian walkway proposed with Alternative E also meets this definition. These project features are identified as either allowable or special uses in applicable planning documents. Because existing regulations preclude the development of prohibited uses, and require that findings for any special uses be made before project approval, Alternatives B, C, and D transportation improvements and mixed-use development



including replacement housing, and Alternative E would **not include uses that are not permissible, nor would they expand or intensify an existing non-conforming use.**

NEPA Environmental Consequences: The design features of Alternatives B, C, D, and E would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement; No Impact for Alternative A

CEQA/TRPA Impact Determinations: Less than Significant for Alternatives B, C, D, and E; No Impact for Alternative A

Land uses and zoning within the study area are regulated by the City of South Lake Tahoe TCAP, Douglas County SSAP, Stateline/Ski Run Community Plan, PAS 080, PAS 089, PAS 090, and PAS 092. Chapter 21 of the TRPA Code includes use definitions, which are used in these plans to define a list of permissible uses. These plans also define whether a use is allowable (compatible with the surrounding land uses) or a special use (require additional findings to determine compatibility).

#### **Alternative A: No Build (No Project)**

With Alternative 1, no new facilities would be constructed and there would be no changes in land uses that would result in an inconsistency with an existing or adjacent land use. Alternative A would not expand or intensify any existing use, whether conforming or not. For these reasons, Alternative A would have **no impact** on proposing uses that are not listed as permissible or expanding existing non-conforming uses for purposes of NEPA, CEQA, and TRPA.

#### **Alternative B: Triangle (Locally Preferred Action)**

##### **Transportation Improvements**

Alternative B project features, including the realigned US 50, pedestrian overcrossing, and pedestrian and bicycle improvements, all meet the use definition of a “transportation route” in Chapter 21 of the TRPA Code. Transportation routes are listed as permissible uses in the TCAP, SSAP, Stateline/Ski Run Community Plan, and PAS 080, PAS 089, PAS 090, and 092; they are an allowable use in the Douglas County SSAP and a special use in the other planning documents. As defined in Subsection 21.2.1 of the TRPA Code, allowable uses are considered appropriate for the specified area, may be permitted, and assumed to be compatible with the direction of the Regional Plan and surrounding land uses. Special uses, however, require that the findings under Subsection 21.2.2 of the Code be made by TRPA. As described in Chapter 1, “Introduction,” the findings supporting these special uses would be incorporated into a separate Findings document prepared by TRPA staff for consideration by the TRPA Governing Board prior to project approval. For these reasons, Alternative B would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative B would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or are feasible to implement.

##### **Mixed-Use Development including Replacement Housing**

Prior to displacing existing residents, Alternative B would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, “Proposed Project and Project Alternatives”). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. Alternative B mixed-use development Site 1 and Site 3 are located within the

TCAP. Site 1 is located outside of PAS 090, which is adjacent to Site 1 to the west. The land use and zoning designations for Site 1 are Tourist and Tourist Center-Mixed Use, respectively. The land use designation and zoning district for Site 3 are Tourist and Tourist Center Core, respectively. Site 1 currently includes the linear park, US 50, and commercial uses. Site 3 currently contains a parking lot. These land uses are existing conforming uses within the TCAP.

The northern portion of Site 2 along existing Pioneer Trail is within the TCAP and the southeastern portion of this site is within PAS 092. The land use designation for Site 2 within the TCAP is Tourist and within PAS 092 is Residential. The TCAP zoning designations for Site 2 are Tourist Center Neighborhood Mixed-Use and Open Space. The land use and zoning designations assigned to these sites are shown in Exhibits 3.2-2 and 3.2-3. Site 2 currently contains detention basins, vacant parcels, hotel/motels, and residential uses.

The future redevelopment of these three sites could include a combination of high-density, multi-family residential uses and commercial uses that could include a mix of general retail, personal services, eating and drinking places, business support services, and professional offices. However, no specific types of commercial uses have been identified at this time. As described in “Mixed-Use Redevelopment Sites” in Section 2.4 and Exhibit 2-10, the conceptual plan for the mixed-use development within these three sites is based on the maximum density and types of uses allowed within the Tourist Center Mixed-Use and Tourist Center Core zoning districts. For Site 2, the maximum density and types of uses were also based on what is allowed within PAS 092.

Table 3.2-1 shows the types of uses that are allowable within PAS 092 and the zoning districts of the TCAP that are found within the mixed-use development sites. The types of residential and commercial uses that could occur on Site 1 would be consistent with the allowable and special uses within Tourist Center Mixed-Use. The types of residential and commercial uses that could occur on Site 3 would be consistent with the allowable uses within Tourist Center Core. The types and density of uses within the portion of Site 2 within PAS 092 would be consistent with and limited to those identified as an allowed or a special use under PAS 092, which excludes general retail uses. The types and density of uses within Tourist Center Neighborhood Mixed-Use portion of Site 2 would be consistent with the allowable and special uses for this zoning district. The types and uses that could be developed on Site 2 within Open Space are not allowable or special uses for this zoning district.

**Table 3.2-1 Permissible and Special Uses for Mixed-Use Development Sites, including Replacement Housing, within the Tourist Core Area Plan and PAS 092**

Plan Area Statement/ Area Plan	Land Use Classification/Zoning District	Primary Use Categories					
		Multiple- Family Dwelling	General Retail and Personal Services	Eating and Drinking Places	Business Support Services	Professional Offices	Personal Services <sup>1</sup>
PAS 092 Pioneer/Ski Run	Residential/Residential	A	-	S	S	S	S
Tourist Core Area Plan	Tourist/Tourist Center Core	A	A	A	A	A	NA
	Tourist/Tourist Center Mixed-Use	A	A	S	S	A	NA
	Tourist/Open Space	-	-	-	-	-	NA

Abbreviations: A = Allowable, S = Special, NA = Not Applicable, - = Use Not Permitted

<sup>1</sup>The TCAP includes “Personal Services” as part of “General Retail and Personal Services.” The definition of General Retail and Personal Services includes a description for “Personal Services” that matches the description for “Personal Services” included in TRPA Code (City of South Lake Tahoe 2013:C-6, TRPA Code Table 21.4-A).

As described above for Alternative B transportation improvements, uses that are considered special uses within the applicable area plan or PAS, require that the findings under Subsection 21.2.2 of the Code be

made by TRPA. As described in Chapter 1, “Introduction,” the findings supporting these special uses would be incorporated into a separate Findings document prepared by TRPA staff for consideration by the TRPA Governing Board prior to project approval and permit issuance.

With adoption of findings regarding implementation of the mixed-use development identified as special uses on Site 1, mixed-use development on Site 1 would not include uses that are not listed as permissible uses in the TCAP. All potential uses that could occur on Site 3 in the mixed-use development are identified as allowable in the TCAP. The three mixed-use development sites do not contain any existing non-conforming uses; therefore, Alternative B with mixed-use development, including replacement housing, would not expand or intensify an existing non-conforming use.

Although some of the development that would be included in Site 2 would be allowable or a special use for PAS 092 or Tourist Center Mixed-Use, Site 2 could propose residential and commercial uses within an area designated as Open Space. These types of uses are not presently allowed within this zoning district. At the time of subsequent project-level environmental review for the mixed-use development including replacement housing, implementation of development at Site 2 would either require that (1) the site be configured in such a manner such that only existing permissible uses are located within the Open Space zoning district (none of the uses listed in Table 3.2-2 could be constructed in this area); or (2) that the site be rezoned as part of a separate action. Any rezoning to support development at this site would be completed as part of a future application for the site, which would be subject to separate and subsequent project-level environmental review. Because existing regulations preclude the development of prohibited uses on the mixed-use sites, Alternative B with mixed-use development, including replacement housing, would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative B mixed-use development, including replacement housing, would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for environmental consequences from non-conforming uses as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential to include uses that are not permissible or expand or intensify an existing non-conforming use would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### Conclusion

For the purposes of CEQA and TRPA, taken as a whole, the Alternative B transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would also result in a **less-than-significant** impact related to uses that are not permissible and expansion and intensification of an existing non-conforming use.

For the purposes of NEPA, taken as a whole, the design features of the transportation improvements and replacement housing at the mixed-use development sites as part of Alternative B would minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

### Alternative C: Triangle One-Way

#### Transportation Improvements

The conclusion would be the same for Alternative C transportation improvements as that described for Alternative B transportation improvements, because the transportation, bicycle, and pedestrian

improvements would be similar to those described above for Alternative B with a smaller footprint. For the reasons described above for Alternative B, Alternative C would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative C would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or are feasible to implement.

#### **Mixed-Use Development including Replacement Housing**

Prior to displacing existing residents, Alternative C would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, “Proposed Project and Project Alternatives”). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. The conclusion would be the same for Alternative C with mixed-use development as that described for Alternative B with mixed-use development, because the same amount and types of mixed-use development would be located in the same locations as proposed for Alternative B. For the reasons described above for Alternative B, Alternative C would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative C mixed-use development, including replacement housing, would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for environmental consequences from non-conforming uses as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential to include uses that are not permissible or expand or intensify an existing non-conforming use would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

#### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative C transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would also result in a **less-than-significant** impact related to uses that are not permissible and expansion and intensification of an existing non-conforming use.

For the purposes of NEPA, taken as a whole, the design features of the transportation improvements and replacement housing at the mixed-use development sites as part of Alternative C would minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

#### **Alternative D: Project Study Report Alternative 2**

##### **Transportation Improvements**

The conclusion would be the same for Alternative D transportation improvements as that described for Alternative B transportation improvements, because the transportation, bicycle, and pedestrian improvements would be similar to those described above for Alternative B. For the reasons described above

for Alternative B, Alternative D would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the transportation improvements included in Alternative D would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or are feasible to implement.

#### **Mixed-Use Development including Replacement Housing**

Prior to displacing existing residents, Alternative D would construct replacement housing along with supporting commercial uses that could be located at one or more of three mixed-use development sites identified within the project site (see Exhibits 2-9 and 2-11 in Chapter 2, “Proposed Project and Project Alternatives”). If replacement housing is not constructed at any of these sites, then TTD would construct replacement housing at another location in the South Shore area to be determined prior to displacing any residents. Use of one or more of these three sites, or at another location in the South Shore area for replacement housing, would require additional parcel acquisitions beyond that required for the transportation improvements. The conclusion would be similar for Alternative D mixed-use development, including replacement housing, as that described for Alternative B with mixed-use development, including replacement housing, because the mixed-use development sites could include similar densities and types of residential and commercial uses in similar locations as Alternative B.

Site 1A currently contains commercial uses and vacant parcels. Site 1B includes existing hotel/motels and residences. Site 2 contains detention basins and residential uses. Site 3 currently contains a parking lot. These land uses are existing conforming uses within the TCAP. The land use designations and zoning districts assigned to these sites by the TCAP and PAS 092 are shown in Exhibits 3.2-2 and 3.2-3.

The location, types, and density of development on Site 1A for Alternative D is the same as Site 1 for Alternative B. The location, types, and density of development on Site 3 for Alternative D is the same as that for Alternative B. See discussions for Site 1 and Site 3 above for Alternative B.

Alternative D mixed-use development Site 1B is located within a portion of the TCAP with the Tourist Center Neighborhood Mixed-Use zoning district and within PAS 092. The types of residential and commercial uses that are proposed for Site 1B would be consistent with the density and allowable and special uses shown in Table 3.2-1.

The southeastern portion of Site 2 is within PAS 092 and the northwestern portion of Site 2 currently containing detention basins is within the Open Space zoning district of the TCAP. The types of residential and commercial uses that are proposed for the southeastern portion of Site 2 would be consistent with the density and allowable and special uses shown for PAS 092 in Table 3.2-1. The types and uses proposed for the northwestern portion of Site 2 within Open Space are not allowable or special uses for this zoning district.

The three mixed-use development sites do not contain any existing non-conforming uses; therefore, Alternative D with mixed-use development would not expand or intensify an existing non-conforming use. For the reasons described above under Alternative B for Site 1 and Site 3, Alternative D Site 1A and Site 3 would not include uses that are not listed as allowable or special uses in the TCAP. Furthermore, as described in this impact, Alternative D Site 1B would not include uses that are not listed as allowable or special uses in the TCAP or PAS 092. Although some of the development that would be included in Site 2 would be allowable or a special use for PAS 092, Site 2 would propose residential and commercial uses within an area designated as Open Space in the TCAP that are currently not allowed or special uses for this designation. This is the same circumstance as Alternative B. For these reasons, Alternative D would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative D mixed-use development, including replacement housing, would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

Construction of replacement housing at a location other than the three mixed-use development sites could result in a similar potential for environmental consequences from non-conforming uses as described for the mixed-use development sites. However, because the location of replacement housing elsewhere is unknown, analysis of the potential to include uses that are not permissible or expand or intensify an existing non-conforming use would be speculative at this time. Full, project-level environmental review of replacement housing somewhere other than the mixed-use development sites would be required prior to construction of replacement housing and displacement of existing residents.

### **Conclusion**

For the purposes of CEQA and TRPA, taken as a whole, the Alternative D transportation improvements and mixed-use development, including replacement housing, at one or more of the mixed-use development sites would also result in a **less-than-significant** impact related to uses that are not permissible and expansion and intensification of an existing non-conforming use.

For the purposes of NEPA, taken as a whole, the design features of the transportation improvements and replacement housing at the mixed-use development sites as part of Alternative D would minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

### **Alternative E: Skywalk**

The skywalk, a raised pedestrian walkway, would be located in an area designated as Tourist in the TCAP and SSAP and within the Tourist Center Core zoning district of the TCAP in California and within the High Density Tourist zoning district of the SSAP. The skywalk would be considered a transportation route because it is a public right-of-way that permits pedestrian travel (City of South Lake Tahoe 2013:C-10) and is identified as a permissible use in the SSAP (Code Section 207.03.090.090D) and with a special permit in the TCAP. The pedestrian walkway could be used as a public gathering place that could meet the needs of tourists and residents. Within the SSAP, Alternative E would comply with the requirements of the High Density Tourist District to create a less auto-dependent development pattern because this alternative would enhance the pedestrian environment and improve pedestrian safety. The TCAP and SSAP do not specifically identify a raised pedestrian walkway as a permissible use; however, Alternative E includes pedestrian features that would be consistent with land uses and zoning districts in the TCAP and SSAP. For these reasons, Alternative E would not include uses that are not permissible, nor would it expand or intensify an existing non-conforming use. This impact would be **less than significant** for the purposes of CEQA and TRPA.

For the purposes of NEPA, the design features of the Alternative E would avoid or minimize the potential to include uses that are not permissible or expand or intensify an existing non-conforming use such that no additional mitigation measures are needed or feasible to implement.

## **3.2.4 Avoidance, Minimization, and/or Mitigation Measures**

No avoidance, minimization, or mitigation measures are required to reduce impacts such that no additional mitigation measures are needed or feasible to implement for the purposes of NEPA or to a less-than-significant level for the purposes of CEQA and TRPA.