

Frequently Asked Questions on the Community Enhancement Program

What is the purpose of the Community Enhancement Program?

The Community Enhancement Program is intended to demonstrate implementation of an enhanced Special Projects Program, as provided for in Chapter 33 of TRPA's Code. The enhancements include taking into account concepts within the regional vision developed under the Pathways process and requiring enhanced environmental gains in connection with the projects. The CEP allows TRPA and local jurisdictions to partner under the existing TRPA Code of Ordinances. The CEP builds upon Special Projects criteria and incorporates elements of the regional vision from the placed-based planning process. These elements further clarify the goals of the Special Projects and assist in moving the Lake Tahoe Basin toward attainment of the environmental thresholds.

What is the focus of the Community Enhancement Program?

The focus of the CEP is the implementation of projects that demonstrate significant environmental benefits to accelerate attainment of TRPA thresholds, while also providing social and economic benefits to our communities. The benefits will be achieved using mixed-use development projects on existing disturbed and/or underutilized sites. The program is competitive and is designed to encourage the "best of the best" projects demonstrating the desires of the community captured in the regional vision. It is hoped that these projects, in turn, will be catalysts for further upgrade of Basin community centers, transit nodes and neighborhood centers.

The CEP will inform the update of the Lake Tahoe Regional Plan and help us understand how to realize "net gain" results from proposed community reinvestment and redevelopment activities. The CEP provides a framework and a process to identify and facilitate projects that demonstrate the success of regional planning principles, accelerate attainment of environmental thresholds and achieve community revitalization with local and regional benefits.

Community Enhancement Projects are intended to provide clear public benefit, feature public-private partnerships and help inform local/regional codes and regulations. **This is not a code avoidance program.** In addition, the CEP will showcase a commitment to timely revitalization with incentives related to successful implementation

What are the steps in the Community Enhancement Process?

There is a four step process:

1. Concept Plan Review - Pre-application- does the process meet base criteria?
2. Project Review- Invitation to submit a complete plan package for review.
3. Environmental Review/Approval –Project application to TRPA Environmental Review Services and local jurisdictions for joint Environmental Review.
4. Project Delivery – On-ground implementation

Does the project have to be in a community plan area?

Projects must be located in an approved Community Plan or Master Plan area (Note: Industrial Community Plans are not applicable). Projects in areas currently in the approval process for new Community Plans and/or Master Plans may be considered.

Should small projects apply? What size projects will qualify?

All projects will be considered. Specific criteria will be used to review and evaluate proposed Community Enhancement Project applications. Projects that meet the criteria will be recommended to the Advisory Planning Commission and Governing Board for approval.

How is the process an improvement over the existing?

The process will be well defined, with a goal of providing more streamlined and efficient review and determination once criteria are met. The resulting project will provide greater net gains for the Basin than were required under the Special Projects Program in the past. The CEP will provide not only to Tahoe's environment, but also to our community and our economy. If criteria are met, the successful project will be granted commodities: Commercial Floor Area, Tourist Accommodation Bonus Units or Multi Residential Bonus Units.

How do we demonstrate community support for the concepts?

Applicants will be asked to submit a short description of what they plan to do for public outreach efforts to help explain the benefits of the project to the public.

Do these projects proceed if the Regional Plan is not approved?

The intent is to develop CEP projects concurrently with the Regional Plan so that approaches demonstrated by specific projects may inform the Basin-wide approaches proposed in the Regional Plan update.

What is different from the current process?

The current Special Projects Program under the Code does not require the enhanced environmental gains that TRPA is requiring under the CEP. THE Community Enhancement Program will address the gains derived from the project as it relates to the community, the economy and the environment.

What are the benefits to me as a developer?

Developers will have greater certainty that the project they are submitting for approval, if deemed acceptable in the CEP, will be subject to streamlined review and have greater likelihood of moving smoothly through the review process. Successful applicants will not be exempt from any of the current TRPA and local jurisdiction codes, but will be reviewed and assisted along the process by staff working for a "net-gain" for the Lake.

What is the role of the Planning Working Groups in the process?

The Planning Working Groups will be reviewing the applications and be providing early input on the components of a successful project and the ways in which to offer a streamlined and efficient review process.

Are there guidelines or limitations set for height or density so that the community members know what TRPA will and will not accept? Will Kings Beach and other communities have input into the character of what the communities will look like in the future?

We believe that setting limitations that are too specific at this early stage of CEP planning and pre-application submittal would thwart creative ideas before project proposals are fully conceived. The CEP encourages combining environmental gains with development incentives, and giving wide latitude at the start would foster the most innovative ideas. Therefore, guidelines were left intentionally open-ended at the start. The CEP is based on TRPA's current Code requirements; therefore, the environmental effects of any proposed increases in height or density beyond the current Code provisions are not guaranteed. They must be analyzed and debated as part of the environmental impact statement (EIS) that will be prepared for those projects before TRPA indicates any approval of changes to the current Code standards. Once the project pre-applications are reviewed and we have better information about what environmental gains are being offered, TRPA will provide more specific conditions and comments on each project so that the proposal conforms generally to the existing community character. Public

input received during the Place-Based Planning process is being taken into account when setting these constraints on the proposals as they move into the formal application process. After adoption of an updated Regional Plan, TRPA will commence a more complete Community Plan Update process. This process will include public input to further shape and define the character of each community.

How will the CEP inform the new Regional Plan when the two are running concurrently? Results such as monitoring from CEP projects will not be in hand in time to inform the new Regional Plan. How and when will cumulative impacts of these projects be addressed?

The Regional Plan has and will be informed by the CEP programs. The CEP is a way to test the feasibility of the concept that an incentive-based approach rather than purely command-and-control regulations can deliver environmental gains over and above baseline mitigation in connection with development projects. The CEP proposals will be used to inform TRPA about the scope of environmental gains the market can realistically deliver in connection with high quality development projects within the Tahoe Region. This information has already and will continue to inform the appropriate and realistic balance needed between incentives and regulations to achieve the Basin-wide environmental protections required by the TRPA Compact. To date, the project proposals include key components that can facilitate mixed-use, and pedestrian and transit-oriented redevelopment. For example, some of the concepts being proposed in the CEP and analyzed in EISs include allowing additional height to create compact communities and increasing TRPA's density standard to promote walkability and decrease reliance on the automobile.

Is TRPA accepting project applications that are not consistent with the community plans – like variances of the agency's height requirements? If project proponents want a variation on height or any other TRPA Code restriction, should they not specify that?

Most of the CEP projects submitted to date are generally consistent with the adopted community plans. Some propose elements that differ from the Community Plan or the Code of Ordinances. If the project proponent wishes to have these deviations from Plan or Code considered, they must specify the change in the project application and analyze and assess the proposed changes in an EIS that is publicly vetted. The project would not be approved until the EIS assessing the Code or Plan changes is certified and the Governing Board votes to approve the project.

Will there be a CEP Ordinance, and will that ordinance allow different heights or other different features on buildings, setbacks, etc. than the existing TRPA Code and is it going to have side bars?

See above response.

Under the CEP, even before an EIS is completed, TRPA will be asked to reserve commodities for some projects. If a project has a low score, does TRPA have the option not to allocate commodities to those projects but rather to bank them for a second round of CEP?

The Governing Board has the discretion not to approve advancing certain projects into the formal application process. The Governing Board also has the discretion not to allocate the recommended level of commodities or not to allocate any commodities and to direct staff to return them to the Special Project Pool.

Some projects have different versions. For example, the Tahoe Valley Plan includes the original community alternative in the EIS. This alternative may require fewer

commodities than other alternatives. Does TRPA have discretion to decide for which version the commodities are reserved?

The Board may not decide before an EIS analysis is complete the project alternative that will be selected or approved. The Board does however have the discretion to address this concern indirectly in a number of different ways: 1) approving reservation of a number of commodities different from the allocation requested by the project proponent; 2) denying approval to advance a certain project into the formal application process with direction to staff to return the requested allocations to the Special Projects Pool; or 3) denying reservation of allocations to the proposed project.

What happens to the commodities if the project doesn't move forward? Will there be a timeline of expiration? When people promise things like lodging, is there going to be some specificity in that? How do you turn proposed benefits into guaranteed benefits?

Commodities are returned to the Special Project Pool if a project is suspended, or does not receive a permit in the allocated time period or fails to submit an application in the one year time frame. An applicant has one year from the Governing Board decision reserving allocations to submit an application and act on the reserve allocations. Staff will work with the applicant during the project and environmental review analysis to revise the proposals if and where necessary to include specific uses and an appropriate mix that meets the Region's and the community's environmental and policy objectives. The EIS will specify mitigations that will become enforceable as permit conditions or required mitigation programs if the project is approved.

It's important to note again, this is not a code avoidance program. The CEP is an innovative approach to achieve environmental benefits for the Tahoe Basin while bringing vitality to our communities.

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