

5.3.8 Land Use and Planning

This section analyzes and evaluates the potential impacts of the proposed Kings Beach General Plan and Pier Rebuild Project on existing land uses, and the potential for conflict with local and regional plans. The effects resulting from General Plan implementation under all of the alternatives described herein would be the same regardless of ownership of the Plaza parcels.

KBSRA is located within the Kings Beach Town Center Core Area, as designated by the Placer County Tahoe Basin Area Plan (Area Plan). As the only state recreation area in the Tahoe Basin located within a town center setting, it provides central access to the shorezone and to Lake Tahoe for the public. Planning and management of KBSRA is coordinated by CSP in relation to the community of Kings Beach. Existing conditions and significant resource values related to land use and planning at KBSRA are comprehensively summarized in Section 2.1.1, Regional Land Use, and Section 2.3.1, Park Land Uses, in Chapter 2, Existing Conditions, of this document. Planning assumptions that have guided development of the plan and pier rebuild project are described in Section 3.1, Planning Assumptions. A more detailed description of the existing land use and planning framework for KBSRA is included in the Resources Inventory and Existing Conditions Report, available on the Kings Beach SRA webpage (www.parks.ca.gov/PlanKBSRA) and at CSP and TRPA offices during normal business hours through consideration of project approval. The Resources Inventory and Existing Conditions Report provides the regional and local land use and planning context in Section 2.1, Regional Land Uses, and in Section 3.1, KBSRA Land Use.

Certain issues have been eliminated from further investigation in this EIR/EIS where it has been determined that they would either have no impact, or where the threshold is not applicable to this project. As discussed in Section 5.3.2, Biological Resources, none of the action 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. The plan and pier rebuild project would not physically divide an established community; nor would the plan provide for land uses that are not allowed under the Regional Plan and Area Plan. There are no land uses under the current General Plan that are non-conforming with the Area Plan, and therefore the General Plan revision would not expand or intensify a non-conforming use.

Environmental Impacts and Mitigation Measures

Analysis Methodology

KBSRA is designated Mixed-Use Waterfront Recreation (MU-WREC) in the Area Plan (Placer County 2017:135). The uses proposed as part of the General Plan revision and pier rebuild alternatives are permissible uses in the MU-WREC subdistrict. Permissible public uses in the North Tahoe East MU-WREC subdistrict include cultural facilities and publicly-owned assembly and entertainment facilities. The proposed stage and event lawn meet the definition of these types of facilities.

CEQA and TRPA guidelines require a discussion of inconsistencies or conflicts between a proposed undertaking and local and regional plan goals and policies. To this end, the Plan was reviewed vis a vis the TRPA Regional Plan (Regional Plan), and the Area Plan (Appendix A).

Significance Criteria

Significance criteria for determining impacts to land use and planning are summarized below.

CEQA Criteria

Based on Appendix G of the State CEQA Guidelines, impacts to land use and planning would be significant if the project would:

- ◆ conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or minimizing an environmental effect.

TRPA Criteria

The land use criteria from the TRPA Initial Environmental Checklist were used to evaluate the land use and planning impacts of the alternatives. Impacts to land use and planning would be significant if the project would:

- ◆ propose uses inconsistent with applicable goals and policies of the TRPA Regional Plan, and the applicable Area Plan.

Environmental Impacts

Impact 5.3.8-1: Consistency with adopted plans and policies

Land uses in KBSRA are regulated by the TRPA Regional Plan and Code of Ordinances, and the Area Plan. The Alternative 2 General Plan revision and pier rebuild project would be consistent the applicable policies of the Regional Plan and Area Plan and, thus, would have **no impact** related to consistency with adopted plans and policies. Alternatives 3 and 4 would be consistent with both the Regional Plan and Area Plan in that they would further the goal of providing public shorezone and recreational access, and meet the goals and policies of both the Regional Plan and Area Plan to that end. Alternatives 3 and 4 would not be consistent with some policies related to protecting or improving views of scenic resources. The environmental effects of these policy conflicts are addressed in Section 5.3.12, Scenic Resources. A conflict with a specific policy alone does not constitute an inconsistency with a land use plan. Consequently, Alternatives 3 and 4 would have a **less-than-significant** impact related to consistency with adopted plans and policies.

Alternative 1, the No Project alternative, would not implement a revision to the adopted 1980 General Development Plan, nor would it involve construction of upland improvements or a rebuilt pier; therefore, Alternative 1 would not stimulate land use changes and would be a continuation of existing land use patterns. Alternative 1 would not be consistent with policies related to scenic resources, transit, and enhancing recreation resources. The environmental effects of these policy conflicts are addressed in Section 5.3.11, Recreation; Section 5.3.12, Scenic Resources; and Section 5.3.13, Transportation and Circulation. Alternative 1 would not preclude the adoption of future plans, or consistency with existing plans and policies. For these reasons and because a conflict with a specific policy alone does not constitute an inconsistency with a land use plan, Alternative 1 would have a **less-than-significant** impact on land use consistency with adopted plans and policies. Analysis of consistency of the alternatives with the Area Plan and the TRPA Regional Plan are provided in Appendix A.

The Regional Plan provides for the development, utilization, and management of recreational resources within the Tahoe region. Regional Plan recreational goals and policies are shaped by a guiding recreational policy statement set forth by the TRPA Governing Board, which is echoed in the Area Plan and below:

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the

staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.

It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Region capacity for outdoor recreation is available to the general public.

Individual policies of both the Regional Plan and Area Plan are intended to advance development of recreational facilities such that they keep pace with public demand and remain high on the development priority list, and ensure that the quality of recreational experience is maintained throughout the region. The proposed General Plan revision and pier rebuild project aims to implement the recreation goals and policies of the Regional Plan, advancing the following goals:

- ◆ Provide for the appropriate type, location, and rate of development of outdoor recreational uses.
- ◆ Provide for the efficient use of outdoor recreation resources.

Alternative 1: No Project

General Plan Revision

Alternative I would be a continuation of the existing KBSRA 1980 General Development Plan and would not stimulate land use changes or construction of new recreational amenities. As shown in Appendix A, Regional Plan and Area Plan policies would generally not be applicable to maintenance of existing facilities and amenities. Alternative I would not be consistent with policies related to parking along scenic corridors (Regional Plan Policy R-4.9), transit operations (Regional Plan Policy R-4.10), and enhancing recreation facilities (Area Plan Policy R-P-2). The environmental effects of these policy conflicts are addressed in Section 5.3.11, Recreation; Section 5.3.12, Scenic Resources; and Section 5.3.13, Transportation and Circulation.

Future plan revisions for the park would be possible under this alternative, and would be developed and implemented consistent the Regional Plan and Area Plan. Although Alternative I would not be consistent with several policies from the Regional Plan and Area Plan, conflict with a specific policy alone does not constitute an inconsistency with a land use plan. Consequently, Alternative I would have a **less-than-significant** impact related to consistency with adopted plans and policies.

Pier Rebuild Project

Because there would be no improvements with Alternative I, the existing pier would remain in place as it currently is, and there would be no corresponding change to land use. Alternative I related to the pier would not be consistent with policies related to transit operations (e.g., water taxi; Regional Plan Policy R-4.10) and enhancing recreation facilities (Area Plan Policy R-P-2). The environmental effects of these policy conflicts are addressed in Section 5.3.11, Recreation, and Section 5.3.13, Transportation and Circulation. Although Alternative I would not be consistent with several policies from the Regional Plan and Area Plan, conflict with a specific policy alone does not constitute an inconsistency with a land use plan. Consequently, Alternative I would have a **less-than-significant** impact related to consistency with adopted plans and policies.

Alternative 2: Eastern Pier Alternative (Proposed Project)

General Plan Revision

As described above, land use plans that guide implementation of the General Plan revision and pier rebuild project are guided by the TRPA policy statement that stresses public access to the shorezone,

where lawful and feasible, and regional fair share access to outdoor recreation for the public. The General Plan revision proposed under Alternative 2 meets this main objective, and is consistent with relevant, specific policies of the Regional Plan and Area Plan (Appendix A). Alternative 2 would involve removal of the existing boat ramp on the eastern side of the park, which would eliminate public access to Lake Tahoe for motorized watercraft; however, the extended rebuilt pier would be designed to accommodate motorized watercraft access from Lake Tahoe to KBSRA from the legal lake level limit of 6,229.1 feet Lake Tahoe Datum to 6,017 feet Lake Tahoe datum, thereby extending the frequency in which motorized watercraft are able to access KBSRA. Alternative 2 provides a mix of recreational facilities intended to enhance public pedestrian access to the beach and shorezone, as well as a reconfigured pier design to increase public access onto the lake. Additionally, the existing boat ramp does not reach the water during periods of low water, which can prevent use for long periods of time, making the facility ineffective. On balance, the General Plan revision would allow better access to Lake Tahoe for different types of lake users. Moreover, Alternative 2 would be consistent with and would implement relevant Regional Plan and Area Plan policies; therefore, there would be **no impact** related to consistency with adopted plans and policies.

Pier Rebuild Project

The pier rebuild project under Alternative 2 would situate a new pier at the eastern end of KBSRA. The conceptual design shows the pier extending 488 feet into the lake, 281 feet longer than the existing pier. The pier would feature a 213-foot fixed section, which would transition to an 80-foot gangway, followed by a 215-foot floating section intended to reach to the lake during periods of low water. As discussed above, this pier design would provide public access to Lake Tahoe at a broader range of lake level conditions, meeting the general recreational objectives of the Regional Plan and Area Plan. The pier design and location are consistent with the policies of the Regional Plan and Area Plan (Appendix A) and therefore there would be **no impact** related to consistency with adopted plans and policies from implementation of the eastern pier alternative.

Alternative 3: Central Pier Alternative

General Plan Revision

As described above, land use plans that guide implementation of the Alternative 3 General Plan revision and pier rebuild project are guided by the TRPA policy statement that stresses public access to the shorezone, where lawful and feasible, and regional fair share access to outdoor recreation for the public. The General Plan revision proposed under Alternative 3 meets this main objective, and like Alternative 2, would be broadly consistent with plan policies (Appendix A). Alternative 3 would also involve removal of the boat launch, but, as with Alternative 2, implementation of the General Plan revision under Alternative 3 would provide enhanced access to the lake for a wider range of users on a more consistent basis. Alternative 3 would not be consistent with a policy related to parking along scenic corridors because this alternative would increase parking along a scenic corridor (Regional Plan Policy R-4.9). The environmental effects of this policy conflict are addressed in Section 5.3.12, Scenic 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 the Alternative 3 General Plan revision would be consistent with and would implement the overarching land use plans (i.e., Regional Plan and Area Plan), it would not be in conflict with existing land use plans. Therefore, policy impacts associated with implementation of the General Plan revision under Alternative 3 would be **less than significant**.

Pier Rebuild Project

The central pier alternative places the pier at the center of KBSRA, in the location of the existing pier. The conceptual design shows the pier extending 601 feet into the lake, 394 feet longer than the existing pier. The pier begins with a 212-foot fixed section, transitioning to an 80-foot gangway, followed by a 329-foot floating section intended to provide access to the lake at water levels between the legal lake limit of 6,229.1 feet Lake Tahoe Datum and 6,017 feet Lake Tahoe datum. This pier design would provide consistent public access to Lake Tahoe, meeting the general recreational objectives of the Regional Plan and Area Plan. The pier design and location are mostly consistent with the policies of the Regional Plan and Area Plan, with the exception that the pier design would compromise TRPA scenic shoreline thresholds (see Section 5.3.12, Scenic Resources, and Appendix A). The central pier would not be consistent with policies related to reducing the scenic quality of a scenic resource (Regional Plan Policy CD-1.1), visual amenities (Regional Plan Policy SZ-1.7), and protecting and enhancing existing scenic views (Area Plan Policy SR-P-4). The environmental effects of these policy conflicts are addressed in Section 5.3.12, Scenic 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. For this reason and because the pier design meets the overarching objectives of the Regional Plan and Area Plan and is consistent with all other relevant policies, impacts to land use associated with the Central Pier Alternative are **less than significant**.

Alternative 4: Western Pier Alternative

General Plan Revision

As described above, land use plans that guide implementation of the General Plan revision and pier rebuild project are guided by the TRPA policy statement that stresses public access to the shoreline, where lawful and feasible, and regional fair share access to outdoor recreation for the public. The General Plan revision proposed under Alternative 4 meets this main objective, and would be consistent with plan policies (Appendix A). Therefore, policy impacts associated with implementation of the General Plan revision with implementation of Alternative 4 would be **less than significant**.

Pier Rebuild Project

The western pier alternative would locate the pier at the western end of KBSRA, near the location of the event center and closer to private residences to the west of the park and the motorized boat ramp on the eastern end of the park would be extended to increase the time in which the boat ramp is accessible. The conceptual design shows the pier extending 704 feet into the lake, 497 feet longer than the existing pier. The pier begins with a landward 320-foot fixed section, transitioning to an 80-foot-long gangway, followed by a 329-foot-long floating section intended to provide access to the lake at water levels between the legal lake limit of 6,229.1 feet Lake Tahoe Datum and 6,017 feet Lake Tahoe datum. Like the pier under Alternatives 2 and 3, this pier design would provide consistent public access to Lake Tahoe, meeting the general recreational objectives of the Regional Plan and Area Plan. The pier design and location are mostly consistent with the policies of the Regional Plan and Area Plan, with the exception that the pier design would compromise TRPA scenic shoreline thresholds, and Area Plan noise limits (see Section 5.3.12, Scenic Resources, Section 5.3.9, Noise, and Appendix A). The western pier would not be consistent with policies related to reducing the scenic quality of a scenic resource (Regional Plan Policy CD-1.1), visual amenities (Regional Plan Policy SZ-1.7), and protecting and enhancing existing scenic views (Area Plan Policy SR-P-4). The environmental effects of these policy conflicts are addressed in Section 5.3.12, Scenic 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. For this reason and because the pier design meets the overarching objectives of the Regional Plan and Area Plan and is consistent with all other relevant policies, impacts to land use associated with the western pier alternative are **less than significant**.

Mitigation Measures

No mitigation measures are required.

Cumulative Impacts

There are no cumulative impacts associated with land use and planning for the project.