

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

GoToWebinar

September 30, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 11:30 a.m.

Members present: Ms. Aldean, Mr. Bruce, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Mr. Yeates

II. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

III. APPROVAL OF MINUTES

Ms. Laine moved approval of the July 22, 2020 and August 26, 2020 minutes as presented.

Ms. Aldean abstained on the August 26, 2020 minutes.

Motion carried.

IV. Item Number 3: Discussion and possible recommendation on the Draft Tourist Core Area Plan amendments in the City of South Lake Tahoe: Amend the TCAP Tourist Center Gateway Zoning District/Town Center to add approximately 18 acres, or 49 parcels, currently located within the Bijou-Al Tahoe Community Plan and Town Center

TRPA team member Ms. Self and Ms. Stowell with the City of South Lake Tahoe provided the presentation.

Ms. Self said these amendments were initiated in 2018 by the Beach Retreat & Lodge and the Lakeshore Lodge and the City of South Lake Tahoe is serving as the lead agency. The amendments have gone through a robust public process since then and have been approved by the City of South Lake Tahoe. Based on the discussion today, the amendment package would be heard for recommended approval at the Advisory Planning Commission in October and consideration for final approval by the Governing Board in October as well.

The item was presented to the Regional Plan Implementation Committee as an informational item in June 2019.

The City and TRPA originally approved the Tourist Core Area Plan in 2013 that includes primarily tourist, commercial, and retail uses. It extends from the Stateline casino core along US Highway 50 to the Bijou Golf Course and also extends along Ski Run Boulevard. The area subject of today's discussion is located just west of the area plans tourist center gateway district; lakeward of US Highway 50 and north of Safeway. This is an area that is in an existing town center.

The existing development within this area includes tourist, commercial, and retail uses with a few

single-family homes that are located along the lakeshore. The businesses in this area included the Beach Retreat and Conference Center, Lakeshore Lodge, Hotel Elevation, several restaurants, CVS, the Tahoe Wellness Co-Op and other retail and commercial services. There's also a recreation site within the amendment area which is the Connelley Public Beach and the Timber Cove Pier.

There have been several notable public investment projects near this area such as the Bijou Area-wide erosion control project in 2014, the design and development of the El Dorado Beach to Ski Run multi-use trail that was a Best in Basin nomination in 2018, and El Dorado County has plans to redevelop their social services building just west of Safeway.

The California Tahoe Conservancy has two other notable Environmental Improvement Program projects at the Alta Mira restoration site. This removed lakefront development, restored the site, and completed an erosion control and slope stabilization project. There are also future plans for the site to include a public gathering space. The CTC also has a planned public access project on the chimney parcel adjacent to the subject area. This parcel was acquired through a land swap during the development of the Sierra Shores timeshare units. The land swap included an agreement to improve an informal public access that's on the parcel of Connelley Beach.

This amendment package was initiated by the Beach Retreat and Lakeshore Lodge. The intent is to ensure the existing town center has all the incentives in place that are available through the Regional Plan. According to the applicant, the available incentives are the key to making sure that future projects in this area are financially feasible. The Beach Retreat and several other property owners within the amendment area have been considering redevelopment opportunities but it is important to note that there's not a project application submitted. The proposals today are for the area plan.

The summary of amendments is to first extend the Tourist Core Area Plan Gateway Zoning District westward to include 49 parcels, 18 acres. It would also amend the permissible uses that are allowable in the Bijou/Al Tahoe Community Plan. The next is to increase the maximum height in the amendment area from 42 to 56 feet (3 to 4 stories) to align with TRPA's maximum height for town centers. Also included are a few general administrative revisions.

Ms. Stowell said the properties affected are shown in slide 10. Most of the area is tourist and commercial but some existing single and multi-family properties within the proposed amendment area.

The proposed amendment would allow an increase of multi-family to go from 15 to 25 dwelling units per acre in the proposed special area number one. All tourist uses would be allowed to go up to 40 units per acre in the special area. Mixed-use density in this special area one would be allowed to go up to a maximum of 40 units which is less than the maximum that is allowed in the remaining zoning districts of the tourist core area plan. The properties wouldn't be permitted to go up to the maximum of 65 units which is currently allowed in the rest of the tourist core area plan.

Within the gateway zoning districts all properties can go up to a maximum of 42 feet in height. The proposed amendment would allow other uses; commercial and tourist uses to go up to 56 feet (4 stories) but wouldn't apply to single-family dwellings.

The City of South Lake Tahoe wanted to ensure that they were not creating a situation where many of the allowed uses now in the Bijou/Al Tahoe Community Plan District One, the area that would be carried over into the Tourist Core Area Plan were not creating non-conforming uses. Most of the uses

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allowed today in the Bijou/Al Tahoe Community Plan would be carried over into the Tourist Core Area Plan Gateway Special Area One. The only uses not being carried over are collection stations and local post offices. In addition, the amendment would ensure that allowable shorezone uses would be added to the Tourist Core Area Plan which were the previous uses that were in the Stateline/Ski Run Community Plan.

All Tourist Core Area Plan Zoning District Community Noise Equivalent Level (CNEL) standards would be lowered from 65 to 60, except for areas adjacent to US Highway 50. This aligns CNEL standards to TRPA Regional Plan Threshold Standards.

The proposed amendment includes an additional strategy for the recreation section of the Tourist Core Area Plan. It's to support the California Tahoe Conservancy in its efforts to implement the Connelley Beach public access project located west of the Beach Retreat parcel to provide a second access to Connelley Beach in addition to Timber Cove.

Draft Initial Study/Negative Declaration & Initial Environmental Checklist/FONSE Schedule: It went out for a 30-day comment period that closed on July 6, 2020 with no comments received. The City of South Lake Tahoe's Planning Commission had a presentation in June and recommended city council adoption of that environmental document at their July 16 meeting. The public review process began in 2018 as show on slide 17. The city council approved the ordinance at its September 8 meeting.

Ms. Self said to ensure that these amendments are in conformance in the Regional Plan and no environmental affect, the applicant and the City has completed the five different evaluations and checklist: Initial Environmental Checklist & Finding of No Significant Effect; Required Findings; Area Plan Conformance Checklist; Environmental Threshold Indicators Evaluation; Compliance Measures Evaluation. All of these are included within the packet.

There were some items noted by staff as a result of discussions at the last presentation in 2019 to the Regional Plan Implementation Committee. The first was to pay attention to any potential impacts to water quality and land coverage in the area. TRPA's Code of Ordinances allows up to 70 percent land coverage within area plans on high capability land. This is not something that would have been approved in the community plan that the area is currently in. Some of the parcels exceed 90 percent of the land coverage which was because they were built prior to when the land coverage regulations were in place. On average, the entire amendment area has 80 percent coverage. Given the existing land capability and the existing land coverage on the developed parcels, it was found that there would not be the creation of new coverage within the amendment area. The fact is that they're likely to see a reduction of land coverage as the properties come into site design standards. For example, they will need to put in additional landscaping, setbacks, and BMP's. There's also a benefit for additional mitigation of excess coverage on the properties once the future redevelopment takes place.

The amendments do control potential density by creating a special district so the entire amendment area of the 49 parcels/18 acres would be a special district with specific density caps in place that would not otherwise be permissible within the area plan. Today, the area is fully developed at, over, or near the density limits that would be allowed. They included the permissible density limits as shown on slide 21. Therefore, there isn't a potential for significant density increases. Also, consistent with the Regional Plan individual redevelopment projects that would potentially generate an increase of 200 daily vehicle trips or more would be required to prepare a project level traffic analysis in accordance with TRPA's Code of Ordinances. For any new trips that are going to be generated with increases in density or

changes to land use, TRPA would require the applicant to offset any potential regional traffic or air quality affects. The amendment proposal also caps mixed-use density for this special district. Elsewhere in the area plan, there could potentially be up to 65 units per acre for mixed-use. For this particular area, the City has capped the mixed-use density at 40 units per acre.

Much of the development pre-dates the Bijou/Al Tahoe Community Plan adopted in 1993. A lot of this development stems from the early 1960s to 1970s. The scenic roadway unit #33 within the amendment area is currently out of attainment due to the lack of landscaping and appropriate design aesthetics of the buildings. Future redevelopment within the amendment area is likely to result in a significant improvement to scenic quality from the roadway and any future development would not be allowed to degrade the shoreline scenic attainment.

The Tourist Core Area Plan already has adopted Design and Development Standards in place, and this would require any future development to blend rather than contrast with the natural environment. Redevelopment would generally require a reduction in impervious coverage, increased landscaping particularly along US Highway 50, modified signage, use of materials such as wood and natural stone, the use of a natural color schemes, screening and other design aspects.

Increasing the permissible height in the amendment area is the key driver from the project applicant's perspective. The increased height would allow an additional story, from 3 stories at 42 feet to 4 stories at 56 feet. The proposed amendments include increasing the allowable height within that special area shown in (hashed pink) on slide 24. This height is consistent with the Regional Plan for redevelopment. TRPA's Code of Ordinances allows a maximum height of 56 feet for all town centers. The map on slide 24 shows the progression of height from the Bijou/Al Tahoe Community Plan (in gold) at 42 feet to the high density regional center (casinos) at 95 feet.

Even allowing this increase up to the 56 feet in town centers, any potential project would be required to make the four height findings (slide 25) to meet height findings 1, 3, 5, and 9 as indicated in Section 37.7 of the TRPA Code of Ordinances. These findings ensure the additional height does not dominate views, particularly within the shoreline. The building is appropriately screened from public views, minimizes interference with existing views, and does not reduce the scenic threshold travel route rating. If the findings can't be made, the additional height would not be permitted.

The redevelopment incentives that are being adopted as part of this package would not inadvertently impact public access to the Lake. There are a number of existing recreation sites, bike routes, and trails within the area plan. Then the amendment would include Connelley Beach and Timber Cove Pier. These amendments do not propose any changes to the existing recreation sites. The city has included a new policy to support a public access project to Connelley Beach.

In summary, TRPA staff found the proposed amendments did help to further the goals and policies of the Regional Plan specifically encourage the private investment within the town centers. This particular area is dominated by legacy development and is a prime candidate to take advantage of the Regional Plan's incentives.

Presentation can be found at:

[RPIC-Agenda-Item-No.-3-CSLT-Area-Plan-Amendment.pdf](#)

[Committee Comments & Questions](#)

Ms. Aldean said she didn't have any objections to what's being proposed but had a question on what's contained in the information on page 606 of the staff packet. The first paragraph states that the proposal would amend among other things the town center boundaries, then down below in a single line above Regional Plan Conformance review it states no changes to the TRPA Code of Ordinances or town center boundaries are proposed. She asked for clarification on the contradiction.

Ms. Self said if it states that there was a change to the town center boundary, that is incorrect. The amendment area falls within an existing town center boundary and they are not proposing to change any of those boundaries.

Public Comments & Questions

Steve Teshara on behalf of the Tahoe Chamber said he's attended all the hearings and sessions on these Tourist Core Area Plan Amendments. The Tahoe Chamber enthusiastically supported the proposal. The staff presentation gave the good rationale for why this is an appropriate set of amendments. This is a very legacy oriented part of our business and tourism district here on the South Shore and is in need of upgrades. They are excited for the private sector to come along and with projects that will eventually go before the City of South Lake Tahoe and TRPA to upgrade the area. There's a lot of coverage in the area and is ripe for some significant improvements all being consistent with the Regional Plan.

Kim DeYoung said the Tourist Core Area Plan amendments are wonderful as a long time visitor and owner in South Lake Tahoe. The site line and the view and the redevelopment sounds fantastic. As a homeowner at Sierra Shores, they would appreciate continued dialogue if there's a redevelopment of the Beach Retreat and a potential second access route to Connelley Beach. They would like to see it be considered to be routed within the much larger Beach Retreat property versus the Conservancy Chimney parcel that narrows to a much more hidden out of sight ten foot setback from residential homes.

Lew Feldman said on behalf of the Beach Retreat and Lakeshore Lodge, proponents of the Tourist Core Area Plan Amendment. He thanked Ms. Self and Ms. Stowell for what was an exemplary presentation. He's pleased that it has addressed Mr. Yeates' concerns. He's confident that with this zoning revision that the property owners have comfort to move forward with plans and future project that will realize private reinvestment into an area that is predominantly dominated by legacy development with little or no sensitivity to the surroundings.

Committee Comments & Questions

Mr. Yeates referred to slide 24. He said when they approved the Tourist Core Area Plan, he was a newer member of the board. He agreed with Mr. Teshara that this area is ripe for redevelopment. His only concern that he raised at the last Regional Plan Implementation Committee meeting was not walling off what could be opened up as an area with views and enhancements to Lake Tahoe. He thanked Ms. Self and the city for putting together the Initial Environmental Check list. The extent to which they addressed his issues starting on page 757, he's comfortable with the way it was handled, and the redevelopment will have many things to help reduce the impact should we have nice redevelopment projects coming forward. He's pleased with this being added to the area plan.

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Ms. Aldean made a motion to recommend Governing Board approval of the required findings, including a finding of no significant effect, for adoption of draft amendments to the Tourist Core Area Plan and Bijou-Al Tahoe Community Plan as provided in Attachment C.

Ayes: Ms. Aldean, Mr. Bruce, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Mr. Yeates

Motion carried.

Ms. Aldean made a motion to recommend Governing Board adoption of Ordinance 2020-___, amending Ordinance 2020-03, as previously amended, to amend the Tourist Core Area Plan and the Bijou-Al Tahoe Community Plan to include the changes referenced in Attachment B.

Ayes: Ms. Aldean, Mr. Bruce, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Mr. Yeates

Motion carried.

V. Item Number 4: Discussion and Possible Recommendation of Proposed Amendments for TRPA Code of Ordinances Chapter 61, Section 61.3. Vegetation Protection and Management

Team member Ms. McIntyre provided the presentation.

Ms. McIntyre said the code update is to facilitate and promote increased pace and scale of vegetation management while promoting forest health, community safety, resilient landscapes, and protecting the environment. The majority of the proposed code amendments are to clarify language, reorganize, and to make a more user friendly code.

Section 61.3 covers protections for old growth, stream environment zones, wildlife habitat, sensitive plant species, and historic resource protection. The recommended areas for amendment have been developed collaboratively through conversations with partner agencies specifically through the Tahoe Fire and Fuels Team. These amendments are focused on updating the code language to reflect current practices and get buy in from the partner agencies particularly those that are implementors.

The first recommended area of amendments focused on the historic and cultural resource protection. These are minor edits for streamlining and clarifying language.

The table on page 504 of the staff packet provides a summary of the changes. The major one is the deletion in subparagraph 61.3.8.B which is redundant with code language in 67.3.1.

Another area of recommended amendments includes standardizing various references throughout the section. For example, in subsections referring to old growth tree removal, each separate subsection references different methods. Some of them say cut while others say felled, treated, or removed. In consultation with the partner agencies they felt that it was appropriate to replace the word cut with felled, treated, or removed. Additionally, under removal of old growth for ecosystem management goals, it would state that it should be an approval by a "qualified forester" and not a "qualified interdisciplinary team." A "qualified forester" is defined within the Code of Ordinances definitions and are the ones who are on the ground making those decisions of what trees should be removed and why. The summarized changes can be found on pages 500-502.

Another area of recommendations focused on frozen ground operations. Currently the Code of Ordinances allows trees to be cut within a stream environment zone for over snow activity. This amendment suggested that they should be including operations on frozen ground as well. There are a variety of reasons for this such as the Lahontan Regional Water Quality Control Board that she worked closely with allows for frozen ground operations within stream environment zones when removing a tree. Science shows that often frozen ground with frozen soil conditions are more stable than just over snow. This would make it less environmentally impactful. These edits can be found on page 496 of the staff packet.

The last area of potential amendments is innovative technologies and equipment used in stream environment zones for tree removal. Currently tree cutting within stream environment zones requires innovative technologies to be piloted and proven environmentally safe. Partners would like to see that once an innovative technology is properly demonstrated to TRPA, that it should become a viable option for all partners in the Basin. These edits can be found on page 497 of the staff packet.

There have been some updates from when the Advisory Planning Commission reviewed these proposed amendments to what is being presented today. Originally, the Forest Health and Wildfire Committee approved text that included references to the Regional Water Board exemptions regarding over snow operations. This text said that if the Regional Water Board found that it was exempt that we would follow suit. The Advisory Planning Commission suggested that the language should be broadened to accommodate agencies on both sides of the Basin. After staff review, it was determined that it would need significantly more work to craft that language appropriately. They've omitted those edits and will address in a later round of amendments if possible.

Before the Regional Plan Implementation Committee meeting there were several changes and clarifications that were brought to staff's attention. On pages 495 – 496 of the staff packet there was a question about language that wasn't highlighted. It was just reorganization of current code language. In 61.3.3 it was a reorganization of current code language. In 61.3.3, Protection of Stream Environment Zones, under that is 61.3.3.C, tree cutting within stream environment zones. This was moved from 61.3.10 with the intention to consolidate all protections for stream environment zones under one subsection.

Another change/clarification that is not in the packet but is being included today involves language on page 496 of the staff packet. This focused change was for clarity. It was pointed out that the section in red under the language proposed at the top didn't make sense and wasn't clear. The new language specifically references that the TRPA approved reasons for removal of trees over 30 inches dbh on the west side and larger than 24 inches dbh on the east side for old growth within a stream environment zone are the same reasons that an old growth tree can be removed that's not in a stream environment zone. Those reasons are referenced within sections 61.3.7.A.1 and 61.3.7.A.10. The language was intended to point someone who wanted to remove an old growth tree in a stream environment zone to the reasons why someone could remove an old growth tree.

On page 497 (viii) of the staff packet, there was a recommended change in language for clarity. Where it states soil function or beneficial vegetation that "beneficial" doesn't have a clear definition. Staff revised the language to state "Projects shall be monitored to ensure that the stream environment zone has not sustained any significant damage to soil or vegetation function." Staff and partner agencies felt that soil function was critical and is the key piece when they talk about work in the stream environment zone. Does the soil rebound and is it still able to sustain its ecological purpose?

Presentation can be found at:

[RPIC-Agenda-Item-No.-4-Forest-Health-Code-Amendments.pdf](#)

Committee Comments & Questions

Ms. Aldean had a question on the substitution of language from felled, treated, or removed, versus cut. To fell or remove a tree is synonymous with cutting a tree but not synonymous with treating a tree for infestations. Why are all three of those words being treated equivalent to cut?

Ms. McIntyre said the reason they are all being treated equivalent to cut is because that section is referencing removal of old growth trees or removal of trees. The partner agencies felt that having different references such as just cut versus felled, treated, or removed. Felled, treated, or removed was more all-encompassing. It left space that you could treat a tree and completely remove it, whereas something like cut indicated that it should be completely removed.

Ms. Aldean referred to page 500 of the staff packet, 61.3.7, subparagraph A states that “Within lands classified by TRPA as conservation or recreation land use, any live, dead, or dying tree larger than 30 inches diameter a breast height (dbh) in westside forest types shall not be felled, treated, or removed.” She asked why an infested tree wouldn’t be treated.

Ms. McIntyre said that was an oversight and staff will review.

Ms. Aldean suggested to check all references where those three words were used to ensure it’s appropriate.

Mr. Yeates asked if that is something staff can change now in sections 61.3.7.A on pages 500-501 of the staff packet.

Ms. McIntyre said she’ll work with Mr. Marshall.

Public Comments & Questions

Steve Teshara on behalf of Sustainable Community Advocates said Ms. McIntyre has made recommended changes by members of this committee and others. If this change is made that was just suggested by Ms. Aldean, he supported this being moved onto the Governing Board for approval.

Committee Comments & Questions

Mr. Yeates said due to climate change our freezing periods could be shorter. What happens when work is being done in an area that starts out as frozen ground and the situation changes where the ground is no longer frozen, and equipment is in this work area.

Ms. McIntyre said on page 496 of the staff packet there is code language that states that frozen soil operations are permitted where operated vehicles, tractors, and equipment can travel without sinking into soil, road, or landing surfaces to a depth of more than two inches for a distance of more than 25 feet. Temperatures must also remain low enough to preclude thawing of the soil surface.

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Mr. Barr said the reason that they're looking at frozen soil conditions is because of climate change. Previously, over snow was only allowed. Even in high precipitation, you could get a layer of snow and then a warming trend during the winter. In drought years, the ideal time is when there's hard frozen conditions and the soils are very dry. Then there's much less potential for damage. The idea was to open a window of when conditions were optimal and might help get more treatments done at a time when it's ideal.

Mr. Yeates said he doesn't disagree with the language but sometimes when code is written it may be different than mother nature.

Mr. Marshall said the language on 500-501 is constructed in the Code of Ordinances is that the large trees shall not be felled, treated or removed unless as listed in one, two, or three. Number three is diseased or infested trees. It works the way it's set up, but staff can review it to make certain that they aren't precluding treatment where it would otherwise be undertaken by the landowners.

Ms. Aldean said it could be confusing and if someone doesn't look at the subparagraphs, they may believe that they're precluded from treating a tree that could survive if the mistletoe was removed or treated for the beetle infestation, for example. She asked if it's being suggested that the committee doesn't recommend amending the language as part of this motion and provide staff the authority to clarify the language, so it's not misinterpreted.

Mr. Marshall said yes, if needed.

Mr. Yeates said yes Mr. Marshall is right if you go to subparagraph three. But if you simply say that these forest types shall not be felled, treated, or removed, why does it need to be specified? He understands the conformity by removing cut, but in this subparagraph, it seems like cut makes more sense.

Mr. Marshall said staff can delete the change and retain the word cut in both instances in the top of page 501.

Ms. McIntyre said that would be fine.

Mr. Barr agreed and said it is a situation with those old growth trees on recreational and conservation areas which are very unique. It may also include lakefront properties.

Ms. Aldean made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary subject to the replacement of the words felled, treated, or removed, which will be substituted with the word cut in paragraph 61.3.7.A.

Ayes: Ms. Aldean, Mr. Bruce, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Mr. Yeates

Motion carried.

Ms. Aldean made a motion to recommend adoption of the Ordinance 2020 - ___, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

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Ayes: Ms. Aldean, Mr. Bruce, Ms. Gustafson, Ms. Laine, Mr. Lawrence, Mr. Yeates

Motion carried.

VI. COMMITTEE MEMBER REPORTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Mr. Lawrence moved to adjourn.

Chair Mr. Yeates adjourned the meeting at 12:36 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler
Clerk to the Board