

ISSUE SUMMARY

Context/Background: The Draft Regional Plan increases allowable development intensities in designated community centers to promote environmental redevelopment, reduce automobile reliance and provide capacity for development transfers from outlying and sensitive property. Policy considerations generally relate to the character of existing communities. Important topics include:

- Building heights, density limitations, and approval requirements;
- Requirements for designating centers and for development within centers; and
- Roadway Levels of Service.

RPU Committee: The RPU Committee acted on the three topics as follows:

- Unanimously endorsed building height and density allowances; except for the maximum height in the High Density Tourist District, which was advanced by a non-unanimous vote;
- Unanimously endorsed Community Design requirements; except for scenic protection standards, which were advanced by a non-unanimous vote; and
- Advanced Roadway Levels of Service by a non-unanimous vote.

The Bi-State Working Group reviewed non-unanimous actions and provided compromise recommendations.

EIS Analysis: The EIS identified beneficial land use and scenic impacts related to revitalized centers and more compact development patterns. The EIS also identified potentially significant scenic impacts related to increasing building heights in community centers. Scenic mitigation measures would require no net increase in visual prominence for projects in the High Density Tourist District and additional height findings for projects in Regional and Town Centers.

Public Comments: This issue category was addressed in many comment letters. The majority of agency and public comments focused on the intensity of development within community centers and the location of centers. Some reviewers supported increasing land use intensities in community centers, primarily to make redevelopment more feasible. Others opposed increasing land use intensities due to concerns about scenic impacts, traffic and/or community character.

Summary of Recommendation:

1. Review and endorse the Bi-State Recommendation (Exhibit A), which would:
 - Limit opportunities for increased building height in the High Density Tourist District;
 - Establish additional requirements for the location of centers and development in centers; and
 - Clarify requirements for Level of Service exceptions.
2. Review and endorse the Draft Mitigation Measures.
3. Consider public comments related to Community Character.

ISSUE ANALYSIS

Context/Background:

The Draft Regional Plan increases allowable development intensities in designated community centers. Targeted intensity increases are part of a larger strategy to promote revitalization and environmental improvement of the Region's aging community centers and to reduce automobile reliance. The intensity increases would provide capacity for development transfers from outlying and sensitive property and would incentivize redevelopment at a scale that is compatible with existing development patterns. As drafted, intensity increases would only be permitted within a conforming Area Plan that promotes threshold attainment and addresses other requirements.

Environmental redevelopment, reduced automobile travel, and additional development transfers are all intended to accelerate threshold attainment, especially in Water Quality, Air Quality, Scenic Quality and Soils/SEZ categories. These threshold categories include many of the Threshold Standards that are not currently in attainment.

Under the existing Plan, development intensity is limited primarily by height restrictions, coverage requirements, density limits and on-site parking standards. In combination, existing requirements often require that property owners remove development from a site in order to gain approval for a redevelopment project, even if the project would generate environmental improvement compared to existing conditions. Additionally, redevelopment is required to "mitigate" excess coverage only when redevelopments or other improvements are proposed. As a result, many property owners report that redevelopment is not financially feasible under the existing Regional Plan and have decided to leave existing (non-conforming) development in place.

TMDL studies have shown that the existing developed area (urban upland) contributes 72% of the fine sediment particles that are impairing Lake Tahoe's water quality. The urban upland area is also responsible for other major pollution types, including 38% of Phosphorous and 16% of Nitrogen. The roadway component of the urban upland is currently being retrofitted, primarily with public funding, through the Environmental Improvement Program. In contrast, redevelopment of private lands (especially non-residential property) and associated environmental improvements are occurring very slowly, in part because of the existing regulatory barriers. The Draft Plan seeks to address barriers to redevelopment, while maintaining an appropriate scale of development in the Region's communities.

Modifying intensity standards in community centers also supports a more effective development transfer program. Without capacity increases in community centers or elsewhere, it will be difficult to accelerate transfers of development off of sensitive parcels because eligible receiving sites do not have adequate capacity to accommodate much of the development that is currently located on sensitive lands. The lack of receiving areas with capacity for relocated development has been cited

by many property owners as a major impediment to environmentally beneficial development transfers.

The extent of existing development in the Region’s sensitive lands is summarized in the table below (See Issue Sheet #2, Exhibit A for more detailed information).

EXISTING DEVELOPMENT ON SENSITIVE LANDS			
	Stream Environment Zone (District 1b)	Other Sensitive Lands (Districts 1a, 1c, 2 & 3)	Total Development on Sensitive Land
Residential (ERU)	8,823 units	8,577 units	17,400 units
Tourist (TAU)	3,210 units	1,007 units	4,217 units
Commercial (CFA)	1,817,861 sf	804,782 sf	2,622,643 sf

As demonstrated by the existing development statistics, Stream Environment Zones and other sensitive areas were heavily developed prior to adoption of the 1987 Plan and most of that development remains in place. Some sensitive land development can be acquired with public financing, but funding levels are expected to fall well short of the amount that would be needed in order to meet the Region’s restoration targets. Relocation of impactful development would restore sensitive lands without public funding, but receiving areas with unused capacity for development transfers will be needed. The Draft Plan identifies the Region’s developed community centers as the most appropriate receiving area for relocated development.

Location of Community Centers:

The Draft Plan establishes three levels of community centers with intensity standards that generally reflect the intensity of existing and recently approved development in each area.

The High Density Tourist District (HDTD) is the highest intensity land use district. The HDTD includes and is limited to the four high-rise hotel casino properties at South Stateline, NV.

The Regional Center is the next level of center. The Regional Center includes the six-story projects that have recently been built in South Stateline, CA, along with adjoining property that was heavily developed prior to the 1987 Plan. The Regional Center extends from the Nevada State line to Ski Run Blvd. The Regional Center includes and supersedes the South Lake Tahoe Redevelopment District and existing special height districts.

Town Centers are designated in the commercial core of communities around the Region, including Kings Beach, Tahoe City, Incline Village, North Stateline, Lower Kingsbury, Meyers, the South Lake Tahoe “Y”, the Bijou / Al Tahoe area, and in transitional areas adjoining the Regional Center.

Initial boundaries for the Town Centers reflect the boundaries of the existing Community Plans for each area. Existing land use designations within the Centers are “Tourist”, which the Draft Plan does

not modify, and/or “Commercial”, which the Draft Plan changes to “Mixed Use” to promote pedestrian and transit oriented development. Boundary modifications for community centers and land use modifications within centers may be proposed in the applicable Area Plans.

In total, community centers include approximately 4.4% of the Region’s private land. Private lands are approximately 10% of the total land area of the Tahoe Region. Center locations and initial boundaries are shown on Issue Sheet #2, Exhibit A.

Building Height and Density Standards:

TRPA currently has region-wide building height standards that apply to all land use districts, along with numerous opportunities for “Additional Building Height” for specified land uses and/or in specified locations.

The region-wide height standard is specified in Code Section 37.4.1 (Maximum Height for Buildings). This section generally limits buildings to two (above-grade) stories based on a table with maximum heights between 24 and 42 feet from the lowest point to the highest point, depending on the roof pitch and ground slope.

Additional Height allowances (Code Section 37.5) are currently available for certain land uses and situations, including:

- Additional Height for Certain Public Service Buildings;
- Additional Height for Certain Tourist Accommodations;
- Additional Height for Certain Recreation Buildings;
- Additional Height in the South Lake Tahoe Redevelopment District;
- Additional Height for Reduced Land Coverage;
- Additional Height for View Enhancement;
- Additional Height for Increased Setbacks;
- Additional Height for Landscaped Public Pedestrian Area in certain special height districts;
- Additional Height for Public Access to Lake Tahoe;
- Additional Height for Tree Preservation;
- Additional Height for Affordable Housing; and
- Additional Height in specified locations in the North Stateline Community Plan.

Section 31.3.2 outlines maximum density standards for different use types. Generally, maximum density is 15 units per acre for multi-family dwellings and tourist units with kitchens, 25 units per acre for residential care facilities and 40 units per acre for tourist units. Densities may be increased for affordable housing projects and development in special height districts.

The Draft Plan modifies building height and density standards in designated community centers to provide a more uniform framework that supports development transfers and environmental

redevelopment at a scale that is compatible with each area. Increases in building height and density standards can only occur through conforming Area Plans that address threshold findings and other approval standards.

Maximum building heights in centers are proposed to be:

- 197 feet in the High Density Tourist District, which reflects the existing height of two hotel casino towers in the district.
- 6 stories (95 feet) in the Regional Center, which matches existing special height districts in portions of the Center.
- 4 stories (56 feet) in Town Centers, which reflects existing height districts and community enhancement projects within several Town Centers.

The Draft Plan modifies maximum density standards in centers to be:

- 25 units per acre for residential (increased from 15 units/acre for multi-residential and unchanged for residential care)
- 40 units per acre for tourist (increased from 15 units/acre for units with kitchens and unchanged for standard units)

Community Design and Roadway Level of Service Standards:

The Draft Plan modifies community design and roadway level of service standards to support the policy focus on concentrating development in walkable community centers.

In order for an Area Plan to be approved, a list of community design standards must be addressed (Code Section 13.5.3.D). Standards address site design, building height, building design, landscaping, lighting and signing. Overall, the standards require pedestrian oriented plans with higher intensity core areas, lower intensity transition areas and strong attention to building design and community aesthetics.

The Draft Plan also provides an exception to roadway level of service standards when multi-modal facilities and services are provided. This provision allows developments to utilize and help fund sidewalks, trails and transit service as an alternative to roadway expansion. In practice, recent projects have received exceptions to level of service standards through an “overriding consideration” finding. The modified plan provisions are intended to make this opportunity more predictable and consistent.

RPU Committee Action:

The RPU Committee unanimously endorsed proposed building height and density allowances; except for the maximum height in the High Density Tourist District, which was advanced by a non-unanimous vote. Concerns focused on potential scenic impacts associated with redevelopment of the existing hotel-casino towers.

The RPU Committee unanimously endorsed Community Design requirements; except for scenic protection standards, which were advanced by a non-unanimous vote. Concerns focused on requirements for building and site design standards to “consider” ridgeline and viewshed protection. Stronger scenic requirements were desired.

The RPU Committee advanced roadway levels of service by a non-unanimous vote. Concerns focused on increased roadway congestion and a potential weakening of development approval requirements.

Endorsed Plan and Code sections are attached as Exhibit B.

EIS Analysis:

The EIS identified beneficial land use and scenic impacts related to revitalized centers and more compact development patterns. Benefits included reduced automobile reliance (and resulting environmental benefits) and improved scenic quality of redeveloped areas.

The EIS also identified potentially significant scenic impacts related to increasing building heights in community centers. Scenic mitigation measures would require no net increase in visual prominence for projects in the High Density Tourist District and additional height findings for projects in Regional and Town Centers.

Draft mitigation measures are attached as Exhibit C.

Bi-State Recommendation:

The Bi-State Recommendation for community character issues includes the following provisions:

- Limit opportunities for increased building height in the High Density Tourist District to existing hotel casino towers;
- Establish additional requirements for the location of centers and development within centers; and
- Clarify requirements for projects that do not comply with roadway levels of service to contribute proportionally towards multi-modal facilities and services.

Specific Bi-State Recommendations are outlined in Exhibit A.

Public Comments:

Exhibit D lists comments from Agencies, Organizations and Individuals/Businesses that address community character issues.

Most comments involve the proposed changes to height and density with fewer comments addressing design requirements and proposed LOS changes. Comments on proposed height and density changes were mixed with public agencies and business organizations generally supportive or neutral, environmental organizations generally opposed, and individuals and businesses split. Comments on the proposed LOS change were generally supportive. A few detailed comments recommended specific changes.

Public Agency Comments:

For local governments, Placer County, Douglas County and the City of South Lake Tahoe submitted written comments related to community character. Staff has met with other local government representatives and understands that the local governments generally support the proposed height and density changes and prefer to address community character issues primarily through approved Area Plans. Comments from South Lake Tahoe and Douglas County were general in nature and supportive of community character policies. South Lake Tahoe recommended increased reference to the recently adopted City General Plan. Placer County was also generally supportive and offered specific suggestions, including:

- Measure height in feet only, not by the number of stories.
- Support for the LOS exception when alternative transit opportunities exist.
- Provide more opportunities for neighborhood scale mixed uses in residential areas.

Comments by the California Tahoe Conservancy on behalf of California state agencies “strongly endorse the Plan’s emphasis on creating sustainable transit, bike, and pedestrian-friendly communities”. Comments further note the consistency of this strategy with State Policy and the potential for “significant environmental, social and economic benefits”. Additional comments emphasize the need for continued public investment to supplement the incentives in the Draft Plan.

The California Department of Transportation (CalTrans) submitted written comments addressing roadway levels of service. CalTrans recommended removing the rural and urban LOS designations and applying the proposed LOS exception region-wide. This change would be more consistent with state LOS standards and better reflect existing LOS conditions.

The California Department of Justice did not directly address community character, but did question if existing and allowed densities in designated centers would be sufficient to support pedestrian and transit activity.

The State of Nevada did not submit written comments. Staff has met with various Nevada State Agencies and understands the State Agencies are generally supportive of Draft Plan provisions related to community character.

No Federal Agencies provided comments addressing community character issues.

Comments from Organizations and Advocacy Groups:

Comments from environmental organizations were generally opposed to any increases in allowable height or density. Major concerns include:

- Increased height and density could change the character of small communities and result in projects that are out of scale with the surrounding areas.
- Increased height and density would result in concentrated development, which could have localized environmental impacts such as increased traffic or nearshore degradation.

Comments from business organizations generally supported the proposed changes to height and density. Specific comments included a suggestion to use an average gradient method to measure height.

Comments from Individuals and Businesses:

Comments from individuals and businesses generally reflected the different views expressed by Agencies and Organizations in the Region. Many comments were generally opposed to any changes in height or density, while other comments supported the proposed changes. Fewer comments from individuals and businesses addressed the LOS exception, but comments on the topic were generally supportive of the proposed change. Some comments from individuals appeared to address recently-approved projects more than regional policies. Comments were also received to make the “Dark Sky” Lighting standards for Area Plans more specific and to incorporate the new lighting policies into the TRPA code.

Comments from Edgewood Companies, a major landowner in the High Density Tourist District with long term redevelopment ideas, recommended that the draft mitigation measure for increased building height in the High Density Tourist District utilize the established “scenic rating” system to address scenic issues rather than the new “visual prominence” requirement in the draft mitigation measure.

Recommendation:

A significant majority of comments that were received on community character issues address topics that are addressed in the Bi-State Recommendation. Most other comments address the environmental analysis, technical details of code provisions or issues that were extensively discussed by the RPU Committee.

Staff recommends the Update Committee:

1. Review and endorse the Bi-State Recommendation (Exhibit A), which would:
 - Limit opportunities for increased building height in the High Density Tourist District to existing hotel casino towers;
 - Establish additional requirements for the location of centers and development within centers; and
 - Clarify requirements for projects that do not comply with roadway levels of service to contribute proportionally towards multi-modal facilities and services.
2. Review and endorse the Draft Mitigation Measures for inclusion in the Code of Ordinances.
3. Consider public comments related to Community Character.

Exhibits:

- A. Bi-State Recommendation
- B. Draft Plan and Code Text - April 25, 2012
- C. Draft EIS Mitigation Measures
- D. List of Applicable Comment Letters