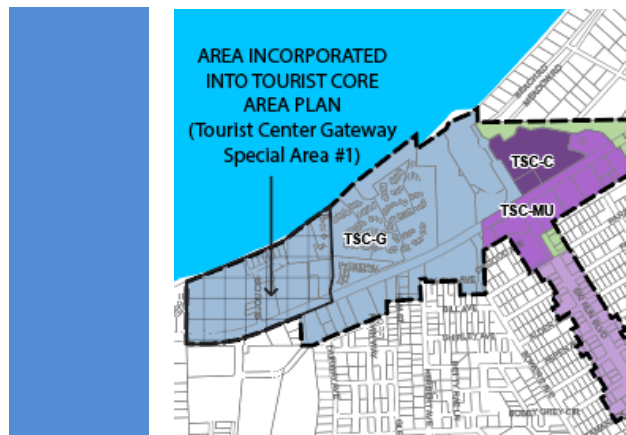
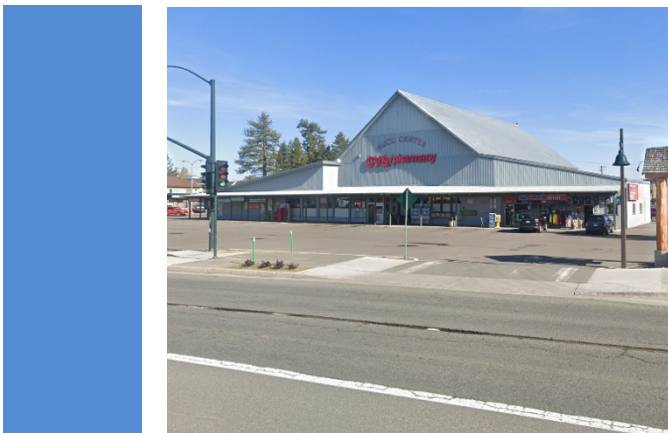




**Draft Tourist Core Area Plan/Specific Plan and Bijou/Al Tahoe Community Plan  
Boundary Amendment Initial Study/Negative Declaration and Initial  
Environmental Checklist/Finding of No Significant Effect**

**June 5, 2020**

**SCH #**



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**



**CITY OF  
SOUTH LAKE TAHOE**

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## APPENDIX A – LSC TECHNICAL TRAFFIC MEMORANDUM

## **1.0 INTRODUCTION**

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### **1.1 INITIAL STUDY/INITIAL ENVIRONMENTAL CHECKLIST**

This Initial Study/Initial Environmental Checklist (IS/IEC) has been prepared to address the potential environmental effects of amending the Tourist Core Area Plan (TCAP) and Bijou/Al Tahoe Community Plan (B/ATCP), located in the City of South Lake Tahoe, California. An Initial Study is a preliminary environmental analysis that is used by the California Environmental Quality Act (CEQA) lead agency as a basis for determining whether an EIR, a Mitigated Negative Declaration, or a Negative Declaration is required for a project under CEQA guidelines. An Initial Environmental Checklist is a preliminary environmental analysis that is used for determining whether an EIS, a Mitigated Finding of No Significant Effect, or a Finding of No Significant Effect is required for a project under TRPA Rules of Procedure.

The IS/IEC contains a project description, description of environmental setting, identification and explanation of environmental effects, discussion of mitigation for potentially significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the names of persons who prepared the study.

The IS has been prepared pursuant to the California Environmental Quality Act (CEQA) of 1970, Cal. Pub. Res. Code §21000 et seq. The City of South Lake Tahoe is the CEQA lead agency for this project. The IEC has been prepared pursuant to the requirements of Article VI of the TRPA Rules of Procedures and Chapter 3 of TRPA's Code of Ordinances. TRPA serves as lead agency pursuant to its own regulations.

The City of South Lake Tahoe is processing an application from private property owners for an amendment pursuant to Chapter 13 of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances, which allows local governments to adopt conforming Area Plans that contain policies and development ordinances that are consistent with and further the goals and policies of the TRPA Regional Plan. Chapter 13 established a conformity process that:

- Allows local governments to adopt an Area Plan that supersedes TRPA plans and ordinances if the plan is found to be in conformance with the Regional Plan;
- Defines required content in an Area Plan that includes but is not limited to applicable policies, maps, ordinances and development and design standards; and
- Defines which development activities will not have a substantial effect on the natural resources in the Region and allows TRPA to transfer limited development permitting authority to local governments.

### **1.2 TIERING PROCESS**

#### **California Environmental Quality Act**

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects that implement the program. This environmental document incorporates by reference and tiers from the discussions in the 2011 General Plan EIR (the Program EIR) and concentrates on issues specific to the TCAP and B/ATCP. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is

accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR and by incorporating those analyses by reference.

Section 15168(d) of the State CEQA Guidelines provides for simplifying the preparation of environmental documents on individual parts of the program by incorporating by reference analyses and discussions that apply to the program as a whole. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]).

This Initial Study is tiered from the City of South Lake Tahoe General Plan EIR, in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The 2011 General Plan EIR is a Program EIR that was prepared pursuant to Section 15168 of the CEQA Guidelines. The 2011 General Plan is a comprehensive land use plan that guides physical development within the City of South Lake Tahoe through 2030. The 2011 General Plan EIR analyzes full implementation of uses and physical development proposed under the General Plan, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth.

This IS/IEC will evaluate the potential environmental impacts of the proposed TCAP and B/ATCP Amendments with respect to the 2011 General Plan EIR to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 5.2 of this document and based on the analysis contained in this IS/IEC, it has been determined that the proposed amendments would not have significant effects on the environment that were not adequately addressed in the 2011 General Plan EIR; therefore, a Negative Declaration will be prepared.

The IS/IEC incorporates the 2013 TCAP IS/IEC by reference. While the 2013 TCAP IS/IEC does not propose mitigation measures, it incorporates mitigation measures adopted under the 2011 General Plan EIR and the TRPA RPU EIS. These mitigation measures would continue to be applicable to the area, and no change to the application of such mitigation measures are proposed.

This IS/IEC concludes that potentially significant impacts are addressed by adopted policies and regulations applicable to the area, and the mitigation measures that have been adopted as part of the approval of the 2011 General Plan. These mitigation measures, to the extent they are applicable to the TCAP, will be incorporated into project approval. Nothing in this Initial Study in any way alters the obligations of the City to implement the General Plan mitigation measures. All future projects within the TCAP boundary would be subject to project-level environmental review and permitting by the City and/or TRPA, with the permitting agency determined based on the size, nature and location of the project (Section 13.7.3 of the TRPA Code).

### **Tahoe Regional Planning Agency**

The TRPA concept of "tiering" refers to the coverage of general matters in a broader EIS (Program EIS) and subsequent documents incorporating by reference the general discussions and concentrating solely on the issues specific to the document subsequently prepared. Therefore, when an EIS has been certified for a project or matter, TRPA shall limit the analysis for a later related or consistent project or matter, to effects which were not examined as significant effects in the prior EIS or which are susceptible to substantial reduction or avoidance by revisions in the project or matter through conditions of approval or mitigation. Tiering is limited to situations where a later project or matter is consistent with a program, plan, policy or ordinance for which an EIS was prepared, is consistent with applicable TRPA plans, and a supplemental EIS is not required.

This Initial Environmental Checklist is tiered from the TRPA 2012 RPU EIS in accordance with Section 6.12 of the TRPA Rules of Procedures. The 2012 RPU EIS is a Program EIS that was prepared pursuant to Article VI of TRPA Rules of Procedures (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code of Ordinances. The 2012 RPU is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The proposed project is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this Initial Environmental Checklist will rely on the 2012 RPU EIS for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- issues that were evaluated in sufficient detail in the 2012 RPU EIS for which there is no significant new information or change in circumstances that would require further analysis; and
- assessment of cumulative impacts.

This Initial Environmental Checklist evaluates the potential environmental impacts of the proposed project with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 5.3 of this document, and based on the analysis contained in this Initial Environmental Checklist, it has been determined that the proposed project would not have significant effects on the environment. Therefore, a Finding of No Significant Effect will be prepared.

This Initial Environmental Checklist concludes that many potentially significant project impacts are addressed by the measures that have been adopted as part of the approval of the 2012 RPU. Therefore, those 2012 RPU EIS mitigation measures that are related to, and may reduce the impacts of, this project will be identified in this Initial Environmental Checklist. These mitigation measures will be incorporated into the approval for this project. Nothing in this Initial Environmental Checklist in any way alters the obligations of the City or TRPA to implement the mitigation measures adopted as part of the RPU.

### **1.3 BACKGROUND**

All of the land within the Lake Tahoe Basin falls under the jurisdiction of the Tahoe Regional Planning Agency. This includes land under the local jurisdiction of the City of South Lake Tahoe. In order to be responsive to the unique needs and opportunities of the Region and local communities, the TRPA Regional Plan encourages and authorizes local jurisdictions to develop and adopt individual Area Plans that provide more specific development objectives and standards that are adapted to the needs of the specified area. Local jurisdictions are permitted to develop, adopt, and implement regulations so long as they are consistent with the TRPA Regional Plan. The General Plan and Zoning Ordinances are the City's primary policy documents that guide land use, transportation, infrastructure, community design, housing, environmental, and other decisions in a manner consistent with the planning statutes for the State of California. The TCAP and B/ATCP are designed to supplement the City's General Plan and Zoning Ordinance by designating zoning districts and providing specific guidance for the area included within the new Area Plan boundaries. The Area Plan is considered a specific plan pursuant to California State Law.

The process of amending a specific plan is provided in CA Government Code Section 65359 and generally follows the general plan amendment process outlined in Sections 65350 through 65358. This includes

public hearings with public notice, and adoption by resolution or by ordinance. Specific plans may be amended as often as necessary by the local legislative body, but the amendments must be consistent with the adopted general plan for the area. TRPA Code of Ordinances Chapter 13 also indicates plan amendments require public hearing, and must be consistent with the Regional Plan. Amendments require findings, conformance review (conformance checklist), and threshold and compliance measure evaluations.

The TCAP serves as a comprehensive land use plan, consistent with the Lake Tahoe Regional Plan (Regional Plan) and the City of South Lake Tahoe General Plan (General Plan). The plan is intended to realize the area vision, assist in achieving and maintaining TRPA's Environmental Threshold Carrying Capacities, implement the Tahoe Metropolitan Planning Organization's Sustainable Communities Strategy, and implement the policy direction of both the Regional Plan and General Plan. The TCAP Vision Statement was developed by the community through a series of public workshops, and is stated below:

*"The area is envisioned as a central destination that provides full services for tourists and permanent residents and offers unique experiences related to the many outdoor recreation possibilities that surround the core area. The Revitalization of the South Shore will catalyze the transformation from a failing and vestigial gaming economy into a sustainable outdoor tourism recreational destination by incorporating active streetscapes, shopping, entertainment and outdoor dining opportunities. In addition, transit and alternative travel will provide an essential part of the envisioned destination resort experience resulting in significant environmental gain and improvised scenic quality."*

The 1995 B/ATCP serves as a comprehensive land use plan, consistent with the Regional Plan and General Plan at the time it was written, although it does not address all the issues identified in the current Regional and General Plans due to age, with its most recent amendments occurring in 2006. Like the TCAP, the B/ATCP establishes the area vision and is intended to support and implement the City's and TRPA's goals, policies and strategies. The B/ATCP includes vision statements for land use, transportation, conservation, recreation, and public service. The Planning Statement indicates, "The area should be developed to provide regional commercial, recreational and public services for the South Shore." The amendment area is within the Bijou District whose vision is to:

*"Increase the commercial and tourist accommodation development to offer a variety of services to the tourist and local citizen. The lake and beach access in this area should also be expanded to provide additional recreational opportunities within the district."*

The Project amends the 2013 TCAP and the 1995 B/ATCP but maintains the vision and the same priorities in each plan. The amendment takes lands outside of the existing TCAP from a portion of the B/ATCP Bijou District (District 1) and integrates them into Special Area 1 within the TCAP Gateway District. Upon adoption by the City Council and TRPA Governing Board, the TCAP and B/ATCP serve as mutual plans for both the City and TRPA.

## **1.4 PROJECT LOCATION, SETTING AND SURROUNDING LAND USES**

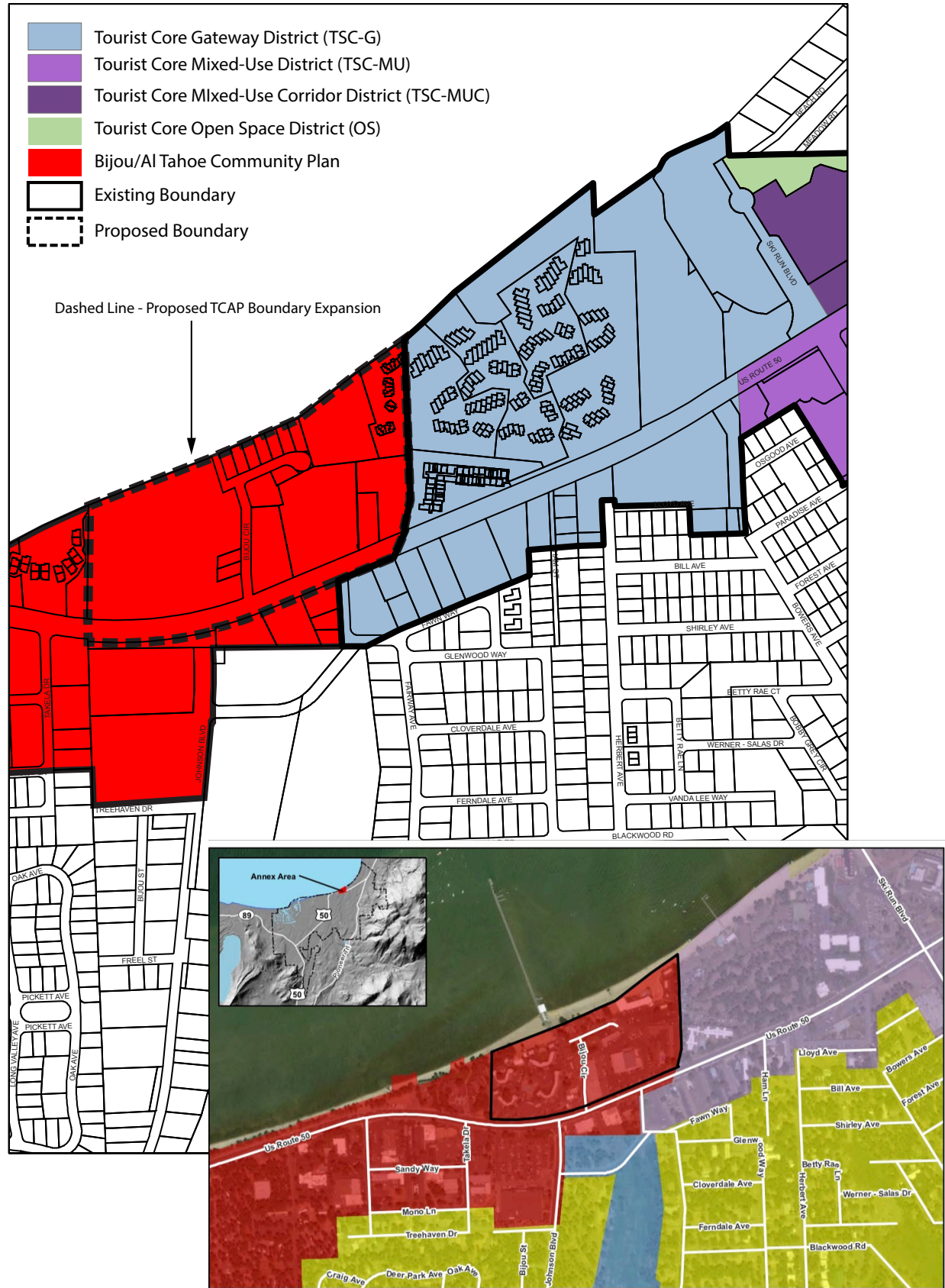
The TCAP functions as the central tourist destination in the South Lake Tahoe area. The boundaries of the TCAP are entirely within the City of South Lake Tahoe, located centrally along US Highway 50 and Ski Run Boulevard between Stateline and Fairway Avenue on US Highway 50 and between US Highway 50 and approximately Pioneer Trail along Ski Run Boulevard. This area serves as a direct recreation access point to Heavenly Mountain Ski Resort, Edgewood Golf Course, Ski Run and Lakeside Marinas, and Van Sickle Bi-State Park, and as such is predominantly tourist related, with numerous hotels, motels, restaurants, and retail land uses. The area is served by transit, with a Route 50 stop at Beach Retreat & Lodge at US 50 and Takela Drive and at Safeway at US 50 and Johnson Blvd., with links to other Tahoe Transportation



District routes. Additionally, the South Shore water taxi stops at Timber Cove, within the amendment area, among three other stops within the South Shore area. A bike lane within US 50 and multi-use path parallel to US 50 in the amendment area run through the City and link to other bike lanes, bike routes, and multi-use trails in the South Shore with connections extending to Stateline, Meyers, Tahoe Keys, and Camp Richardson. Currently, the TCAP covers approximately 281 acres (232 acres excluding roadway infrastructure) and the proposed amendments would add approximately 18 acres and 49 parcels within the TCAP boundary. Of these parcels, one is right-of-way (0.1 acre), one is identified as “sensitive land” where no development shall occur (0.15 acre or 1 percent of the total amendment area), and 31 are individual condominium units and the common area serving the condominium units (1.54 acres or 9 percent of the total amendment area). The remaining 16 parcels consist of commercial (24 percent of the amendment area) and tourist accommodation uses (58 percent of the amendment area), and single family residential dwellings (6 percent of the amendment area). The proposed amendment area is currently within a portion of District 1 (Bijou District) of the B/ATCP, which is a commercial and tourist accommodation district, with a TRPA land use classification of Mixed-Use.

The amendment area is a Town Center adjacent to the Ski Run commercial/tourist center, which provides a traditional commercial/tourist land use setting. This area encompasses the land uses between Lake Tahoe, US Highway 50 (Lake Tahoe Boulevard), the existing western boundary of TCAP near Fairway Drive, and extends the boundary further west to encompass tourist accommodations and commercial uses located just east of Takela Drive. Under the amendments, the area would become part of the TCAP Tourist Center Gateway (TSC-G) Zoning District that extends to Ski Run Blvd. Existing uses in the TSC-G district include restaurants and retail shops at Ski Run Marina, portions of the newly redeveloped Bijou Marketplace (partially in the TSC Mixed Use district), the Lakeland Village condominium complex, and motels and commercial uses along US Highway 50. The proposed amendment area would become TSC-G Special Area 1. Existing development in the proposed amendment area includes structures ranging from one to four stories, and ranging in age from newly remodeled buildings to units built in the 50s or 60s. Many of the buildings and infrastructure in the amendment area are aging and some of the development reflects an era when land coverage was not regulated. Therefore, there is extensive over-coverage of land, as demonstrated in Table 1-1. This also affects the visual quality of the area, with various architectural and building styles employed in a relatively small area, resulting in little cohesion or landscaping, and a roadway unit in non-attainment. The area is highly developed with existing tourist accommodations and retail uses. Existing uses within the amendment area include tourist accommodations (Beach Retreat, Lakeshore Lodge, and Hotel Elevation), commercial (e.g., John’s Cleaners, CVS, tattoo & art gallery, restaurants, retail), residential and recreation (outdoor recreation concessions). Existing density of tourist accommodation units within the amendment area is approximately 36 units/acre for the Beach Retreat (APN 027-090-25), 25 units/acre for the Lakeshore Lodge (APN 027-090-17), and 51 units/acre for Hotel Elevation (APN 027-020-10). Table 1-1 provides a listing of the parcels within the amendment area, their existing use, density, and land coverage. Figure 1-1 shows the boundary of the proposed amendment area, shown as Special Area 1. Forty-nine parcels are located therein.

**Figure 1-1 Amendment Area**





**Table1-1: Existing Amendment Area**

APN	Use/Units	Acreage	Density (units/ acre or parcel)	Class 7	Class 1b	Total Area	Existing Land Coverage			
							Soft	Hard	Total	% Covered
027-020-17	Tourist (Lakeshore Hotel) /46 units	1.82	25		79,336.48	79,336.48	65.43	51,801.81	51,867.24	65%
027-371-15	Sensitive land/0 units	0.15	0		6,336.16	6,336.16	241.01	549.20	790.21	12%
027-371-14	Vacant	0.13	0		5,649.47	5,649.47	-	-	-	0%
027-371-13	Single Family/1 unit	0.13	1		5,460.18	5,460.18	95.16	2,673.22	2,768.38	51%
027-371-12	Single Family/1 unit	0.13	1		5,460.17	5,460.17	203.58	2,269.62	2,473.20	45.30%
027-371-11	Single Family/1 unit	0.13	1		5,481.65	5,481.65	159.83	2,455.94	2,615.77	47.72%
027-371-10	Single Family/1 unit	0.13	1		5,448.72	5,448.72	228.58	2,300.79	2,529.37	46.42%
027-371-09	Single Family/1 unit	0.13	1		5,448.76	5,448.76	1,145.85	2,576.46	3,722.31	68.31%
027-020-10	Tourist (Hotel Elevation) /59 units	1.15	51		49,841.60	49,841.60		43,764.84	43,764.84	87.81%
027-370-04	Multifamily/5-6 units	0.12	42		5,336.30	5,336.30	498.71	4,211.11	4,709.82	88.26%
027-020-15	Commercial (CVS)	2.63	--		114,260.63	114,260.63	331.02	112,754.53	113,085.55	98.97%
027-090-17	Single Family/1 unit	0.35	1		15,121.80	15,121.80		6,880.58	6,880.58	45.50%
027-020-09	Commercial (Heidis)	0.40	--		17,564.15	17,564.15		16,549.41	16,549.41	94.22%
027-090-16	Commercial (Tahoe Wellness Center building)	1.05	--		45,611.55	45,611.55		44,661.33	44,661.33	97.82%
027-371-03	Vacant (parking lot)	0.11	0		4,713.50	4,713.50		2,133.00	2,133.00	45.25%
027-371-02	Commercial (rental/service)	0.11	--		4,717.98	4,717.98		3,186.33	3,186.33	67.54%
027-090-25	Tourist (Beach Retreat)/262 units	7.28	36	210,740.16	106,191.45	316,931.61	672.59	202,113.38	202,785.97	63.98%
027-431-31	Lakeshore Lodge Condo Common Area/30 units*	1.24*	24*		79336.48*	79336.48*		38,596.38	38,596.38	48.65%
027-431-29	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-27	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-25	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-23	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-21	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-19	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%

APN	Use/Units	Acreage	Density (units/ acre or parcel)	Class 7	Class 1b	Total Area	Existing Land Coverage			
							Soft	Hard	Total	% Covered
027-431-17	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-15	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-13	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-11	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-09	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-05	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-07	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-01	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-03	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-06	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-10	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-12	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-14	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-16	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-18	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-20	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-22	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-24	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-28	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-26	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-30	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-02	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-04	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-431-08	Condominium/1 unit	0.01	1		435.60	435.60		435.60	435.60	100%
027-370-02	Right-of-Way	0.01	0		435.60	435.60		435.60	435.60	100%
	TOTAL AREA	17.59		2107,40.16	495,484.15	706,224.31	3,641.76	552,981.53	556,623.29	79%

\*Includes the 30 individual condominium parcels listed below

Surrounding land uses include a similar mix of tourist and commercial uses. Lake Tahoe is directly north of the area to be amended. Land to the east and south up to Fairway Drive are within the TCAP and include various tourist accommodations including the Aston Lakeland Village Resort directly east, and several motel units to the south, such as the Beverly Lodge, Budget Inn South Lake Tahoe, Lake Tahoe Inn, Days Inn, and Travel Inn, as well as a few restaurants. From Fairway Drive west to Takela Drive the area within the B/ATCP is primarily commercial. Land uses include strip mall/commercial centers with various commercial uses ranging from restaurants to a Safeway grocery store and gas station, a bank, pawn shop, bakery, salon, bicycle rental and State, County, and local public and government service buildings, California Tahoe Conservancy land and Sierra Shores to the west.

## 1.5 PROJECT OBJECTIVES/PURPOSE AND NEED

The purpose of the Area Plan amendments is to include tourist-oriented uses within the boundaries of the TCAP, which would more appropriately address these uses than the B/ATCP's commercial focus. The intent of this action is to 1) include comparable existing uses in the TCAP, which more effectively addresses such uses as compared to the B/ATCP, 2) revise the height standards in the TCAP TSC-G Special Area 1 to align with the TRPA Code for Town Centers, 3) encourage redevelopment in this aging Town Center, characterized by excess land coverage, and 4) implement administrative corrections to the TCAP, including a revision to the maximum CNEL to conform to adopted TRPA Regional Plan standards. The overall objective is to encourage redevelopment of an area in need of substantial improvement in order to enhance the Town Center. Redevelopment would include a public benefit through scenic and water quality improvements, formalized public beach access, and enhanced community amenities.

These plan amendments are intended to apply consistent and integrated land use planning and development regulations for the City and TRPA in relation to tourist uses and to further the goals and policies of the Regional Plan of the Lake Tahoe Basin and the City's General Plan. The vision for the Bijou District in the B/ATCP seeks to increase the commercial and tourist accommodation development outside SEZ areas to offer a variety of services to the tourist and local citizen and lake and beach access in this area should be expanded to provide additional recreational opportunities within the district. While the existing uses fit within this vision in the B/ATCP, the amendments are intended to assist the environmentally-beneficial redevelopment of densely developed, over-covered and outdated Town Center by providing greater height limits and land use densities available to parcels within the TCAP TSC-G Special Area 1, reflecting the standards established by TRPA for Town Centers. The Project would also amend TCAP Appendix C, Development Design Standards, to allow non-single-family dwelling uses in TSC-G Special Area 1 to be eligible for maximum height of up to 56 feet with findings.

There are five specific amendments proposed to achieve these objectives:

1. Expand the boundaries of the TCAP and amend the B/ATCP boundaries;
2. Amend the permissible land uses in TSC-G Special Area 1;
3. Add a special policy limiting the combined density for residential and tourist units in mixed-use areas of TSC-G Special Area 1, to 40 units per acre (combined);
4. Amend the height allowances for non-single-family residential dwellings in TSC-G Special Area 1; and
5. Implement the following general administrative corrections:  
TCAP:
  - a. Adopt development rights language and policies to align with TRPA Code of Ordinances;
  - b. Adopt green building policy to align with City standards;
  - c. Correct mapping inconsistencies;
  - d. Carry over of shorezone permissible uses previously within the Stateline/Ski Run community plan;

- e. Update Recreation Implementation Strategies; and
  - f. Correct maximum CNEL limits throughout the TCAP to conform to adopted standards.
- B/ATCP:
- a. Update Chapter 1 Introduction to remove outdated text
  - b. Correct outdated chapter references to TRPA Code.

The City of South Lake Tahoe adopted the TCAP on October 14, 2013 and by the TRPA Governing Board on November 11, 2013. The TCAP was amended on January 14, 2014 to incorporate amendments requested by the TRPA Governing Board. This plan provides land use guidance for future development and redevelopment and addresses land use regulations, development and design standards, transportation, recreation, public service and environmental improvements for the area. It encourages general improvement and enhancement for the built environment and provides a framework to change the existing conditions into opportunities for redevelopment with a focus on achieving environmental improvements. The TCAP is the center of tourist services and recreation access and has traditionally been the area with the highest concentration of services and density.

## **1.6 DOCUMENT ORGANIZATION**

This IS/IEC includes the standard content for environmental documents under CEQA and TRPA Code of Ordinances and Rules of Procedures. An EIR/EIS was determined to be unnecessary, as there are not potentially significant environmental effects associated with the implementation of proposed amendments to the TCAP and B/ATCP. This IS/IEC is a full disclosure document, describing the plan amendments and their environmental effects in sufficient detail to aid decision-making.

Chapter 1 includes a description of the IS/IEC process, the tiering process, project background, the location of the Project and surrounding land uses, Project Objectives and Purpose and Needs Statement, the public involvement process and history, and the relationship of the TCAP to other land use plans, policies, and regulations.

Chapter 2 contains a description of the TCAP and B/ATCP amendments, including an overview of the proposed changes to the Area Plan and Area Plan mapping.

Chapter 3 provides the baseline conditions for the environmental analysis.

Chapter 4 contains the methods and assumptions used to analyze the potential environmental effects of the amendments.

Chapter 5 contains a detailed analysis of the environmental effects and necessary mitigation measures if applicable.

## **1.7 PUBLIC INVOLVEMENT**

Opportunities for public participation in the amendment process included a mailed scoping notice and community workshop held on July 9, 2018. In addition to the applicant's consultants and agency planning staff, five members of the public attended the meeting. Questions posed at the meeting related to timeshares, vacation home rentals, land use consistency, and additional height allowances, as well as general comments on the amendment process and schedule. Five comment letters were received, including one from the League to Save Lake Tahoe with suggestions about height standards, development on sensitive lands and tiering from past environmental documents, and four from property owners in favor of the proposed expansion. The scoping notice was prepared and mailed to potential stakeholders and adjacent property

owners on June 29, 2018. Opportunities to comment on the environmental review process was provided in order to promote open communication and better decision-making. All persons and organizations having a potential interest in the proposed amendments are invited to provide comments during the thirty (30) day comment period for the CEQA Initial Study. The City also conducted additional public outreach with the individual property owners within the amendment area.

Pursuant to the requirements of CEQA, this IS/IEC will be sent, along with a Notice of Completion, to the California State Clearinghouse. In addition, copies of this document will be distributed to other Lake Tahoe Region reviewing agencies and interested stakeholders for review. A Notice of Availability and Notice of Public Hearing will be published in the Tahoe Daily Tribune and a Planning Commission hearing will be conducted to solicit comments during a 30-day public review period. After closure of the public review period, the City of South Lake Tahoe and TRPA staff will respond to comments. City staff will then prepare an agenda item for the City Planning Commission's recommendation and City Council's action that include the IS/IEC, comments on the IS/IEC, and responses to the comments. If the City Council determines that the amendments would not have significant adverse impacts, the City Council may adopt a Negative Declaration of environmental impact and adopt the amendments. Following City Council approval, a Notice of Determination would be filed with the El Dorado County recorder-clerk's office and with the California State Clearinghouse.

Pursuant to the TRPA's Rules of Procedure and Chapter 3 of the TRPA Code of Ordinances, the agencies IEC will be made available for public review along with the project staff report at least 14 days prior to hearings held to consider the proposed amendments. TRPA staff will prepare agenda items for the TRPA Regional Plan Implementation Committee, TRPA Advisory Planning Commission's, and TRPA Governing Board consideration. If it is determined that no significant adverse impacts would result from the proposed project, the TRPA Governing Board may issue a Finding of No Significant Effect and adopt the amendments.

## **1.8 RELATIONSHIP TO LAND USE PLANS, POLICIES AND REGULATIONS**

The TCAP falls under the direct jurisdiction of both The City of South Lake Tahoe and the Tahoe Regional Planning Agency. In addition, federal and state agencies exercise varying levels of control concerning specific parcels or resources. This section identifies each agency's responsibility relative to the proposed amendments; it also identifies the plans and policies to which the TCAP and B/ATCP must show compliance.

### **Federal**

The US Environmental Protection Agency (EPA) has designated Lake Tahoe an Outstanding National Resource Water (ONRW). ONRWs are provided the highest level of protection under EPA's Anti-degradation Policy. Although the amendments do not require approval from the EPA the incentives related to coverage is dependent upon EPA certifying TRPA's updated Water Quality Management Plan for the Tahoe Region (208 Plan). The 208 Plan is not area plan specific and Section 10.2.B of the 208 Plan indicates, "The WQMP shall not be amended before January 1, 2017, to alter the terms of the Bi-State Recommendations incorporated herein, with the understanding that the terms of the Bi-State Recommendations: 1) allow adoption and updating of Area Plans by local governments as appropriate, and 2) shall not be used to support or deny applications for "Resort Recreation" designation."



## Regional

The Tahoe Regional Planning Agency (TRPA) is a bi-state planning agency with authority to regulate growth and development within the Lake Tahoe Region. TRPA implements that authority through a Bi-State Compact and the TRPA Regional Plan. The Regional Plan Goals and Policies establish an overall framework for development and environmental conservation in the Lake Tahoe Region.

In December 2012, the TRPA Governing Board adopted an updated Lake Tahoe Regional Plan. General priorities of the updated Regional Plan that apply to these amendments include:

- Accelerating water quality restoration and other threshold gains by supporting environmental beneficial redevelopment opportunities, restoration of disturbed lands and Environmental Improvement Program (EIP) investments.
- Transitioning to more permitting delegated to local governments to create one-stop-shopping for homeowner improvements in order to return TRPA to a more regional role that the Bi-State Compact originally intended.
- Creating walkable communities and increasing alternative transportation options.

Important policies addressed in the Lake Tahoe Regional Plan include:

- Retaining the established regional growth control system. Under this system, rampant overdevelopment was stopped and open spaces preserved. Most of the policies from the 1987 Regional Plan stayed in place.
- Creating a more efficient planning system that integrates TRPA requirements into the plans and permits of other applicable government agencies.
- Encouraging property owners to transfer development rights from sensitive and remote areas into Town/Regional Centers with the goal of restoring these lands.
- Eliminating regulatory barriers to support upgrades and environmentally beneficial redevelopment of rundown buildings with aging infrastructure.
- Simplifying overly complicated regulations for homeowners while achieving threshold gain.
- Incorporating the Linking Tahoe: Regional Transportation Plan (adopted in 2017) and the Active Transportation Plan (adopted in 2015) to support sidewalk and bike trail projects that reduce automobile dependency and increase walkability and safety.
- Continuing to deliver restoration projects under the EIP which achieves erosion control on roadways and restore forests and wetlands.

The updated TRPA Code of Ordinance allows for the development of Area Plans to refine and implement the Regional Plan policies appropriate to specific areas. Chapter 13, *Area Plans*, of the TRPA Code of Ordinances includes new provisions that allow for local, state, and federal agencies, in coordination with TRPA staff, to prepare coordinated Area Plans for the implementation of land use goals, policies, and ordinances. The Area Plans, which must include implementing ordinances and zoning, are required to be consistent with the Regional Plan. Once an Area Plan has been found in conformance with the Regional Plan and is adopted, the associated local, state, or federal agencies may assume applicable development

review authority through a Memorandum of Understanding (MOU) between TRPA and the other associated agency or organization. For City planning purposes, the objective is to amend the existing TCAP.

Chapter 13 (Area Plans) of the TRPA Code of Ordinances defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development standards that are consistent with and further the goals and policies of the Regional Plan. With an adopted conforming Area Plan, local governments can opt to take over limited permitting authority from TRPA.

In addition, for Area Plans containing a designated Town Center, the following provisions shall be included:

- Building and site design standards that reflect the unique character of each area and consider ridgeline and viewshed protection;
- Community design standards to vary height and density and promote pedestrian activity and transit use;
- Policies and strategies to promote walking, bicycling, transit use, and shared parking;
- Ensure adequate capacity for redevelopment;
- Identify an integrated community strategy for coverage reduction and enhanced storm water management; and
- Demonstrate that all development activity within the Town Center will provide for and not interfere with environmental gains.

Under the 2012 Regional Plan update, Community Plans are intended to be replaced by Area Plans; however, Chapter 12 (Community Plans) of the TRPA Code of Ordinances addresses Community Plans, their applicability, contents, and process. Specifically, Section 12.8 addresses the maintenance and modification of Community Plans, stating:

*“Adopted community plans shall be reviewed by TRPA at five-year intervals to determine conformance with approved schedules of development and adequacy of programs, standards, mitigation, and monitoring. TRPA may defer approval of projects within community plans if the review indicates approved goals, targets, and requirements are not being achieved. Community plans may be modified as a result of such reviews as deemed appropriate by TRPA to achieve environmental thresholds or to otherwise improve the community plans. The procedure for modification shall be consistent with this chapter.”*

Section 12.7.4 indicates modification approvals occur through review of the modification and recommendation by the TRPA Advisory Planning Commissions, followed by Governing Board review, or an alternate process (Section 12.7.5) that may better facilitate the planning process.

Regional Plan Policy LU-4.3 indicates, “Community plans have been approved for some properties in the region to refine and supersede the plan area statements. These community plans were adopted in accordance with the 1987 regional plan and shall remain in effect until superseded by area plans that are developed in accordance with and found in conformance with this regional plan. If any community plan contains provisions that contradict newer provisions of the regional plan or development code, the newer provisions of the regional plan or development code shall prevail, but only to the extent that specific provisions conflict.”

## State of California

Several State agencies may play a role in development decisions within the Tahoe Region. As such, these State agencies must grant permits or other forms of permission prior to physical development. Affected agency staff will review the proposed amendments for consistency with adopted plans and policies. State agencies that may have a responsible agency role in projects that may be implemented include:

*California Department of Transportation (Caltrans)*: Caltrans is responsible for planning, designing, constructing, and maintaining all state highways (e.g., US 50). The jurisdictional interest of Caltrans extends to improvements to roadways on the state highway system (including roadways designated as U.S. highways). Any federally funded transportation improvements would be subject to review by Caltrans staff and the California Transportation Commission, either on or off of the state highway system.

*California Tahoe Conservancy*: The mission of the California Tahoe Conservancy (CTC) is to protect and restore the natural environment of Lake Tahoe, including the lake's exceptional clarity and diversity of wildlife habitat in the Region. The CTC implements a comprehensive set of programs to affirmatively address resource needs in the Tahoe Region, including the protection and restoration of the natural environment, especially water quality; enhancement of wildlife habitat; provision of public access and recreation opportunities; and management of acquired public land at Lake Tahoe.

Within the TCAP, the CTC has ownership of four parcels, none of which are within the amendment area. One parcel was acquired to meet excess land coverage mitigation, for bicycle trail or other public service projects, or to sell. Another parcel was purchased to provide recreation access to Van Sickle Bi-State Park. The other two parcels were purchased under the Sensitive Lands Acquisition Program. CTC has also acquired former Caltrans right-of-way for bicycle trail use.

The CTC also manages a Land Bank Program that is designed to facilitate a number of natural resource objectives, assist the needs of the general public and environmental projects, and provide funding benefits. An MOU originally signed with the Tahoe Regional Planning Agency (TRPA) in early 1988, and more recently updated in 2018, enables CTC to sell rights from the Land Bank on the open market.

The retirement of development potential on properties purchased by the CTC can generate a wide range of development rights or credits that are then available for purchase, depending on what existed or was credited to the property at the time of acquisition (either land coverage or other marketable rights). CTC periodically acquires these development rights, including those for tourist accommodations, sewer connections, residential units, and commercial floor area. Such rights are usually sold to parties building or remodeling a commercial site or a multi-family unit(s), typically located in eligible development receiving areas. The rights are recognized by the various regulatory agencies within the Region and can therefore be sold or transferred under proper circumstances. The use of these rights is reserved for projects in the areas where the rights originated in order to maintain the economic base of those communities.

*Lahontan Regional Water Quality Control Board*: Lahontan has water quality responsibilities including the California-side of the Lake Tahoe Region. This agency establishes water quality standards, subject to the approval of the State Board, and has broader enforcement power than TRPA. By issuing waste discharge permits and requiring monitoring to show compliance, among other activities, Lahontan actively enforces attainment of standards.

Any party responsible for construction activity over one acre must obtain a National Pollution Discharge Elimination System Permit (NPDES Permit) from Lahontan to eliminate or reduce pollutants from construction related storm water discharged to surface waters, which include riparian zones.

Lahontan is also responsible for incorporating the Lake Tahoe Daily Maximum (TMDL) pollutant load reduction targets into the NPDES permit for California municipalities in the Tahoe Region. This permit regulates stormwater discharge from El Dorado County's stormwater management infrastructure and Federal rules require that El Dorado County implement programs to control pollutant runoff. The NPDES permit issued to El Dorado County stipulates a September 30, 2020 deadline to reduce estimated 2004 baseline jurisdictional pollutant loads of fine sediment particles by 21%, total nitrogen by 14% and total phosphorus by 14%. Lahontan is expected to update the NPDES permit every five years to include additional load reduction targets. Attainment of the 2026 target, termed the Clarity Challenge, is estimated to return Lake Tahoe to an average annual transparency of 80 feet (Lahontan 2010).

The NPDES Permit requires the City to prepare an updated Pollutant Load Reduction Plan (PLRP) by March 15, 2018 detailing the approach for meeting pollutant load reduction requirements. The City Council adopted a PLRP in January 2013 that outlined the proposed strategy for meeting the first 2016 load reduction targets.

California Trustee Agencies: State agencies with trustee responsibility in the TCAP boundary include: California Division of Forestry (tree removal and forest resource concerns), State Historic Preservation Officer (cultural resources), and California Department of Fish and Wildlife (plant and wildlife resources), and State Lands Commission, which oversees state-owned sovereign lands (Lake Tahoe).

### **City of South Lake Tahoe**

The City of South Lake Tahoe implements its regulatory authority through its General Plan and City Code. The City's 1999 General Plan adopted TRPA's Plan Area Statements (PASs) and Community Plans to replace its previous local zoning. In the City's 2011 General Plan update, the City adopted new land use designations for PASs located within the County's jurisdiction but retained the PASs and Community Plans in the Lake Tahoe Region as its zoning system. The existing PASs and Community Plan will remain in effect until superseded by an adopted conforming Area Plan or amendments to existing Area Plans.

## 2.0 PROJECT DESCRIPTION

### 2.1 AREA PLAN OVERVIEW AND DESCRIPTION OF CHANGES

The proposed project includes five amendments to the existing TCAP and B/ATCP, specifically:

2. Expand the boundaries of the TCAP and amend the B/ATCP boundaries;
3. Amend the permissible land uses in the TSC-G Special Area 1;
4. Add a special policy limiting the combined density for residential and tourist units in mixed-use areas of the TCAP TSC-G Special Area 1, to 40 units per acre (combined);
5. Amend the height allowances for non-single-family residential dwellings in the TSC-G Special Area 1; and
6. Implement the following general administrative corrections:
  - TCAP:
    - a. Adopt development rights language and policies to align with TRPA Code of Ordinances;
    - b. Adopt green building policy to align with City standards;
    - c. Correct mapping inconsistencies;
    - d. Carry over of shorezone permissible uses previously within the Stateline/Ski Run community plan;
    - e. Update Recreation Implementation Strategies; and
    - f. Correct maximum CNEL limits throughout the TCAP to conform to adopted standards.
  - B/ATCP:
    - a. Update Chapter 1 Introduction to remove outdated text
    - b. Correct outdated chapter references to TRPA Code.

The Project is often referenced as the TCAP amendments in this document and includes amendments to both the B/ATCP and TCAP boundaries. The amended plan will serve as a mutual plan for the City of South Lake Tahoe and TRPA by providing direction for how the area should be regulated to achieve regional environmental and land use objectives. The development standards and the specific policies referenced in the amendments are the land use standards intended to administer and regulate the land use for area to be amended to the TCAP TSC-G Special Area 1.

Under the proposal, lands currently within the boundary of the B/ATCP would be amended to a new Special Area 1 within the TCAP Gateway District, extending the Gateway District from Ski Run Blvd to the western property line of Beach Retreat and Lodge. This amendment would remove 49 parcels totaling nearly 18 acres from B/ATCP District 1 and include that area within TSC-G Special Area 1. The TCAP amendments would revise the Zoning Map boundary line for the Gateway District to relocate tourist uses from an area focused on general commercial, recreational and public services for the South Shore (a portion of B/ATCP District 1) to Special Area 1 within the TCAP Gateway District, which is more focused on tourist services, and would more accurately address the existing uses in the amendment area. The amendments generally conform to the B/ATCP, but current terms and design standards from TSC-G Special Area 1 will be applied to the amendment area. Figure 1-1 depicts the area to be amended into TSC-G Special Area 1. Figure 2-1a depicts the area to be amended into TSC-G Special Area 1 and removed from the B/ATCP. Figure 2-1b (Exhibit 2 in the B/ATCP) depicts the B/ATCP area that would be removed from the B/ATCP. The boundary adjustment excludes the commercial and motel uses on the South side of US Highway 50 because the amendment was initiated by private property owners on the north side of US Highway 50, and uses on the south side would not benefit from the increased incentives afforded in the TCAP due to parcel size. Additionally, owners of these properties did not express interest in inclusion in the amendment area when they were contacted.



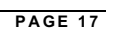
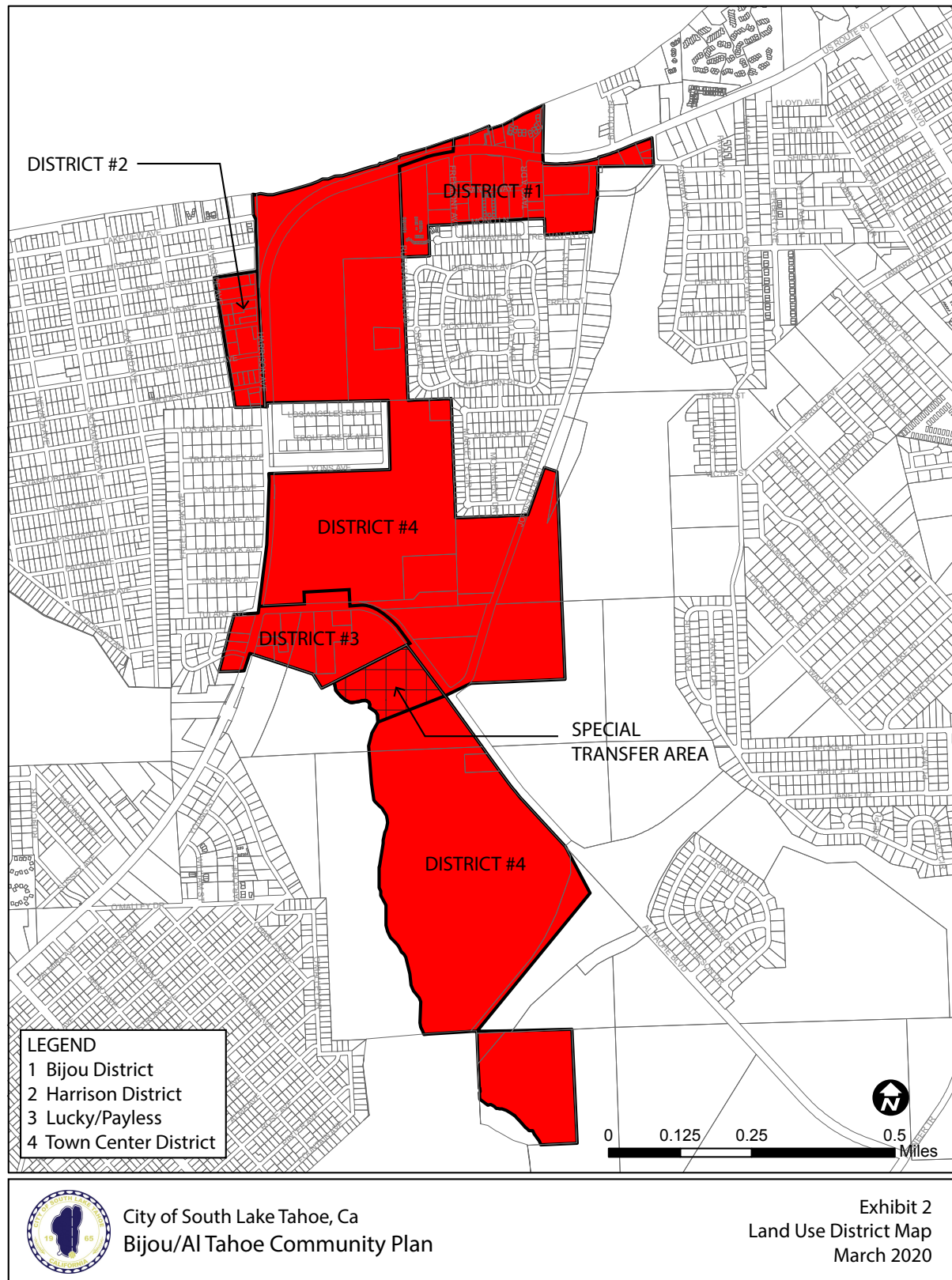


Figure 2-1b – Proposed Bijou/Al Tahoe Community Plan



The second portion of the amendment would alter the list of permissible land uses in TSC-G Special Area 1. The amendment includes building material and hardware, nursery, outdoor retail sales, privately owned assembly and entertainment, government offices, and local assembly and entertainment as special uses, and amusement and recreation and animal husbandry, as allowed uses. It also revises business support services, schools – business & vocational, cultural facilities, visitor information centers, and religious assembly as allowed uses, rather than special uses. It also revises marinas to be special uses, rather than allowed uses. Each of these changes reflects the allowed or special uses currently applicable to the amendment area under the B/ATCP.

Third, the TCAP “Lot and Density” standards would be amended to include a special policy limiting development density that would be applied to mixed uses in the TCAP TSC-G Special Area 1. Although the Regional Plan Update allows maximum densities of 25 units per acre for multi-family residential development and 40 units per acre for tourist accommodation with the adoption of an Area Plan, this special policy would limit density for mixed-use projects in Special Area 1 to 40 units per acre so that projects proposing both residential and tourist units would be limited to a maximum combined use density of 40 units per acre. Mixed-use development projects may include commercial and residential development or tourist and residential development. This maintains the existing maximum density levels in this amendment area.

An amendment to the height allowance for non-single-family detached residential dwellings in TSC-G Special Area 1 is also proposed. This amendment would increase the maximum allowable height for all uses other than single-family detached residential dwellings from 42 feet to 56 feet, with additional height findings established in the TCAP and TRPA Code of Ordinances. To be authorized this additional height, projects would need to demonstrate compatibility with adjacent uses and viewshed protection, may not project above the forest canopy, ridgelines, or otherwise detract from the viewshed, and Findings 1, 3, 5, and 9 of Section 37.7 of the TRPA Code of Ordinances must be made. In addition, buildings permitted the additional height adjacent to residential uses must include additional buffering in addition to the required setback. This additional buffering may include reduced height, increased side yard or rear yard setback, building orientation, and landscape buffering with oversized trees. These findings and protections are existing and currently apply to other portions of the TCAP allowing heights in excess of 42 feet. This amendment to the height allowance in TSC-G Special Area 1 revises the allowance to meet TRPA Code for allowable height in Town Centers, rather than maintain an additional height constraint applied only to this Town Center in conflict with TRPA Code.

A fifth amendment implements general administrative corrections to the TCAP and B/ATCP. Corrections to the B/ATCP text simply remove outdated text or correct chapter references to the TRPA Code. In the TCAP these corrections update recreation implementation strategies, correct mapping inconsistencies, carry over the list of shorezone permissible uses previously within the Stateline/Ski Run Community Plan that were not included in the list of permissible uses in the adopted TCAP, adopt green building policy to align with City standards, and adopt the development rights language and policies to align with the TRPA Code of Ordinances. In regard to development rights language and policies, Policy LU-6.1 is proposed to be revised as follows, “Encourage and allow for the revitalization and consolidation of development within centers by encouraging the transfer and conversion of residential units of use, tourist accommodation units, and commercial floor area pursuant to TRPA Code Chapter 51.” The City of South Lake Tahoe Green Building Program is included in the TCAP in Appendix D. This program recommends measures for residential and commercial projects, implementation of which offers incentives in addition to energy savings, such as priority plan check and public recognition. Shorezone uses were left off of the list of permissible uses in the adopted TCAP, and were generally discussed. This amendment would include an actual listing of permissible shorezone uses per shorezone tolerance districts 1 and 4. The adopted CNEL standard in the TCAP is 65, which exceeds TRPA Regional Plan standards. Therefore, the maximum CNEL for the TCAP districts will be amended 55 or 60, with distinct limits per TCAP district. For example, the

shorezone portion of the TSC-G will have a maximum CNEL of 55, with the remaining TSC-G area granted a maximum CNEL of 60 due to the current types of land uses and associated noise levels in that area. Also, the CNEL noise limit for TSC-MUC Special Area 1, would be 55 dBA, as opposed to 60 dBA in the remainder of the district. The administrative corrections also include a new TCAP Recreation Implementation Strategy: “Support the CTC in its efforts to implement the Connolley Beach Public Access Project located west of the Beach Retreat parcel to provide a second access to Connolley Beach in addition to Timber Cove.” This addition further supports Goal G-4 in Section 8 of the TCAP. Administrative corrections are also proposed for the text in Section 1.2 Organization of Area Plan and the “Thresholds for Governing Board Review for Projects in Area Plans” table, Section 1.3 Plan Adoption, and Section 2.1 Tahoe Regional Planning Agency.

There are seven existing districts in the TCAP: Tourist Center Core (TSC-C), Tourist Center Mixed-Use (TSC-MU), Tourist Center Mixed-Use Corridor (TSC-MUC), Tourist Center Gateway (TSC-G), Tourist Center Neighborhood Mixed-Use (TSC-NMX), Recreation (REC), and Open Space (OS). The amendment area would be located in Special Area 1 within the Tourist Center Gateway District (TSC-G).

### **Tourist Center Gateway (TSC-G)**

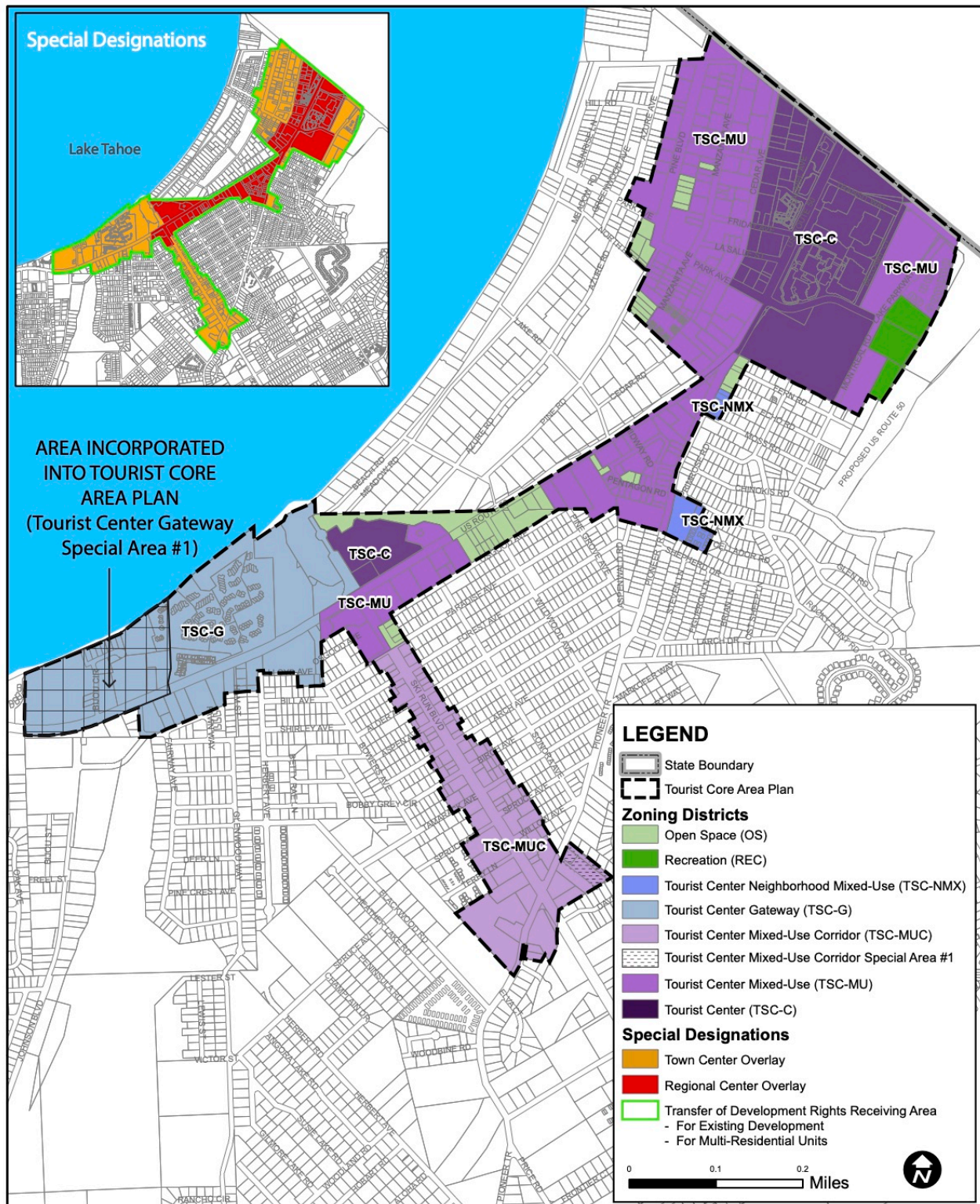
The existing TCAP defines the Tourist Center Gateway District as follows:

“This district is intended to create an attractive mixed-use commercial and tourist accommodation corridor that provides a welcoming gateway to the South Shore area. The physical form varies to reflect the mixed-use character of the gateway corridor and to transition to the more intensive Tourist Center Core District. Permissible uses include tourist accommodation, residential, commercial, restaurants, and recreation.”

The uses in the amendment area are consistent with the existing uses in the TSC-G. Revisions to the TCAP Zoning Map are depicted in Figure 2-2 (Figure 5-1 in the TCAP). The height amendment would alter TCAP Table 7, amending the Gateway District building height maximum from three stories to four stories and from 42 feet to 56 feet for land uses other than single family residential units within the Gateway District, subject to additional findings required for all projects as stated in the TCAP Development and Design Standards and as follows (amendment additions shown underlined):



Figure 2-2 Proposed Zoning Map – Tourist Core Area Plan





Amendment to the TCAP Design Standards include the following height allowance amendments (Appendix C, Table 7: Height and Roof Standards).

TCAP Table 7: Height and Roof Standards						
District	TSC-C	TSC-MU	TSC-MUC	TSC-G <sup>1</sup>	TSC-NMX	REC
Building Height Maximum (feet)	95 75 at the northeast corner of Ski Run/US Highway 50	56	56	42	36	36
Building Height Maximum Stories	6 (D)	4 (D)	4 (D)	3 (D)	3 (D)	3 (D)
Minimum Number of Stories at the Street Wall along Hwy 50/Lake Tahoe Blvd.	2 (Stateline Node Only)	n/a				
Building Step Backs						
Street Facing	Structures shall not interrupt a line of a 1:1 slope extending upward from 30 feet above existing grade of the street facing setback line.				n/a	
Adjacent to Residential District	Structures shall not interrupt a line of a 1:1 slope extending upward from 25 feet above existing grade of the setback line adjacent to the residential district (E <sub>2</sub> )				n/a	
Ground Floor Minimum Height, Non-Residential Uses (ft)	15	15	15	n/a	n/a	n/a
Roof Slope	5:12 to 12:12 (F)					
Roof Height	For buildings one to three stories, the height of the sloped roof must be a minimum 40% of the height of the building. (F)					

<sup>1</sup> The maximum height for TSC-G Special Area 1 is 56 feet, or 4 stories, for uses other than single-family dwellings.

Unlike the B/ATCP, Vacation Home Rentals (VHRs) in the TCAP are allowed with no cap on the number of permits issued within the TCAP boundaries. There are two single family homes and 16 condos in the amendment area that are already permitted to operate as VHRs and will be removed from the cap imposed for areas outside the TCAP; thereby potentially opening up VHR permits for homes located outside of the TCAP. In all, there are six single family dwelling units, one multi-family structure composed of five units,

and 30 condominium units, of which 18 (16 condominium and two single family dwellings) are actively permitted VHRs.

The proposed amendment area is currently located within a portion of District 1 of the B/ATCP and would be located within TSC-G Special Area 1. The primary list of permissible uses (A: Allowable or S: Special Use or --: not permissible) and maximum densities for the Community Plan and TCAP Gateway District are compared in Table 2-1. The expansion of the TCAP boundary will:

- Increase the density allowance for multi-family residential from 15 units per acre to 25 units per acre;
- Increase the density allowances for tourist units from 40 units per acre if over 10 percent of the units have kitchens or 15 units per acre if more than 10 percent are without kitchens to 40 units per acre;
- Increase density allowances for timeshares from 15 units per acre to 40 units per acre; and
- Allow single family condominiums at one unit per parcel.

The primary changes are in relation to multiple-family housing and timeshare densities. In the TCAP Gateway District, multiple family housing is an allowed use rather than a special use and density can be up to 25 units per acre compared to 15 units per acre for the B/ATCP. Timeshares, while allowed in a select few parcels in the B/ATCP, are not currently an allowed use in the amendment area. The proposed amendments would allow timeshares in the amendment area as a special use, consistent with the TCAP Gateway District, and at a maximum density of 40 units per acre, which is the allowed density for hotel/motel uses in both the TCAP and the B/ATCP. It should be noted that in the B/ATCP, hotel/motel timeshares are not permissible and residential timeshares are only allowed on the Sierra Shores property at 15 units per acre, but are not allowed within the amendment area. Additionally, residential condominiums, which are not currently allowed in the B/ATCP yet currently exist on the Lakeshore Lodge property at a density of approximately 18 units per acre or one unit per parcel (30 units within 1.66 acres), would be allowed in the TCAP at one unit per parcel. The B/ATCP currently allows hotel/motel units at 40 units per acre if over 10 percent of the units have kitchens or 15 units per acre if more than 10 percent of the units are without kitchens. The amendments would allow 40 hotel/motel units per acre with or without kitchen units.

An amendment to the TCAP “Lot and Density” standards is proposed to limit the combined density of projects in TSC-G Special Area 1 proposing both residential and tourist units to 40 units per acre. Currently, the Regional Plan Update allows projects in Area Plans to develop to the maximum density limit of both residential and tourist units separately. This new policy would limit those combined uses in a mixed-use project in TSC-G Special Area 1 so as not to exceed a combined total of 40 units per acre. The amendment maintains the density levels:

TCAP TABLE 4: LOT AND DENSITY STANDARDS							
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC	#
Maximum Density: Employee Housing Family (dwelling units/ acre)	15	15	15	15	15	15	
Maximum Density: Multi-Person Dwelling (persons/ acre)	25	25	25	25	25	n/a	
Maximum Density: Multi-Family (dwelling units/ acre)	25	25	25	25	25	n/a	
Maximum Density: Single Family Dwelling	1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence						
Maximum Density: Tourist Accommodation (dwelling units/ acre)	40	40	40	40	40	n/a	
<u>Maximum Density: Mixed Use</u>	<u>65 (B)</u>	<u>65 (B)</u>	<u>65 (B)</u>	<u>65 (B)</u>	<u>65 (B)</u>	<u>n/a</u>	
Minimum Lot Size (sq ft)	10,000 (A)	10,000 (A)	10,000 (A)	10,000 (A)	6,000 (A)	10,000 (A)	
Minimum Lot Width (sq ft)	80 (A)	80 (A)	80 (A)	80 (A)	60 (A)	80 (A)	
Minimum Lot Depth (sq ft)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)	100 (A)	
Maximum Land Coverage-Base + Transferred (% of project area located within land capability districts 4-7)	Within 300 feet of the High Water Mark of Lake Tahoe, maximum coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive. Further than 300 feet from the High Water Line of Lake Tahoe, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive. Also see Section 30.4 of the TRPA Code of Ordinances						

- A. **Reduced Minimum Lot Size and Dimensions.** Smaller lots may be approved as part of a condominium , or other airspace subdivision pursuant to City Code ~~Section 32-18~~ 6.55.190.
- B. **Mixed-Use Density.** The maximum density for mixed-use projects includes up to 40 Tourist Units per acre and up to 25 residential units per acre. If a project includes non-conforming tourist or residential density, any new tourist or residential density must take into account the overage in overall density and reduce the allowable density for new construction so that the total density does not exceed 65 units per acre.

In the case of a mixed-use project that includes a commercial use or other use that is not subject to a density calculation, combined with residential and/or tourist uses, the project may include the total allowable commercial square footage, and the maximum allowable tourist and residential units per acre, using the full parcel area as the denominator in the density calculation.

The maximum mixed-use density for TSC-G Special Area 1 is 40 units per acre. Otherwise, the lot and density standards for TSC-G Special Area 1 are identical to those in the TSC-G zoning district.

The amendments would alter the range of permissible uses currently allowed within the proposed amendment area. Additionally, the following special uses currently allowed in the B/ATCP would be allowed uses: printing and publishing, local public health and safety facilities, social service organizations, insect and diseases suppression, and threshold related research facilities. Collection stations and post offices, special uses in the B/ATCP, would not be allowed in TSC-G Special Area 1, while regeneration harvest, fuels treatment and management, and prescribed fire/burning management, which are not currently allowed in the amendment area, would be allowed uses under the TCAP. It should be noted that the existing TCAP does not currently address shorezone land uses such as the existing boat launch facility and waterborne taxi, as they were inadvertently not carried over from the Stateline/Ski Run Community Plan when the TCAP was adopted. The proposed TCAP amendments address this omission for the entirety of the TCAP boundary. These changes are shown in the table below.

<b>Table 2-1: Comparison of Permissible Uses</b>				
	<b>Existing</b>		<b>Proposed</b>	
	<b>B/ATCP (District 1)</b>		<b>TCAP Gateway District Special Area 1</b>	
<b>Land Use Category</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>
<b>RESIDENTIAL</b>				
Employee Housing	S	15 DU/acre	S	15 DU/acre
Multiple Family Dwelling	S	15 DU/acre	A	25 DU/acre
Multi-Person Dwelling	S	25 persons/acre	S	25 persons/acre
Single Family Dwelling	S	1 DU/parcel	A (includes condos)	1 unit per parcel for parcels less than one acre, 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence.
<b>TOURIST ACCOMMODATION</b>				
Bed & Breakfast	A	10 units/acre	A	10 units/acre
Hotel, Motel, Other Transient Dwellings	A	40 units/acre (<10% with kitchen)	A	40 units/acre
		15 units/acre (>10% with kitchen)		
Time Share – Residential Design	--	--	S	40 units/acre
Time Share Hotel/Motel Design	--	--	A	40 units/acre
<b>RETAIL COMMERCIAL</b>				
General Retail and Personal Services (General Merchandise)	A		A	
Building Material and Hardware	S		<del>S</del>	

**Table 2-1: Comparison of Permissible Uses**

	<b>Existing</b>		<b>Proposed</b>	
	<b>B/ATCP (District 1)</b>		<b>TCAP Gateway District Special Area 1</b>	
<b>Land Use Category</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>
Mail Order and Vending	A		A (General Retail)	
Nursery	S		<del>S</del>	
Outdoor Retail Sales	S		<del>S</del>	
Eating & Drinking Places	A		A	
Food & Beverage Retail Sales	A		A (General Retail)	
Furniture, Home Furnishings & Equipment	A		A (General Retail)	
Service stations	S		S	
ENTERTAINMENT COMMERCIAL				
Amusement & Recreation	A		<del>A</del>	
Privately Owned Assembly & Entertainment	S		<del>S</del>	
Outdoor Amusements	S		S	
SERVICE COMMERCIAL				
Animal Husbandry	A		<u>A</u>	
Broadcasting Studios	A		A (Professional Offices)	
Business Support Services	A		<u>SA</u>	
Health Care Services	A		A	
Personal Services	A		A (Personal Services)	
Professional Offices	A		A	
Repair Services	S		S (Business Support Services)	
Schools (Business/Vocational)	A		<u>SA</u>	
LIGHT INDUSTRIAL				
Printing and Publishing	S		A (Professional Offices)	
WHOLESALE/STORAGE COMMERCIAL				
Vehicle Storage and Parking	S		S	
GENERAL PUBLIC SERVICE				
Churches/Religious Assembly	A		<u>SA</u>	
Collection Stations	S		--	
Cultural Facilities	A		<u>SA</u>	
Daycare Centers/Preschools	A		A	
Government Offices	S		<del>S</del>	
Post Office	S		--	



Table 2-1: Comparison of Permissible Uses

	Existing		Proposed	
	B/ATCP (District 1)		TCAP Gateway District Special Area 1	
Land Use Category	PERMISSIBLE	DENSITY	PERMISSIBLE	DENSITY
Local Assembly/Entertainment	S		<del>S</del>	
Local Public Health and Safety Facilities	S		A	
Social Service Organizations	S		A	
LINEAR PUBLIC FACILITIES				
Pipelines & Power Transmission	S		S	
Transit Stations & Terminals	S		S	
Transportation Routes	S		S	
Transmission & Receiving	S		S	
Threshold Related Research Facilities	S		A (Professional Offices)	
RECREATION				
Day Use Areas	A		A	
Outdoor Recreation Concessions	S		S	
Visitor Information Centers	A		<del>SA</del>	
SHOREZONE <sup>7</sup>				
Water Oriented Outdoor Recreation Concessions <sup>7</sup>	A		TRPA-A (Outdoor Recreation Concessions)	
Beach Recreation	A		TRPA-A	
Water Borne Transit	S		TRPA-S	
Boat Launching Facilities	S		TRPA-S	
Tour Boat Operations	S		TRPA-S	
Marinas	S		TRPA- <del>SA</del>	
Safety and Navigation Devices	A		TRPA-A (Shorezone District 4)	
Buoys	A		TRPA-A	
Piers	S		TRPA-S	
Fences	S		TRPA-S	
Boat Ramps	S		TRPA-S	
Floating Docks and Platforms	S		TRPA-S	
Shoreline Protective Devices	S		TRPA-S	
Water Intake Lines	A		TRPA-A	

<b>Table 2-1: Comparison of Permissible Uses</b>				
	<b>Existing</b>		<b>Proposed</b>	
	<b>B/ATCP (District 1)</b>		<b>TCAP Gateway District Special Area 1</b>	
<b>Land Use Category</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>	<b>PERMISSIBLE</b>	<b>DENSITY</b>
RESOURCE MANAGEMENT				
Forest & Timber Resource Management	A		A	
Reforestation	A		A	
Sanitation Salvage Cut	A		A	
Selection Cut	A		A	
Special Cut	A		A	
Thinning	A		A	
Timber Stand Improvement	A		A	
Regeneration Harvest	--		A	
Vegetation Resource Management			A	
Fire Detection & Suppression	A		A	
Insect & Disease Suppression	S		A	
Fuels Treatment & Management	--		A	
Prescribed Fire/Burning Management	--		A	
Sensitive Plant Management	A		A (Vegetation Resource Management)	
Uncommon Plant Community Management	A		A (Vegetation Resource Management)	
Water Quality Improvements & Watershed Management (Erosion Control/Runoff Control)	A (excluding SEZ restoration)		A	
Wildlife & Fisheries Resource Management/Early Successional Vegetation Management (CP)	A (excluding nonstructural fish habitat management)		A	
OPEN SPACE				
Allowed in all areas of Region	A		A	

The exact changes to TCAP Appendix C, Table 1 and 4 Permissible Uses table are as follows, and a definition for Animal Husbandry Services and Shorezone would be added to Table 2:

TCAP Appendix C Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area 1	REC	OS
<b>RESIDENTIAL</b>								
Domestic Animal Raising	-	-	-	-	-	-	S	-
Employee Housing	S	S	A	S	S	<u>S</u>	A	-
Multiple Family Dwelling	A	A	A	A	A	<u>A</u>	-	-
Multi-Person Dwelling	S	S	S	S	S	<u>S</u>	-	-
Single Family Dwelling (includes condominiums)	A8	A	A	A	A	<u>A</u>	S1	-
<b>TOURIST ACCOMMODATION</b>								
Bed & Breakfast Facilities	-	A	A9	S	A	<u>A</u>	-	-
Hotel, Motel, Other Transient Dwelling Units	A	A	A9	S	A	<u>A</u>	-	-
Time Sharing	A	A	A9	S	S	<u>A</u>	-	-
<b>RETAIL COMMERCIAL</b>								
General Retail and Personal Services	A	A	A9	S	A	<u>A</u>	-	-
Building Material & Hardware	S6	-	-	-	-	<u>S</u>	-	-
Nursery	-	-	A9	-	-	<u>S</u>	-	-
Outdoor Retail Sales	A	-	S9	-	-	<u>S</u>	-	-
Eating & Drinking Places	A	S	A9	S	A	<u>A</u>	-	-
Service Stations <sup>11</sup>	S	S	-	-	S	<u>S</u>	-	-
<b>ENTERTAINMENT COMMERCIAL</b>								
Amusement & Recreation	S	S	-	-	-	<u>A</u>	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	<u>S</u>	S	-
Outdoor Amusements	-	S	S9	-	S	<u>S</u>	S	-
<b>SERVICE COMMERCIAL</b>								
Animal Husbandry Services	-	-	-	-	-	<u>A</u>	-	-
Business Support Services	A7	S	S9	-	S	<u>A</u>	-	-
Health Care Services	A2,5	-	A9	-	A	<u>A</u>	-	-
Professional Offices	A3,4	A	A9	A	A	<u>A</u>	-	-
Schools – Business & Vocational	S	-	S9	-	A	<u>A</u>	-	-
<b>LIGHT INDUSTRIAL COMMERCIAL</b>								
Small Scale Manufacturing	S	S	S9	S	-	-	-	-
<b>WHOLESALE/STORAGE COMMERCIAL</b>								
Vehicle Storage & Parking <sup>11</sup>	S	S	S9	S	S	<u>S</u>	-	-
<b>GENERAL PUBLIC SERVICE</b>								
Religious Assembly	-	S	S9	-	S	<u>A</u>	-	-
Cultural Facilities	S	S	S9	-	S	<u>A</u>	-	-
Daycare Centers/Preschool	A	A	A10	A	A	<u>A</u>	-	-
Government Offices	-	-	A9	-	-	<u>S</u>	-	-
Local Assembly & Entertainment	S	S	-	-	-	<u>S</u>	-	-
Local Public Health and Safety Facilities <sup>11</sup>	A	A	A	A	A	<u>A</u>	A	A

TCAP Appendix C Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area 1	REC	OS
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	
Public Utility Centers <sup>11</sup>	-	S	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
<b>LINEAR PUBLIC FACILITIES</b>								
Pipelines & Power Transmission	S	S	S	S	S	S	S	S
Transit Stations & Terminals	S	S	S	S	S	S	S	S
Transportation Routes	S	S	S	S	S	S	S	S
Transmission & Receiving Facilities	S	S	S	S	S	S	S	S
<b>RECREATION</b>								
Beach Recreation	-	-	-	-	TRPA-A		-	-
Boat Launching Facilities	-	-	-	-	TRPA-S		-	-
Cross Country Ski Courses	-	-	-	-	-		S	-
Day Use Areas	A	A	A	A	A	A	A	A
Group Facilities	-	-	-	-	-		S	-
Marinas	-	-	-	-	TRPA-S		-	-
Outdoor Recreation Concessions	-	-	-	-	S	S	-	-
Participant Sport Facilities[2]	S	-	-	-	-		-	-
Riding and Hiking Trails	-	-	-	-	-		S	-
Rural Sports	-	-	-	-	-		S	-
Snowmobile Courses	-	-	-	-	-		S	-
Visitor Information Centers	S	S	-	-	S	A	-	-
<b>RESOURCE MANAGEMENT</b>								
Forest and Timber Resource Management	A	A	A	A	A	A	A	A
Vegetation Resource Management	A	A	A	A	A	A	A	A
Water Quality Improvements and Watershed Management	A	A	A	A	A	A	A	A
Wildlife and Fisheries Resource Management	A	A	A	A	A	A	A	A
Range Management	-	-	-	-	-	-	A	-
<b>OPEN SPACE</b>								
Allowed in all areas of the Region	A	A	A	A	A	A	A	A
<b>SHOREZONE</b>								
(Tolerance Districts 1 and 4)								
Water Oriented Outdoor Recreation Concessions					TRPA-A	TRPA-A		
Beach Recreation					TRPA-A	TRPA-A		
Water Borne Transit					TRPA-S	TRPA-S		

TCAP Appendix C Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "–" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area 1	REC	OS
<u>Boat Launching Facilities</u>					TRPA-S	TRPA-S		
<u>Tour Boat Operations</u>					TRPA-S	TRPA-S		
<u>Safety and Navigation Devices</u> (Shorezone District 4)					TRPA-A	TRPA-A		
<u>Marinas</u>					TRPA-S	TRPA-S		
<u>Buoys</u>					TRPA-A	TRPA-A		
<u>Piers</u>					TRPA-S	TRPA-S		
<u>Fences</u>					TRPA-S	TRPA-S		
<u>Boat Ramps</u>					TRPA-S	TRPA-S		
<u>Floating Docks and Platforms</u>					TRPA-S	TRPA-S		
<u>Shoreline Protective Devices</u>					TRPA-S	TRPA-S		
<u>Water Intake Lines</u>					TRPA-A	TRPA-A		

Note: In the Regional Center all residential projects equal to or exceeding 100,000 square feet of new floor area or non-residential projects equal to or exceeding 80,000 square feet of new floor area require TRPA review and approval. In the Town Center all residential projects equal to or exceeding 50,000 square feet of new floor area or non-residential projects equal to or exceeding 40,000 square feet of new floor area require TRPA review and approval.

1. Caretaker Residence Only
2. All Health Care Services are allowed except emergency outpatient or urgent care facilities which shall only be considered along Heavenly Village Way, formerly Park Avenue.
3. Allow Realty Offices within the district and limit financial services to ATMs.
4. Allow consideration for placement of Realty Offices within the district, and only when operated in conjunction with approved Park Avenue Redevelopment fractional ownership tourist accommodation projects. Such use shall occupy no more than five percent (5%) of the commercial floor area with any project area within the district.
5. All Health Care Services uses permissible throughout special district; provided that any Health Care Services uses proposed to front on either side of US Highway 50 and/or the intersections of Heavenly Village Way (formerly Park Avenue) and Stateline Avenue are limited to second floor or higher. See TRPA Ordinance 2009-05 Exhibit 2 for specific limitation locations.
6. Outdoor storage and display is prohibited.
7. Shall not front on US Highway 50.
8. Condominiums only.
9. Use not permitted in Special Area #1, which comprises of APNs 028-081-02, 028-081-04 & 028-081-15.
10. Daycare center allowed as an accessory use.
11. Land use category is identified in TRPA Code Section 60.3 as a "possible contaminating activity," triggering special requirements pursuant to TRPA Code Section 60.4 if located within a Source Water Protection Zone.

TCAP Table 2: LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	DEFINITIONS
<b>SERVICE COMMERCIAL</b>	
<u>Animal Husbandry Services</u>	<u>Establishments primarily engaged in performing services for animals, such as veterinary services, animal hospitals, and animal kennels. The use does not include publicly operated animal control and wildlife care (see “Local Public Health and Safety Facilities”).</u>
<u>Shorezone</u>	<u>Refer to TRPA Code Chapter 90 - Definitions</u>

Other general administrative corrections to the TCAP are also proposed. These include correcting the maximum CNEL limits throughout the TCAP, updating recreation implementation strategies, correcting mapping inconsistencies, adopting green building policy to align with City standards, and adopting development rights language and policies to align with TRPA Code of Ordinances. Other minor grammatical or typographical updates are also proposed, along with minor language updates to reflect completed projects. These corrections are listed below:

Mapping corrections include changes to the following figures in the TCAP to include the amendment area:

- Figure 1-1: Location Map
- Figure 2-1: Conceptual Regional Land Use Map
- Figure 2-2: General Plan Land Use Diagram
- Figure 3-1: Existing Land Uses
- Figure 3-2: Mapped Land Capability
- Figure 3-3: Existing Land Coverage
- Figure 3-4: Land Coverage Reduction
- Figure 3-5: Existing Water Quality Improvements
- Figure 3-6: Existing Scenic Resources Map
- Figure 3-7: Existing Transportation Network
- Figure 3-8: Existing Recreation Facilities
- Figure 3-9: Existing Public/Quasi-Public Facilities
- Figure 5-1: Zoning Map
- Figure 6-1: Proposed Transportation Network
- Figure 7-1: Proposed Scenic Resources Map
- Figure 7-2: Proposed Water Quality Improvement Projects
- Figure 7-3: Proposed Registered Catchments
- Figure 8-1: Proposed Recreation Facilities

Proposed updates to the bulleted list and threshold table under Section 1.2 Organization of Area Plan include:

- ~~Located within the High Density Tourist District~~
- Located within the Shorezone of Lake Tahoe
- Located within a Resort Recreation District

- Located within a Conservation District
- Any new building floor area meeting the criteria in the following table:

THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN AREA PLANS			
	Regional Center	Town Center	Outside Not in Center
Residential	<del>≥ 200,000</del> 100,000 sq. ft.	<del>≥ 100,000</del> 50,000 sq. ft.	<del>≥ 50,000</del> 25,000 sq. ft.
Non-residential	<del>&gt;400,000</del> 80,000 sq. ft.	<del>&gt; 50,000</del> 40,000 sq. ft.	<del>&gt; 25,000</del> 12,500 sq. ft.

Text revisions are also proposed under TCAP Section 1.3 Plan Adoption, as follows:

~~The South Lake Tahoe City Council and the TRPA Board will hold public hearings and take action on The Tourist Core Area Plan. Once found in conformance with the City's General Plan and TRPA's 2012 Regional Plan and adopted by both, this Area Plan will serve as the governing plan for the Tourist Core Area Plan for both the City of South Lake Tahoe and TRPA. This Area Plan will supersede the Stateline/Ski Run Community Plan for the purposes of land use regulation for both the agencies and will provide management direction for all projects proposed within the Plan's boundaries.~~

The Tourist Core Area Plan was adopted by the South Lake Tahoe City Council on October 14, 2013 and by the TRPA Governing Board on November 11, 2013. The Area Plan was amended on January 14, 2014 to incorporate amendments requested by the TRPA Governing Board.

This Tourist Core Area Plan supersedes the Stateline/Ski Run Community Plan for the purposes of land use regulation for both the agencies and will provide management direction for all projects proposed within the Plan's boundaries.

TCAP Section 2 – Legal Authority and Regulatory Setting would be updated to remove outdated text and reflect current terminology:

The purpose of the Tourist Core Area Plan is to define land use guidelines for planning decisions. The Tourist Core Area Plan presents principles, goals, policies and implementation strategies designed to encourage redevelopment, create a vibrant walkable pedestrian oriented community and provide for environmental improvements. The Area Plan is used by the ~~Community Development Services~~ staff, the City Planning Commission, and the City Council to review specific development proposals in the Tourist Core. The Plan also provides direction to property owners, community groups, and interested individuals in formulating and review of development and redevelopment projects.

~~The Tourist Core Area Plan once adopted is will become a part of TRPA's 2012 Regional Plan and the City of South Lake Tahoe General Plan. It will replaced the Stateline/Ski Run Community Plan which has been adopted by the City of South Lake Tahoe and TRPA and currently provides guidance for land use decisions in this area.~~

## Section 2.1 Tahoe Regional Planning Agency

Town Center Overlay Districts: ~~As a~~ Areas that contain most of the region's non-residential services. ....

Regional Center Overlay Districts: Areas that includes a variety of land uses in the core of South Lake Tahoe, including the gondola and base lodge facilities for Heavenly Mountain Resort. Development patterns in the Regional Center have been, and should continue to be, more intensive than Town Centers and less intensive than the High Density Tourist District Overlay District (located in Stateline, NV). The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the region. This district functions as a pedestrian- and transit oriented, mixed-use regional tourist and recreation activity center that encourages mix of uses that promotes convenience, economic vitality and improved access to a greater range of facilities and services for tourist and permanent residents.

Transfer of Development Rights Receiving Areas: Indicates areas that are eligible to receive the transfer of existing residential, tourist and commercial uses and ~~residential development rights~~ potential residential units of use pursuant to Chapter 51 of the TRPA Code of Ordinances. Receiving Areas designated for Existing Development are eligible to receive the transfer of existing uses that are permissible uses in the Tourist Core. Receiving Areas designated for Multi-Residential Units are eligible to receive the transfer of ~~residential development rights~~ potential residential units of use and parcels within this designation area are eligible to receive one or more development rights.

Scenic Restoration Area: Indicates one or more highway units or shoreline units in the Tourist Core that are not in compliance with the Scenic Threshold rating and that this area is therefore subject to the scenic quality provisions of Chapter 66: Scenic Quality of the TRPA Code of Ordinances.

Preferred Affordable Housing Areas: Areas with the preferred affordable housing designation are eligible for subdivision of post-1997 residential projects pursuant to TRPA Code of Ordinances subparagraph 39.2.5.F.

## AREA PLANS

The 2012 TRPA Regional Plan and TRPA Code of Ordinances, Chapter 13, *Area Plans*, include new provisions that allow for local, state, and federal agencies, in coordination with TRPA staff, to prepare coordinated Area Plans for the implementation of land use goals, policies, and ordinances. The Area Plans, which must include implementing ordinances and zoning designations, are required to be consistent with the 2012 Regional Plan. Once an Area Plan has been found in conformance with 2012 Regional Plan, local, state, or federal agencies may assume development review authority by Memorandum of Understanding (MOU) with TRPA. ~~For the City of South Lake Tahoe's planning purposes, the objective is to replace the existing Stateline/Ski Run Community Plan with this Area Plan and assume development review authority by entering into a MOU with TRPA.~~



Chapter 13 of the TRPA Code of Ordinances defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development standards that are consistent with and further the goals and policies of the 2012 Regional Plan. With an adopted conforming Area Plan, local governments can opt to take over limited permitting authority from TRPA. Upon adoption, the provisions of the Area Plan supersede the underlying Plan Area Statements or Community Plans. Chapter 13 requires that the Area Plan incorporate minimum development and community design standards consistent with Chapter 13. For TRPA to make a general finding of conformance, the Area Plan shall at a minimum address and incorporate the following:

- Identify all zoning designations;
- Be consistent with the Regional Plan growth management system;
- Demonstrate consistency with the Regional Plan Conceptual Land Use Map;
- Recognize and support planned, new or enhanced Environmental Improvement Projects;
- Promote environmentally beneficial redevelopment and revitalization within centers;
- Preserve the character of established residential areas outside a center;
- Protect and direct development away from Stream Environment Zones;
- Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities; and
- Where applicable, TRPA will use the local governments load reduction plans for registered catchments as the default water quality standards.

In addition, for Area Plans that include designated Town Centers or a Regional Center, the following provisions must be covered in the Area Plan:

- Include building and site design standards that reflect the unique character of each area;
- Include pPolicies and strategies to promote walking, bicycling, transit use and shared parking;
- Address the form of development that promotes pedestrian activity and transit use.
- Ensure adequate capacity for redevelopment;
- Identify an integrated community strategy for coverage reduction and enhanced storm water management; and
- Provide for threshold gain.

## 2.2. State of California

....

The Tourist Core Area Plan was prepared to be ~~will be developed~~ consistent with the requirements of a specific plan under California State law and will implements ~~the~~ the development goals and policies by establishing zoning districts, standards, and criteria for development and sets the distribution, location and extent of planned land uses consistent with the adopted City General Plan.

## 2.3 City of South Lake Tahoe

In 1999, the City of South Lake Tahoe adopted a General Plan under the requirements of California Planning Law. In conjunction with that adoption, the City adopted TRPA's system of Plan Area Statements and Community Plans in lieu of its previous traditional zoning system. The action eliminated inconsistencies between the City's and TRPA's land use plans. Subsequently, the City adopted three of four anticipated community plans including the Stateline/Ski Run Community Plan in March 1994. The Community Plan provides land use and development guidance to the Stateline/Ski Run Area.

In 2011, the City of South Lake Tahoe updated its General Plan and amended its Land Use Element to include a policy that directs the City to periodically update and implement the three adopted Community Plans within the City's jurisdiction as a way to focus development commodities and revitalization efforts (see Policy LU-2.2, City of South Lake Tahoe General Plan, May 17, 2011).

The ~~development and~~ adoption of the Tourist Core Area Plan in 2013 meets the directive of LU-2.2 of the City's General Plan and the requirements of TRPA's Regional Plan. The Tourist Core Area Plan ~~when adopted would~~ replaced the Stateline/Ski Run Community Plan and provides future land use and development guidance.

Development rights language and policies in Section 5 are proposed to be updated as follows:

### Goal LU-3 Housing

~~Policy LU-3.2: Promote home ownership by allowing for condominium units in TSC-NMX district.~~

LU-6.1: Encourage and allow for the revitalization and consolidation of development within centers by encouraging allowing for the transfer and conversion of residential units of use, and tourist accommodation units, and commercial floor area that have been converted to commercial floor area pursuant to TRPA Code Section 50.10 Chapter 51.

The amendments propose to add a new Recreation Implementation Strategy under Section 8.2 in support of CTC efforts to improve public access to Connolley Beach and Timber Cove. This addition supports TCAP Recreation Goal G-4 to increase public access to the lake. The following Implementation Strategy is proposed:

- Support the California Tahoe Conservancy in its efforts to implement the Connolley Beach Public Access Project located west of the Beach Retreat parcel to provide a second access to Connolley Beach in addition to Timber Cove.

Proposed Amendment to TCAP Appendix C: Development and Design Standards, not already discussed above in terms of land use, height, or density includes an update to the CNEL limits for consistency with TRPA adopted threshold standards. The noise limits would be revised as follows:

## COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)

The maximum community noise equivalent level for this Area Plan is as follows:

TCAP TABLE 3: COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)								
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC	OS	US 50
CNEL	<del>65</del> <b>60</b>	<del>65</del> <b>60</b>	<del>65</del> <b>60</b> <sup>1</sup>	<del>65</del> <b>60</b> <sup>2</sup> (55 within the shorezone)	65	55	55	65

1. Maximum CNEL for TSC-MUC Special Area #1, which comprises of APNs 028-081-02, 028-081-04, 028-081-15 is 55
2. Maximum CNEL for TSC-G Special Area #1 is identical to the TSC-G Zoning District.

This project also includes amendment to TCAP Appendix D: City of South Lake Tahoe Green Building Program. The following text changes are proposed under Level 2- “Priority Plan Check, Allocation, and Recognition”:

Therefore, the second level of voluntary measures requires third party green building certification. Residential buildings that obtain LEED, Energy Star or GreenPoint Rated certification would be eligible for the following:

- Projects would receive priority plan check, over all other projects, by all City Departments.
- ~~Residential projects would have priority on the residential allocation waiting list –10% of residential allocations would be offered to Green Building projects before other projects on the waiting list.~~
- Projects would receive recognition at a televised City Council meeting and on the City Website.

~~When applicants are placed on the Residential Allocation waiting list, they would need to submit a signed testimony that they will pursue green building certification. Procedures for the allocation waiting list and distribution would not be changed, however, 10% of residential allocations received from TRPA each year, would be offered to those pursuing green building certification before being offered to others on the waiting list. Once eligible to receive an allocation, the applicant will need to submit documentation demonstrating their pursuit of the third party certification (i.e., proof of application submittal, contract with a LEED professional, GreenPoint Rater, or Home Energy Rater) prior to receiving a building permit. Proof of final certification will be required prior to issuing a certificate of occupancy. If certification is not obtained when occupancy is required, the applicant may post a security equal to \$10,000 in order to receive a certificate of occupancy for the building. The security would be held until green building certification is obtained. If certification is not obtained within 1 year of occupancy, the security would be forfeited and deposited into the City fund to be used for City sustainability efforts. If the project is not requesting residential allocation(s) they can still qualify for the other incentives and would need to provide a signed testimony and documentation demonstrating their intent to obtain green building~~

certification with their building permit application and provide final certification prior to occupancy.

As part of the TCAP Amendments, compliance with all aspects of the TRPA Regional Plan and Code of Ordinances not specifically substituted by standards within the Area Plan including mitigation measures from the RPU EIS certified by the TRPA Governing Board on December 12, 2012 is required. The adoption of these measures includes compliance with measures that have already been incorporated into the TRPA Code, Initial Environmental Checklist, and standard conditions of approval for residential and grading projects.

Amendment to the B/ATCP consists of minor text changes to remove outdated text and to correct and update chapter references to TRPA Code. Only the minor text changes are listed below as the references to the updated TRPA Code chapters are numerous and administrative:

## **Chapter 1 Introduction**

### **A. PURPOSE**

The Bijou/Al Tahoe (PAS 98) Community Plan (CP) is designed to serve as the guiding doctrine for land use related decisions in the area. ~~until the year 2007. In addition to the CP for the Bijou/Al Tahoe area, CPs have been prepared for the Stateline/Ski Run (PAS 089B & 91) area, and will be prepared for the South Y (PAS 110)/Industrial Tract (PAS 113) area.~~

### **B. BACKGROUND**

The CP area generally extends from ~~Fairway Avenue~~ Takela Drive along US 50, just west of Al Tahoe Boulevard, as well as property between Johnson Boulevard and Hwy 50, including property on Al Tahoe Boulevard terminating at the west boundary of Bijou Park and at the east boundary of Lake Tahoe Community College. Land use patterns in this area are widely varied, although the predominant theme of businesses is retail oriented including restaurants and a sizable area devoted to public service uses.

### **3.0 BASELINE**

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As specified in Section 13.3.1 of the TRPA Code, all plans, policies, and regulations in the Regional Plan and the TRPA Code shall remain in effect unless superseded by the provisions of an adopted conforming Area Plan. Thus, existing baseline conditions for the purposes of this IS/IEC reflect current environmental conditions with the updated Regional Plan, TRPA Code, City of South Lake Tahoe General Plan and Zoning Ordinance in effect, and the existing TRPA plans (e.g., B/ATCP and adjacent area plans), maps, and ordinances also in effect. The TCAP has approximately 15 years left of a 20-year planning horizon.

The proposed project evaluated in this IS/IEC is the amendment of the TCAP. With approval, the TCAP amendments would become part of the TRPA Regional Plan and would amend the existing TCAP. The focus of the analyses herein is on the amendment of the existing plan, maps, and ordinances to reflect the revised boundary and the potential environmental effects of implementing the amendments to the TCAP over its plan horizon.

## 4.0 METHODOLOGY AND ASSUMPTIONS

This IS/IEC was prepared to evaluate the potential environmental effects of the TCAP and B/ATCP amendments using as a tool the CEQA initial study and TRPA initial environmental checklist questions, responses, and supporting narrative. The analysis tiers and incorporates by reference specific analyses contained in the following environmental review documents, as appropriate:

- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy EIR/EIS*, certified by the TMPO Board and the TRPA Governing Board on December 12, 2012 (RTP EIR/EIS)
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *2017 Linking Tahoe: Regional Transportation Plan/Sustainable Communities Strategy IS/MND/IEC/FONSE*, certified by the TMPO Board and the TRPA Governing Board in April 2017 (RTP IS/IEC)
- City of South Lake Tahoe, *General Plan Update EIR*, certified by the City Council on May 17, 2011 (City GP EIR)
- City of South Lake Tahoe, *Tourist Core Area Plan IS/ND/IEC/FONSE*, certified by the City Council on October 15, 2013 and adopted by TRPA on November 11, 2013.

These program-level environmental documents include a regional and city-wide scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an area plan level. These documents serve as first-tier documents for the TRPA review of the proposed TCAP Amendments. To the extent that the Area Plan is consistent with the Regional Plan and the RTP, for which the program EISs were prepared, the TCAP Amendments could be found to be “within the scope” of the program EISs.

The TCAP Amendments IS/IEC is also a program-level environmental document. No specific development projects are proposed at this time or analyzed herein. All future projects within the TCAP boundary would be subject to project-level environmental review and permitting by the City of South Lake Tahoe and/or TRPA, with the permitting agency determined based on the size, nature and location of the project (Section 13.7.3 of the TRPA Code). Project-level environmental documents would require identification of, and mitigation for any potentially significant environmental impacts.

TRPA has prepared an Area Plan Environmental Analysis Guidelines flowchart intended to assist local jurisdictions in considering environmental review requirements associated with the zoning districts and regional land uses proposed in area plans. The guidance poses the following questions:

- Does a land use district in the area plan allow a use that has a greater potential impact than the corresponding regional land use classification in the Regional Plan? This includes any community plans and/or PASs that would be wholly or partially, replaced by the area plan.
- Does a zoning district in the area plan allow a use that has a greater potential impact than the corresponding land use district in the PAS or community plan?
- Does the project have a greater potential impact than the use allowed by the zoning district in the area plan/PAS?

These questions contemplate whether land use/zoning changes resulting from the adoption or amendment of an area plan would result in new uses that could result in potential environmental impacts not previously contemplated by the community plans, PASs, and Regional Plan. The amendments do not create new districts, but shifts land within existing districts between two existing planning areas (B/ATCP and TCAP).

The amendments would allow timeshares in the amendment area as a special use, which is currently not allowed in the B/ATCP, and would define multi-family and single-family dwellings as allowable uses rather than special uses. The allowed density for multi-family dwellings and tourist accommodation units would increase from the current density allowed in the B/ATCP, but no density increase above what is currently allowed in the existing TCAP is proposed. An amendment to the TCAP “Lot and Density” policy would limit use density for mixed-use projects in TSC-G Special Area 1 to a combined 40 units per acre so that sites are not developed at the maximum density for both separate uses, which is currently allowed in Area Plans under the Regional Plan Update. Within other areas of TCAP, except for the Recreation District, the maximum mixed-use density would be 65 units per acre, in conformance with the Regional Plan Update. The amendments would also allow condominium units, not currently allowed in the B/ATCP on the parcels within the amended TCAP boundary. Since the amendments do not alter the allowances or limits established in the TCAP, except in compliance with the Regional Plan, but shifts parcels from an existing Community Plan to an Area Plan, the analysis will address the impacts of this shift within the amendment area. The checklist responses include cross-referencing to other checklist items to reduce redundancy, where appropriate.



## 5.0 ENVIRONMENTAL CHECKLIST AND IMPACT ANALYSIS

1. Project title: Tourist Core Area Plan Amendment

2. Lead agency name and address:

The City of South Lake Tahoe is the California Environmental Quality Act (CEQA) lead agency responsible for preparing an Initial Study/Negative Declaration (IS/ND) and the Tahoe Regional Planning Agency (TRPA) will serve as the lead agency for the Initial Environmental Checklist (IEC) under the Tahoe Regional Planning Compact.

City of South Lake Tahoe  
1052 Tata Lane  
South Lake Tahoe, California 96150

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Nevada 89449

3. Contact person(s) and phone number(s):

City of South Lake Tahoe: John Hitchcock, Planning Manager, (530) 542-7472,  
jhitchcock@cityofslt.us

Tahoe Regional Planning Agency: Jennifer Self, Senior Planner, (775) 589-5261, jsself@trpa.org

4. Project location:

The TCAP and B/ATCP are located within the City of South Lake Tahoe, and the area proposed for amendment from the B/ATCP into the TCAP is located between US Highway 50 and Lake Tahoe, from the western end of Aston Lakeland Village Resort up to and including Beach Retreat and Lodge at Tahoe as shown on Figure 1-1.

5. Project sponsor's name and address:

LCOF Lake Tahoe Operating, LLC (Beach Retreat)  
225 Water Street, Suite A-125  
Plymouth, MA 02360

Lakeview Lodging, LLC  
930 Bal Bijou  
South Lake Tahoe, CA 96150

6. General Plan designation: The City's General Plan designates the land use as Town Center and TRPA's Conceptual Land Use Map designates it as Mixed-Use.

7. Zoning: Commercial/Public Service

8. Description of project: Refer to Chapter 2 of this document.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Refer to Section 1.4 in Chapter 1 of this document.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

Amendment of the TCAP and B/ATCP requires the City of South Lake Tahoe City Council and the TRPA Governing Board approval. Projects that may move forward as a result of the implementation of these amendments will undergo project-level environmental review and may also require approval by the California Department of Fish and Wildlife, the California Regional Water Quality Control Board, Lahontan Region, El Dorado County Air Quality Management District, and/or the California Department of Transportation (Caltrans).

## 5.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

If environmental factors are checked below, there would be at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages. As discussed in the IS/IEC checklist, there are no potentially significant impacts associated with the TCAP amendment. Applicable mitigation measures for general and cumulative impacts associated with the General Plan and the RPU are incorporated into the project approval.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture/Forest Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology Resources	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance
	<input checked="" type="checkbox"/> None	<input type="checkbox"/> None with Mitigation Incorporated

## 5.2 CEQA ENVIRONMENTAL DETERMINATION

On the basis of this Initial Study:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

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John Hitchcock, Planning Manager  
City of South Lake Tahoe

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Date

### 5.3 TRPA ENVIRONMENTAL DETERMINATION (TO BE COMPLETED BY TRPA)

On the basis of this TRPA Initial Environmental Checklist:

- |   |                                     |     |                                     |    |
|---|-------------------------------------|-----|-------------------------------------|----|
| a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedures   | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/>            | No |
| b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedures. | <input type="checkbox"/>            | Yes | <input checked="" type="checkbox"/> | No |
| c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures.  | <input type="checkbox"/>            | Yes | <input checked="" type="checkbox"/> | No |

\_\_\_\_\_  
Signature of Evaluator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Evaluator

## 5.4 EVALUATION OF ENVIRONMENTAL IMPACTS

The following environmental analysis has been prepared using the CEQA Guidelines Appendix G: Environmental Checklist Form to complete an Initial Study (IS). This checklist also includes analysis of environmental impacts required in the TRPA Initial Environmental Checklist (IEC) found at: [http://www.trpa.org/wp-content/uploads/Initial\\_Environmental\\_Checklist.pdf](http://www.trpa.org/wp-content/uploads/Initial_Environmental_Checklist.pdf).

### 5.4.1 CEQA

CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except "No Impact" responses that are adequately supported by noted information sources (see Table 5-1). Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

<b>Table 5-1: CEQA Defined Levels of Impact Significance</b>	
<b>Impact Severity</b>	<b>Definition</b>
No Impact	A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
Less than Significant Impact	"Less than Significant Impact" applies where the Project's impact creates no significant impacts based on the criterion or criteria that sets the level of impact to a resource and require no mitigation to avoid or reduce impacts.
Less than Significant Impact after Mitigation	"Less than Significant Impact after Mitigation" applies where the incorporation of mitigation measures has reduced an effect from potentially "Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
Significant Impact	"Significant Impact" is appropriate if there is substantial evidence that an effect is potentially significant, as based on the criterion or criteria that sets the level of impact to a resource. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
Source: CEQA Appendix G Environmental Checklist Form 2018	

### 5.4.2 TRPA

Article VI of the TRPA Rules of Procedures presents the rules governing the preparation and processing of environmental documents pursuant to Article VII of the Compact and Chapter 3 of the Revised TRPA Code of Ordinances.

TRPA uses an IEC, in conjunction with other available information, to determine whether an EIS will be prepared for a project or other matter. This could include preparation of an Environmental Assessment, in accordance with Section 3.4 of the TRPA revised Code, when TRPA determines that an IEC will not provide sufficient information to make the necessary findings for a project.

The IEC includes a series of questions categorized by and pertaining to resources regulated by TRPA. Each checklist item requires a checked response of "Yes," "No," "No, with Mitigation," or "Data Insufficient." A checked response of "Data Insufficient" or a determination that a project may have a significant effect on the environment (Section 3.3.2 of the TRPA Code) indicates that additional environmental review in the

form of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) would be required. The IEC form indicates that all “Yes” and “No, with Mitigation” responses require written explanations. This IEC provides supporting narrative for all responses. Where a checked response may not be intuitive or easily understood by the reader, that response has been marked with an asterisk (\*) and a brief clarifying statement supporting the rationale for the checked response is included. Based on an initial review of the Project, TRPA and City staff determined that an IEC would provide sufficient information regarding the Project to make one of the findings below. As set forth in Code Subsection 3.3.1, based on the information submitted in the IEC, and other information known to TRPA, TRPA shall make one of the following findings and take the identified action:

1. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.
2. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA’s Rules of Procedure.
3. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this Chapter and TRPA’s Rules of Procedure.

When completed, TRPA reviews the IEC to determine the adequacy and objectivity of the responses. When appropriate, TRPA consults informally with federal, state, or local agencies with jurisdiction over the project or with special expertise on applicable environmental impacts.

### 5.4.3 Aesthetics (CEQA), Scenic Resources/Community Design and Light and Glare (TRPA)

This section presents the analyses for potential impacts to aesthetics, scenic resources/community design and light and glare. Table 5-2 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-2: Aesthetics, Scenic Resources/Community Design and Light and Glare</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.3-1.</b> Have a substantial adverse effect on a scenic vista? (CEQA Ia)			X	
<b>5.4.3-2.</b> Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)				X
<b>5.4.3-3.</b> Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)			X	
<b>5.4.3-4.</b> Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)			X	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.3-5.</b> Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? (TRPA item 18a)				X
<b>5.4.3-6.</b> Be visible from any public recreation area or TRPA designated bicycle trail? (TRPA item 18b)				X
<b>5.4.3-7.</b> Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? (TRPA item 18c)				X
<b>5.4.3-8.</b> Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan? (TRPA item 18d)				X
<b>5.4.3-9.</b> Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? (TRPA item 18e)				X



<b>5.4.3-10.</b> Include new or modified sources of exterior lighting? (TRPA item 7a)				<b>X</b>
<b>5.4.3-11.</b> Create new illumination which is more substantial than other lighting, if any, within the surrounding area? (TRPA item 7b)				<b>X</b>
<b>5.4.3-12.</b> Cause light from exterior sources to be cast off-site or onto public lands? (TRPA item 7c)				<b>X</b>
<b>5.4.3-13.</b> Create new sources of glare through the siting of the improvements or through the use of reflective materials? (TRPA item 7d)				<b>X</b>

#### **5.4.3-1. Would the Project have a substantial adverse effect on a scenic vista? (CEQA Ia)**

The TCAP contains scenic vistas visible from public roadways; however, none of those vistas are visible within the amendment area. The amendment area is characterized by aging infrastructure and design, with excessive asphalt pavement and little to no landscaping, particularly the predominating area visible from U.S. 50. There is little cohesion in the design of the structures visible from the roadway and the aging design does not reflect the current design standards and practices in South Lake Tahoe. Some landscaping was included along the pedestrian walkway although minimal in extent due the existing setback limitations of existing structures to the walkway. While redevelopment could occur in the future, such changes are likely to be positive by improving the visual quality of the built environment consistent with the TRPA Code of Ordinances, City Design Guidelines, City Code Title 6, the standards of the TCAP, and the general recommendations for site planning found in the TRPA Scenic Quality Improvement Program (SQIP). Any redevelopment would improve the visual quality of the amendment area because the redevelopment would be required to implement adopted design and landscaping standards. Redevelopment would generally require a reduction in impervious coverage, increased landscaping particularly along U.S. 50, modified signage, use of materials characteristic to the area such as wood and natural stone, the use of a natural color scheme, screening of service areas and mechanical equipment, appropriate building articulation, and various other design aspects. Since many of the structures predate the B/ATCP Design Standards and Guidelines (1995), as well as City and TRPA standards, redevelopment would improve the visual quality of the amendment area.

The portion of US 50 in the amendment area is associated with Scenic Roadway Unit 33 (The Strip) viewshed #1. Views from this Roadway Unit area towards the west and east consist of mid-distant ridgelines (south and east), long-distant views of peaks through the road corridor (west), and intermittent views of Lake Tahoe (northwest). The lake is only briefly visible from U.S. 50 in the amendment area traveling west between CVS and Heidi's restaurant. The primary near view from this corridor is urban commercial. The 2011 rating for this area included a travel route rating threshold composite score of 14 (nonattainment) and a scenic quality rating of 9 (attainment). Visual improvements to the built environment in the area occurred between 2006 and 2011 with redevelopment at the Sierra Center at Highway 50 and Ski Run, Sierra Shores Townhomes immediately west of the amendment area, and the gas station at Takela Drive; however, the analysis suggests additional improvements are warranted, particularly in terms of landscaping, variety, lake views and road structure. The 2015 evaluation rated Unit 33 as somewhat below target (non-attainment) with a threshold composite rating of 14.5, but with moderate improvement due to sidewalk and landscaping improvements and redevelopment of the Lake Tahoe Vacation Resort, which is outside the

area proposed for amendment. The project area also includes Shoreline Unit 31 (Bijou), which was in attainment with a 2011 threshold composite rating of 9.5 and scenic quality rating of 8. The 2015 evaluation identifies Shoreline Unit 31 as at target (attainment), but with little to no change as the threshold composite score remained at 9.5. Suggested improvements include removal of the sheet pile/break east of the Lakeside Marina outside the proposed amendment area and removal of the white tent at Timber Cove.

In addition to the amendment of land from B/ATCP to TCAP, the project proposes the following changes to be applied to the amendment area within the TCAP in relation to scenic resources and the visual quality of the area:

- In TSC-G Special Area 1, modifies the height standard to a maximum building height of 56 feet for structures other than single-family dwelling units that meet the findings for additional height in TCAP Appendix B and retains the existing maximum height of 42 feet for single-family dwelling unit structures or such structures that do not meet the existing findings for additional height (TCAP Appendix B).
- Increases the maximum density for multiple family units and single family condominiums to 25 units per acre (current maximum density in the TCAP TSC-G).
- Allows timeshares in the amendment area, which, except for Sierra Shores located adjacent to Beach Retreat Lodge, are not currently allowed by the B/ATCP, at a maximum density of 40 units per acre, which is the same density allowed for hotel/motel units.
- Allows hotel/motel units at a maximum density of 40 units per acre, rather than 40 units per acre if more than 10 percent of units have kitchens or 15 units per acre if more than 10 percent of the units are without kitchens.
- Although they already exist in the amendment area, allows condominium units, which were not allowed in the B/ATCP, at the same density as single-family residential uses.
- Allows timber regeneration harvest, fuels treatment and management, and prescribed fire/burning management in the amendment area, which are not currently allowed by the B/ATCP in the Bijou District.
- Prohibits collection stations and post offices, which are currently allowed as special uses in the B/ATCP Bijou District, although none currently exist in the amendment area.
- Permits printing and publishing, threshold related research facilities, local public health and safety facilities and social service organizations as allowed uses in the TCAP TSC-G, rather than allowed special uses in the B/ATCP.
- Allows cultural facilities and visitor information centers as allowed uses in TSC-G Special Area 1, as is allowed in the B/ATCP, rather than special uses in the remainder of the TSC-G.

No other changes are proposed that would affect the existing Design Standards in the TCAP. No changes are proposed to the content of the B/ATCP other than amendment of the plan maps to exclude the amendment area and minor edits to improve grammar, correct typographical errors, or update references.

Maximum building heights (42 feet with applicable findings) for Town Center areas are in accordance with the adopted TCAP and the height allowed by TRPA Code of Ordinances Section 37.7.16 and with Table 13.5.3-1 (Minimum Development Standards for Area Plans) of the Code of Ordinances, which allows

structures up to 56 feet within Town Centers if findings can be made. The height standard in the B/ATCP defers to the TRPA Code of Ordinances as 42 feet. With the requirement to meet the additional height findings for maximum building height, no adverse impact to scenic vistas would occur.

TRPA requires structures of up to 56 feet in Town Centers 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, is appropriately screened from public views, minimizes interference with existing views, and does not reduce the scenic threshold travel route rating. If the finding can't be made, the additional height would not be permitted. This ensures no significant impact would result from the increased height allowance within the amendment area.

**37.7.1 Finding 1:** When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

**37.7.3. Finding 3:** With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

**37.7.5. Finding 5:** The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background: a) the horizontal distance from which the building is viewed; b) the extent of screening; and c) proposed exterior colors and building materials.

**37.7.9. Finding 9:** When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

The 2013 TCAP IS/IEC found that impacts from the TCAP Design Standards on scenic vistas were less than significant based on a 42-foot height limitation in the Gateway District. The height amendment would allow an additional 14 feet of height in TSC-G Special Area 1 for uses other than single family dwellings; however, height findings are required for this additional height to be permitted. If the findings cannot be made, the additional height allowance would not be approved, thereby avoiding a significant impact. The findings require that the additional height: doesn't extend above the forest canopy or a ridgeline when viewed from public areas, does not increase the visual magnitude, is designed to minimize interference with views, is screened, and results in no net loss of views to a scenic resource along scenic travel routes. The additional height would not be approved unless these findings are met. Therefore, the additional height allowance would not result in a significant impact because these findings that protect scenic resources and the scenic quality of the area are required to be met. It should be noted that the current heights of Lakeshore Lodge and Lakeland Village are 50 feet and 56 feet, respectively. Since this amendment proposes no other changes to Design Standards other than the possibility of earning additional height (up to 56 feet), no significant impact is anticipated. Implementation of the Design Standards and compliance with TRPA and

City requirements during any potential redevelopment projects would ensure no significant impact to scenic vistas would occur as these standards offset the impacts of additional height.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.3-2. Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (CEQA Ib)**

US 50 is not an officially designated state scenic highway in the project area. Other than distant views of the ridgelines and tree canopy outside the area proposed for amendment, the area footprint does not contain other unique visual resources such as rock outcroppings, trees, or historical buildings, as the parcels have been substantially developed with commercial, tourist and residential structures and infrastructure. Therefore, the Project has no impact on state designated scenic highways.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-3. Would the Project substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)**

As discussed above in Question 5.4.3-1, the existing visual character of a majority of the project area consists of cluttered foreground views from urban development and traffic, signs, and other current features within the expansive US 50 right of way that limit the visual experience on the roadway by distracting viewers from high quality mid-distant and long-distant views of the lake and nearby ridgelines and mountain peaks. Views of Lake Tahoe from the roadway are virtually non-existent and only a brief, intermittent view occurs at the western end of the proposed amendment area and from the existing developed tourist units along the lakeshore. Therefore, the existing visual character of the area is urban, with little landscaping or uniformity.

The existing TCAP includes detailed design standards that are intended to ensure that the built environment complements the natural appearing landscape in the Tahoe Region while improving the quality of life and promoting livability, sustainability and walkability. The TCAP specifically regulates building form, materials and colors and includes the following: buildings shall provide adequate articulation and detail to avoid a bulky box-like appearance; a unified palette of quality materials shall be used; colors shall be used to help delineate windows are architectural features of interest; a variety of natural-appearing materials should be used on building facades to create contrast; colors should blend with the setting, with limits on bright colors, and roofs and roof-mounted equipment shall have a non-glare, earth tone finish.

The TCAP allows for higher density residential and tourist uses to promote mixed-use, walkable, and transit oriented development. Existing views from the lake and US 50 include land uses within and adjacent to the amendment area that exceed the existing density limits. A change in the amount, distribution, and type of development may occur as a result of the amendments but would not result in a significant change to visual character or quality of the area for the following reasons: the extent of existing development and development density that is currently at or above proposed density limits; the quality of built environment within and adjacent to the amendment area; the prevalence of excess land coverage; the presence of existing structures with additional height allowance in the area; and the proposal of a special “Lot and Density” policy that limits the density of future mixed-use developments in TSC-G Special Area 1 to a combined density of 40 units per acre. In compliance with the Regional Plan Update, the remainder of mixed-use

areas in TCAP would be allowed a combined density limit of 65 units per acre, which has already been evaluated under the Regional Plan Update EIS. As discussed under Impact 5.4.3-1, redevelopment would be visually beneficial to the amendment area. Redevelopment would most likely be in relation to improvements upon the existing tourist and commercial uses and no adverse impact on the visual character or quality of the area or its surroundings would occur as redevelopment would be required to adhere to current design standards and guidelines. The character and quality is expected to improve as a result of redevelopment that would incorporate the TCAP design standards discussed above, as well as the additional height design requirements established by the TRPA and City should additional height be requested. In addition, due to the volume of excess land coverage in the area, some redevelopment projects would be required to implement the excess land coverage reduction program, either by removal onsite, offsite, or payment into a mitigation banking program, as all of the parcels are within or contain land coverage within land capability Class 1b. Finally, changes to allowable building height will not impact existing US 50 or shoreline viewsheds due to the required findings for additional height which includes screening of the additional height or limits height to below the tree canopy when viewed from major roadways, the waters of the lake or public viewpoints, and also requires no net loss of views along a scenic travel route, among other findings.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.3-4. Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)**

The parcels to be amended are currently fully developed and no additional development is proposed. Future redevelopment of the parcels would include new or modified sources of exterior lighting that would be required to follow adopted TCAP design standards regarding light and glare (TCAP Appendix C Development and Design Standards) and would be subject to City and TRPA review. The existing lighting standards are found in Section H of the Substitute Design Standards and address exterior, pedestrian zone, street, and safety/security lighting. The standards are designed to reduce light pollution, protect nighttime views, and reduce light splay onto adjoining parcels.

The TCAP requires the use of a variety of natural-appearing material and colors that blend in with the natural setting and prohibits the use of flood lighting, reflective materials, or lighting strips, including neon/fluorescent tubing to minimize reflectivity and glare. Therefore, glare or reflectivity from a project proposed under the TCAP would not change compared to projects developed under the existing Community Plan, and will not adversely affect day or nighttime views in the area. No significant impact would occur.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.3-5. Would the Project be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe? (TRPA 18a)**

The project is visible from Lake Tahoe and US 50, which is not a Caltrans Officially Designated State Scenic Highway at this location, but is a TRPA scenic corridor. US 50 is a federal highway and forms the southern border of the proposed amendment area. US 50 is designated by TRPA as an Urban Scenic Corridor. Urban Scenic Corridors are generally urbanized where man-made development is the dominant visual feature, but development still blends with the natural environment (TRPA Code Chapter 66, Scenic Quality).

As discussed in Question 5.4.3-1, the project area includes Scenic Roadway Travel Unit #33 – Bijou. The 2015 Threshold Evaluation indicates nonattainment despite recent improvements in the visual quality of the built environment. As stated in the TCAP IS/ND/IEC, the detailed design standards in Appendix C of the TCAP ensure that the built environment complements the natural appearing landscape in the Tahoe Region while improving the quality of life, promoting livability, sustainability and walkability. The TCAP specifically regulates building form, materials and colors to avoid bulky and “box-like appearance, to promote materials and colors that blend with the natural setting, to reduce glare and reflectivity, and preserve views of the lake, ridgelines and meadows. With application of the design standards, the overall visual quality and character of the amendment area is expected to improve as redevelopment occurs. Changes to the area are not expected to adversely affect the shoreline scenic unit or the scenic quality ratings for individual resources but would improve scenic conditions resulting in threshold gains. Thus, implementation of the amendments will not result in adverse impacts on views from any state or federal highway, Pioneer Trail or from Lake Tahoe.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-6. Would the Project be visible from any public recreation area or TRPA designated bicycle trail? (TRPA 18b)**

Portions of the area may be visible from El Dorado Beach and the area would be visible from Lake Tahoe. There is a newly constructed Class I bike trail along US Highway 50 within the project area. Visual impacts have the potential to occur along the lakefront, since the area is visible from the public recreation area behind Beach Retreat and Lodge, and along US Highway 50; however, visual conditions are fair due to the existing urban environment.

Redevelopment within the amendment area would be consistent with the TCAP’s Design Standards and Chapter 66 (Scenic Quality) of the TRPA Code of Ordinances that would prohibit buildings to protrude above the forest canopy or ridgeline, include site-specific design features that minimize ground disturbance, incorporate screening, use of earth tone colors, materials and architectural style that complements the Tahoe landscape. Thus, redevelopment within the amendment area is not likely to result in impacts to views from any public recreation area or TRPA designated bicycle trails. All projects would comply with TRPA Code provisions and the TCAP Design Standards, which would result in generally improved scenic conditions.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-7. Would the Project block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area? (TRPA 18c)**

As discussed above in Questions 5.4.3-1 (CEQA Checklist 1a) and 5.4.3-6 (TRPA 18b) scenic viewsheds designated in the TCAP are outside of the amendment area, but the amendment area is visible from the public highway and is visible from the lake and shoreline. Since the area is currently highly developed, the views of Lake Tahoe from US 50 are primarily nonexistent within the amendment area.

Redevelopment projects within the amendment area would involve development and redevelopment consistent with the TCAP’s Development and Design Standards and Chapter 66 (Scenic Quality) of the TRPA Code of Ordinances that would prohibit buildings to protrude above the forest canopy or ridgeline, include site-specific design features that minimize ground disturbance, incorporate screening, use of earth

tone colors, materials and architectural style that complements the Tahoe landscape. Signage and structures would be visible from US 50; however, impacts to overall scenic vistas would be less than significant and would not detract from the visual experience. Thus, the TCAP and B/ATCP amendments would not result in new obstructed views to and from Lake Tahoe or other scenic vistas.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-8. Would the Project be inconsistent with the height and design standards required by the applicable ordinance or Community Plan? (TRPA 18d)**

The TCAP includes design standards with which future redevelopment in the amendment area would be required to comply. The B/ATCP, in which the area proposed for amendments is currently located, also includes design standards. The B/ATCP Design Standards and Guidelines for District 1 (Bijou) primarily defer to the TRPA Code of Ordinances, City Zoning and Sign Ordinances, City Wide Design Manual, City Lighting Standards, and South Tahoe Redevelopment Design Element. Special standards for District 1 (Bijou) include an emphasis on the use of natural wood, development of a landscape boulevard theme, parking lot landscaping, and public art. Since the B/ATCP was adopted in 1995, both the City and TRPA have revised planning documents to reflect the current direction on design. Current TRPA and City design standards are reflected in the TCAP. The TCAP amendments would not alter the adopted design standards other than the change in maximum height within TSC-G Special Area 1, which would apply only to the amendment area.

Pursuant to the Chapter 13 of the TRPA Code of Ordinances, the TCAP incorporates the height standards permitted in Table 13.5.3-1: Minimum Development Standards for Area Plans (TRPA Code, page 13-3). Table 13.5.3-1 permits up to a maximum of 56' (four stories) in areas designated as Town Centers. The amendment area is designated by TRPA as a Town Center on the Conceptual Land Use Map (TRPA 2012d). The TCAP amendments would apply the 56 foot height allowance for TSC-G Special Area 1, if the existing additional height findings can be met. Therefore, the height allowance would remain in compliance with TRPA height limits. As discussed in the Regional Plan Update EIS, there are benefits to increased height and density within Town Centers. This incentivizes redevelopment, and by concentrating development in the Town Center, development is removed elsewhere, creating a more compact development pattern to decrease use intensity outside of the area. Redevelopment and removal of excess land coverage within the amendment area, combined with development removal elsewhere in the community creates a beneficial impact. It should also be noted that the height of some existing structures in the amendment area and TCAP Gateway area, which extends to Ski Run Blvd., are at or near the 56-foot height limit, including Lakeshore Lodge (50 feet at 3 to 4 stories) and Lakeland Village (56 feet/4 stories). The increased height allowance for non-single-family residential units from the existing limit of 42 feet to 56 feet would allow for taller redeveloped structures in TSC-G Special Area 1, but the increase in height reflects the Regional Plan and other district limits in the TCAP. Combined with the other design standards, and protective measures incorporated into the adopted TCAP Design Standards, the visual quality and character of the affected area would be protected; therefore, no significant impact would result from implementing the height standards within the amendment area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**



**5.4.3-9. Would the Project be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? (TRPA 18e)**

The SQIP addresses the segment of US 50 in the TCAP, which is non-attainment and designated as a restoration area by the SQIP. The SQIP promotes restoration of disturbed areas and requires that visual quality ratings be maintained and that non-attainment areas improve. Therefore, development that degrades this rating constitutes a significant impact.

The evaluation presented above for Questions 5.4.3-1 through 5.4.3-7 (CEQA Checklist 1a through 1d) concludes that redevelopment within the amendment area would be subject to TCAP Design Standards, as well as TRPA and City standards and ordinances and redevelopment activity would not result in significant impacts when the design standards and protective measures of the TCAP are implemented. Furthermore, the roadway segments located within the TCAP are designated by TRPA as an Urban Scenic Corridor, which recognizes that development can be the dominant visual features provided that the development complements the natural environment.

Due to the fact that this segment of US 50 is in non-attainment and identified in the SQIP, the planning recommendations for improving the scenic quality in the roadway segments are required as appropriate during project review by the TRPA Code of Ordinances (Section 36.4, Scenic Quality Improvement Program). Recommendations include improved parking lot landscaping and utility screening and undergrounding, as appropriate.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-10. Would the Project include new or modified sources of exterior lighting? (TRPA 7a)**

See discussion and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-11. Would the Project create new illumination, which is more substantial than other lighting, if any, within the surrounding area? (TRPA 7b)**

See discussions and analysis and for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-12. Would the Project cause light from exterior sources to be cast off-site or onto public lands? (TRPA 7c)**

See discussions and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.3-13 Would the Project create new sources of glare through the siting of the improvements or through the use of reflective materials? (TRPA 7d)**

See discussion and analysis for Question 5.4.3-4, which concludes no significant impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.4 Agriculture and Forestry Resources

This section presents the analyses for potential impacts to agriculture and forestry resources. Some TRPA checklist items concern impacts to vegetation, which are addressed in Section 5.4.6, Biological Resources. Table 5-3 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-3: Agriculture and Forestry Resources</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.4-1.</b> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)				<b>X</b>
<b>5.4.4-2.</b> Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)				<b>X</b>
<b>5.4.4-3.</b> Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)				<b>X</b>
<b>5.4.4-4.</b> Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA IId)				<b>X</b>
<b>5.4.4-5.</b> Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)				<b>X</b>

**5.4.4-1. Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (CEQA IIa)**

The amendment area is developed and is not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, and therefore poses no impact to such lands.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-2. Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)**

No conflicts with zoning for agricultural use or a Williamson Act contract would occur because no contracts exist within the project area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-3. Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)**

Public Resources Code section 12220(g) defines forest land as, “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” Since this area is already highly developed, such canopy coverage does not exist in the project area. The area is not currently identified as a commercial timber harvest zone. The amendments conflict with no zoning of and causes no rezoning of forest land, timberland or timberland zoned Timberland Production.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.4-4. Would the Project result in the loss of forest land or conversion of forest land to non-forest use? (CEQA IIId)**

The loss of substantial forest land, defined above for Question 5.4.4-3, or conversion of forest land to non-forest use creates a significant impact if appropriate permits are not obtained.

See Question 5.4.4-3, which concludes no significant impacts to forest land would occur.

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.4-5. Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)**

See discussions and analyses for Questions 5.4.4-2, -3, and -4 which conclude no impacts to farmland or forest land.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.5 Air Quality

This section presents the analyses for potential impacts to air quality. Table 5-4 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-4: Air Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.5-1.</b> Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)				X
<b>5.4.5-2.</b> Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)			X	
<b>5.4.5-3.</b> Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)			X	
<b>5.4.5-4.</b> Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIId)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.5-5.</b> Substantial air pollutant emissions? (TRPA 2a)				X
<b>5.4.5-6.</b> Deterioration of ambient (existing) air quality? (TRPA 2b)				X
<b>5.4.5-7.</b> Creation of objectionable odors? (TRPA 2c)				X

#### 5.4.5-1. Would the Project conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)

The TCAP amendments would not alter, revise, conflict or obstruct the regulations pertaining to air quality and proposes no changes to air quality policies. No changes would occur to the B/ATCP other than modification of the map boundary.

The area to be amended is currently developed. Although the amendments would increase the potential development density, the number of additional potential units would not be substantial because of the

density of existing development as shown in Table 1-1 in Section 1.4 of this IS/IEC, and the amendment to the “Lot and Density” policy would limit the combined density of mixed-use projects to 40 units per acre in TSC-G Special Area 1, and would therefore not conflict with implementation of an applicable air quality plan. The mixed use density limit of 65 units per acre in the remainder of the districts within TCAP allowing mixed-use development was already addressed through the Regional Plan Update EIS and results in no additional impacts as it complies with the Regional Plan Update. While some use density could increase slightly in the amendment area from B/ATCP to TACP for multiple family housing and timeshares, and density could change through redevelopment of a lower density use to a higher density use, limits on commercial floor area or the number of units allowed per acre, such as proposed in the amendment to the “Lot and Density” policy, maintain an overall development limit in the area that is similar to current conditions. As shown in the table, some development already exceeds the 40 unit/acre density limit for tourist accommodations, which is the highest density ratio of allowed uses. Additionally, all but one parcel is located in Land Capability Class 1b and already exceed land coverage limits, indicating that future redevelopment would be required to implement some degree of excess land coverage mitigation. Lakeshore Hotel and Beach Retreat could add 26 to 29 more units each based strictly on the allowed density ratio; however, these additional units would have to be designed in buildings with a smaller footprint since these properties already exceed land coverage limitations and redevelopment would need to decrease land coverage. Conversion of existing tourist accommodations to multi-family residential use would result in a decrease in units as the tourist accommodations currently exceed the multi-family density ratio. Conversion of all the commercial and vacant uses to tourist accommodation could increase the number of units in the area, but it is infeasible to assume that every parcel in the amendment area would be converted to tourist accommodation due to the size of each parcel, the presence of other tourist accommodations in the area and requirement for a market demand for such a change, and due to the need for commercial services that support both the community and these existing tourist accommodations. The 2018 Development Rights System Update IEC found no significant adverse impacts on the environment as a result of conversion between different types of development rights.

Consistent with existing conditions, future projects that could occur within the amendment area would be subject to subsequent environmental review and permitting, and would be required to comply with Chapter 65 (Air Quality/Transportation) of the TRPA Code of Ordinances. Chapter 65 includes standards that apply to mobile and direct sources of air pollution in the Tahoe Region, including certain motor vehicles registered in the region (vehicle inspection and maintenance program), combustion appliances and heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

TRPA’s 2017 Regional Transportation Plan: Linking Tahoe (RTP) includes an analysis of its conformity with the California State Implementation Plan to ensure that the RTP remains consistent with State and local air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The TCAP amendments do not propose substantial changes to land use assumptions for mixed-use assigned to the amendment area included in the RTP as the B/ATCP currently identifies the area as a mixture of tourist and commercial and the TCAP would continue to promote tourist and commercial uses within the amendment area, and therefore would not change the conformity determination by state regulators.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to air quality. Consistent with existing conditions, redevelopment projects within the amendment area would be subject to subsequent environmental review and permitting, and would be required to comply with Chapter 65 (Air Quality/Transportation) of the TRPA Code of Ordinances. Chapter 65 includes provisions that apply to direct sources of air pollution in the Tahoe region, including combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

The Lake Tahoe Region is in attainment or designated as unclassified for all National Ambient Air Quality Standards (NAAQS) and is designated a nonattainment/transitional area for ozone and nonattainment for the PM<sub>10</sub> California ambient air quality standards (CAAQS). New development has the potential to produce air pollutant emissions during project construction and operation, as discussed below.

### Short-Term Construction Emissions

Future redevelopment projects in the area proposed for amendments would involve some degree of construction activity and construction emissions. Redevelopment activities could be as simple as interior remodeling or as complex as demolition and reconstruction. Construction emissions are described as short-term or temporary in duration. Reactive Organic Gases (ROG), Carbon Monoxide (CO) and Nitrogen Oxides (NO<sub>x</sub>) (ozone precursors) emissions are primarily associated with gas and diesel equipment exhaust and the application of architectural coatings. Fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage or disturbance area, and vehicle travel by construction vehicles on- and off-site.

No redevelopment projects are proposed, and the details of future redevelopment projects are not known at this time, but these projects would likely involve construction that would result in the temporary generation of ozone precursor and fugitive dust emissions from site preparation; off-road equipment, material import/export, worker commute exhaust emissions; paving; and other miscellaneous activities. Typical construction equipment associated with redevelopment projects includes dozers, graders, excavators, loaders, and trucks. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities.

Since no construction is proposed by the TCAP and B/ATCP amendments and the amendment area is currently developed, no modeling of potential construction emissions was performed. However, future development would be anticipated to result in an increase in short-term construction-generated emissions. Depending on the activities conducted, emissions associated with individual construction projects may exceed the El Dorado County Air Quality Management District's (EDCAQMD) significance thresholds.

As part of the TRPA RPU mitigation to reduce construction-generated emissions, TRPA adopted additional best construction practices policies. In Section 65.1.8.A. (Air Quality/Transportation, Idling Restrictions) of the TRPA Code of Ordinances, a new subsection was added that limits construction vehicle idling time to 15 minutes in Nevada and 5 minutes in California (previous restriction was 30 minutes). In addition to reduced idling time policies, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) includes new construction provisions that call for the use of existing power sources (e.g. power poles) or clean-fuel generators rather than temporary diesel power generators wherever feasible, location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), closure of engine doors during operation except for engine maintenance, location of stationary equipment (e.g. generators or pumps) as far as feasible from noise-sensitive receptors and residential areas, installation of temporary sound barriers for stationary equipment, and use of sonic pile driving instead of impact pile driving, wherever feasible. Best management practices include, but are not limited to, the following, which are also included in TCAP Policy NCR-5.1, which states, "The City shall incorporate measures to reduce construction-generated emissions to the extent feasible on a project-specific basis. Such measures may include, but are not limited to, the following:

- Implement measures recommended by the El Dorado County Air Quality Management District.
- Prohibit open burning of debris from site clearing unless involved with fuels reduction project.
- Utilize low emission construction equipment and/or fuels and use existing power sources (e.g., power poles), wherever feasible.



- Restriction of idling of construction equipment and vehicles.
- Apply water to control dust as needed to prevent dust impacts offsite.”

Future development projects that are subject to discretionary review shall be evaluated in comparison to EDCAQMD-recommended thresholds of significance and, if they exceed those thresholds, shall incorporate emission-reduction measures sufficient to reduce potentially significant short-term air quality impacts to a less-than-significant level. In addition to compliance with El Dorado County Air Quality Management District-recommended measures and TRPA Code of Ordinance requirements to reduce construction-related emissions (emissions from construction vehicles, off-road equipment, and fugitive dust), mitigating measures shall be implemented for discretionary projects exceeding thresholds of significance. Examples of such measures may include, but are not necessarily limited to, the following:

- Use of low- or zero-emission construction equipment and use of existing electrical power, to the extent locally available;
- Use of low- or zero-VOC content architectural coatings, and prefinished/painted building materials, to the extent locally available; and
- Increased diversion of demolition and construction-generated waste for recycling/reuse, to the extent feasible.

#### Long-Term Operational Emissions

Subsequent redevelopment projects under the TCAP amendments have limited potential to affect regional air quality and create localized exposure to CO emissions because the area is already heavily developed at densities that are on average at the densities proposed by the amendments as shown in Table 1-1 and discussed above. Some existing developments currently exceed the proposed limits, and some are below, but the average is close to the density limit, indicating little additional growth potential. The amendment to the “Lot and Density” policy would further limit density increases by limiting mixed uses to a combined density of 40 units per acre in TSC-G Special Area 1. Likewise, the range of uses allowed in the TCAP amendments for the amendment area is generally the same as the range of uses allowed in the B/ATCP District 1. The mixed use density limit of 65 units per acre in the remainder of the districts within TCAP allowing mixed-use development was already addressed through the Regional Plan Update EIS and results in no additional impacts as it complies with the Regional Plan Update. Although collection stations and post offices would not be allowed, other allowed or special uses would continue to be allowed or may be allowed as a special use. Some uses requiring a special use permit in the B/ATCP would be allowed under the TCAP, such as multiple family dwellings, which occur in the amendment area, local public health and safety facilities, social service organizations, printing and publishing facilities and threshold related research facilities, and insect and disease suppression. Currently not allowed uses that would be allowed in the TCAP Gateway District include prescribed fire/burning management, fuels treatment and management, and regeneration harvest.

Consistent with the TRPA Regional Plan and the General Plan, the TCAP accommodates potential growth to improve traffic flow and resident/tourist mobility to reduce localized traffic congestion and related CO concentrations. As discussed in the 2013 TCAP IS/ND/IEC/FONSE, because the TCAP seeks to implement and is within the scope of what was envisioned in the General Plan and the Regional Plan, it would not result in congestion at intersections that would result in a violation of a CO air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. .

As discussed in the Transportation Impact Memorandum prepared for the project (Appendix A), no increase in daily vehicle trips (Community Plan versus Area Plan) is expected to occur due to similar vehicle use patterns between residential units and vacation home rentals, the decrease in trip rates for residential timeshare units as compared to hotel units, the existing development density at or above the proposed density levels, the potential reduction in trips if tourist accommodation units are converted to multi-family units in a mixed-use redevelopment, and the similarities in trip generation for different types of tourist accommodation units (see Appendix A, LSC Transportation Consultants, 2018). No increase in vehicle trip generation over what was estimated for Regional Plan build-out by the TRPA in the RPU EIS is anticipated.

With respect to other regional criteria air pollutants (ozone precursors,  $PM_{10}$ , and  $PM_{2.5}$ ), consistent with the TRPA Regional Plan, subsequent redevelopment projects could generate long-term operational emissions, including mobile and area source emissions; however, these emissions could be expected to occur at the same rate as the existing conditions. The potential for such emissions does not increase as a result of the TCAP amendments as discussed above because no notable increase in vehicle trips or increase in daily trips of more than 100 would occur and the land use density changes or potential use changes from redevelopment result in no increase in traffic or vehicle miles traveled. Therefore, the potential for future emissions is the same with or without the amendment. If a future massive-scale redevelopment project had the potential to significantly increase trip generation (more than 100 new vehicle trips) and vehicle miles traveled, it would be required to complete a traffic analysis under TRPA requirements; however, no redevelopment project of such a scale is proposed by these amendments or has measurable potential to occur. Cumulatively, if multiple sites were to be redeveloped separately, trip generation levels would remain relatively unchanged due to the area being built out to nearly the maximum capacity at present. Because the TCAP is required to be consistent with the Regional Plan, implementation of the TCAP amendments would also be expected to result in a substantial long-term reduction in emissions of ozone precursors and CO. Because the increase in emissions of PM associated with build-out of the entire Regional Plan would be below the project-level increment considered significant by TRPA (82 lb/day), the amendments would not be anticipated to lead to nonattainment of national standards.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.5-2. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (CEQA IIIb)**

The Lake Tahoe Air Basin is designated non-attainment for  $PM_{10}$ , as presented in Table 5-5. A significant cumulative impact results if the Project causes a considerable increase in  $PM_{10}$ .

In the project area, these pollutants relate to automobile use and potential impacts measured with VMT calculations and wood burning fireplaces and stoves. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. With respect to  $PM_{10}$ , consistent with the Regional Plan, future redevelopment projects could generate long-term operational emissions, including mobile and area source emissions.

<b>Table 5-5: Federal and State Attainment Status for the Lake Tahoe Air Basin</b>		
<b>Pollutant</b>	<b>State Designation</b>	<b>National Designation</b>
Ozone	Attainment	Unclassified/Attainment
PM <sub>10</sub>	Non-Attainment	Unclassified/Attainment
PM <sub>2.5</sub>	Attainment	Unclassified/Attainment
Carbon Monoxide	Attainment	Unclassified/Attainment
Nitrogen Dioxide	Attainment	Unclassified/Attainment
Sulfur Dioxide	Attainment	Unclassified/Attainment
Sulfates	Attainment	Not Applicable (NA)
Lead	Attainment	Unclassified/Attainment
Hydrogen Sulfide	Unclassified	NA
Visibility Reducing Particles	Unclassified	NA
Source: EPA 2018; CARB 2019.		

Based on the results of the emissions modeling conducted in support of the RPU EIS, RTP EIR/EIS, and 2017 RTP IS/IEC, emissions of ozone precursors in the Region would be expected to decrease substantially by 2035. This can be explained by the fact that vehicle emissions standards would be improved substantially over the next 20 years, and limited development could occur within the Tahoe Region. Any additional population growth and associated increase in operational ozone precursor emissions in the Region would be more than offset by more stringent vehicle emissions standards, fuel economy standards, and truck and bus emission rules, over the planning period (TRPA 2012a, page 3.4-33 and TMPO 2012, page 3.4-331, TMPO 2017, page 3-17).

Emissions of PM<sub>10</sub> and PM<sub>2.5</sub> were projected to increase slightly by 2035 (approximately 4 tons per year (TPY) or 21 lb/day). However, Section 65.1.4 of the TRPA Code requires that only wood stoves that meet EPA Phase II emissions standards would be installed and would allow air quality mitigation fees to be used for regional projects, which could include incentives to remove non-conforming heating appliances. The General Plan requires that all feasible EDCAQMD measures to reduce operational emissions be incorporated into project design and projects need to demonstrate compliance with TRPA's air quality mitigation program. Compliance with these requirements as well as efforts by TRPA and the EDCAQMD to replace woodstoves with air quality compliant heating fixtures, would be expected to continue the existing trend of decreasing PM emissions in the Region.

Because the TCAP amendments are consistent with the Regional Plan, implementation of the amendments would result in a substantial long-term reduction in emissions of ozone precursors. Because the increase in emissions of PM associated with full build-out densities in the amendment area would be below the project-level increment considered significant by TRPA (82 lb/day), the TCAP amendments would not be anticipated to lead to nonattainment of national standards.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.5-3. Would the Project expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)**

Typical sensitive receptors include residences, hospitals, and schools. The area proposed for amendment is currently completely developed with tourist accommodations, commercial uses, and residences. No new

uses other than residential condominiums and timeshares, regeneration harvest, fuels treatment and management, and prescribed fire/burning management are proposed as allowed uses under the amendments and the amendments would eliminate collection stations, which are currently allowed, and have the potential to emit non-mobile emissions. If the area were to be redeveloped primarily with the highest density uses, the resulting increase in pollutant concentrations would not be substantial. Please refer to the analysis for Question 5.4.5-1, above.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.5-4. Would the Project result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIIId)**

The occurrence and severity of odor effects depend on the nature, frequency, and intensity of the odor source, wind speed and direction, and the presence of sensitive receptors. Offensive odors rarely cause physical harm, but odors can be unpleasant and generate citizen complaints to regulatory agencies and local governments. Typical sensitive receptors include residences, hospitals, and schools. There are no hospitals or schools located within the TCAP; however, a few residences are within the boundary of the TCAP amendment area and residences are located nearby.

As a general matter, the types of land use development that pose potential odor problems include wastewater treatment plants, refineries, landfills, composting facilities and transfer stations, none of which are allowed in the TCAP Gateway District. No such uses currently occupy the amendment area. The proposed uses in TSC-G Special Area 1 are listed in Table 2-1, and are not characteristic of the types of uses that would result in the development of a major source of objectionable odor. While idling associated with the existing boat launch facilities can produce odors within the immediate vicinity of the marina boat launch area during peak usage periods, this is an existing use and not a new use resulting from the amendment. The amendments do not alter the use of Timber Cove, nor do the odors resulting from idling motors exceed thresholds as they dissipate rapidly and are seasonal.

In the short-term, odor impacts occur from the use of diesel engines and asphalt concrete paving during construction. These odors are both temporary and localized, affecting only the area immediately adjacent to the active construction area. Diesel exhaust emissions and asphalt concrete paving odors dissipate rapidly away from the source and cease upon completion of construction activities and would be addressed by the Chapter 65 (Air Quality/Transportation) of the TRPA Code of Ordinances idling restrictions. Implementation of the TCAP amendments do not result in substantial direct or indirect exposure of sensitive receptors to offensive odors.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.5-5. Would the Project result in substantial air pollutant emissions? (TRPA 2a)**

See analysis for Question 5.4.5-1.

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore the analysis is tiered from and consistent with the RPU EIS. The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to air quality. Consistent with existing conditions, future redevelopment projects would be subject to subsequent environmental review and permitting, and would

be required to comply with Chapter 65 of the TRPA Code. Chapter 65 includes provisions that apply to direct sources of air pollution in the Tahoe region, including certain motor vehicles registered in the region, combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines. Because future redevelopment projects are required to implement air quality attainment measures established by the TRPA, City, and EDCAQMD, as well as those policies established in the TCAP regarding air quality, implementation of the TCAP amendments would not be anticipated to lead to nonattainment of emissions standards

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.5-6. Would the Project result in deterioration of ambient (existing) air quality? (TRPA 2b)**

See analyses for Question 5.4.5-1, which conclude a less than significant impact and Question 5.4.5-5, which concludes no impact to ambient air quality.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.5-7. Would the Project result in creation of objectionable odors? (TRPA 2c)**

See discussion and analysis for Question 5.4.5-3, which addresses the creation of objectionable odors and concludes a less than significant odor impact to short-term and long-term effects to sensitive receptors.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.6 Biological Resources (Stream Environment Zones, Wetlands, Wildlife and Vegetation)

This section presents the analyses for potential impacts to biological resources, including impacts to SEZs, wetlands, wildlife and vegetation. Table 5-6 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-6: Biological Resources				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.6-1.</b> Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)			X	
<b>5.4.6-2.</b> Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)			X	
<b>5.4.6-3.</b> Have a substantial adverse effect on federally protected (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)				X
<b>5.4.6-4.</b> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)			X	
<b>5.4.6-5.</b> Conflict with any local policies or ordinances protecting biological resources, such as tree				X

preservation policy or ordinance? (CEQA IVe)				
<b>5.4.6-6.</b> Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.6-7.</b> Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? (TRPA 4a)				<b>X</b>
<b>5.4.6-8.</b> Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? (TRPA 4b)				<b>X</b>
<b>5.4.6-9.</b> Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? (TRPA 4c)				<b>X</b>
<b>5.4.6-10.</b> Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? (TRPA 4d)				<b>X</b>
<b>5.4.6-11.</b> Reduction of the numbers of any unique, rare or endangered species of plants? (TRPA 4e)				<b>X</b>
<b>5.4.6-12.</b> Removal of streambank and/or backshore vegetation, including woody vegetation such as willows? (TRPA 4f)				<b>X</b>
<b>5.4.6-13.</b> Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? (TRPA 4g)				<b>X</b>

<b>5.4.6-14.</b> A change in the natural functioning of an old growth ecosystem? (TRPA 4h)				<b>X</b>
<b>5.4.6-15.</b> Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? (TRPA 5a)				<b>X</b>
<b>5.4.6-16.</b> Reduction of the number of any unique, rare or endangered species of animals? (TRPA 5b)				<b>X</b>
<b>5.4.6-17.</b> Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (TRPA 5c)				<b>X</b>
<b>5.4.6-18.</b> Deterioration of existing fish or wildlife habitat quantity or quality? (TRPA 5d)				<b>X</b>

**5.4.6-1. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)**

The boundary of the proposed amendment area was reviewed against 1) the California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB), 2) the U.S. Fish and Wildlife Service's online Planning and Conservation System (IPaC) database, and 3) TRPA's Special Interest Species Map to identify potential habitat for candidate, sensitive, or special status species. The IPaC database identified the following: North American Wolverine (*Gulo gulo luscus*) (proposed threatened), Sierra Nevada yellow-legged frog (*Rana sierrae*) (federal endangered), and Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*) (threatened). Seven migratory birds were also listed in the IPaC database: bald eagle (*Haliaeetus leucocephalus*), Cassin's finch (*Carpodacus cassinii*), golden eagle (*Aquila chrysaetos*), olive-sided flycatcher (*Contopus cooperi*), rufous hummingbird (*selasphorus rufus*), Williamson's sapsucker (*Sphyrapicus thyroideus*), and willow flycatcher (*Empidonax traillii*). However, the project area is completely developed and provides no habitat for these species, particularly since Bijou Creek is culverted and piped beneath pavement and structures within the amendment area.

The CNDDDB database identified the following species within the South Lake Tahoe quadrangle: Sierra Nevada yellow-legged frog (*Rana sierrae*) (state threatened), willow flycatcher (*Empidonax traillii*) (state endangered), and Tahoe yellow cress (*Rorippa subumbellata*) (state endangered). Tahoe yellow cress has been observed within the TCAP amendment area near Lakeshore Lodge and Spa, and in other locations in the vicinity of the TCAP and B/ATCP. Plants found near Lakeshore Lodge and Spa were transplanted to a mitigation site, but the presence of the species in this area indicates suitable habitat within the beach area. Sierra Nevada yellow-legged frog and willow flycatcher were not observed in the area according to the CNDDDB records.



Future redevelopment projects would be subject to project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species. (Section 62.4 of the TRPA Code). At a project-level, potential effects on animal species would be determined based on the species' distribution and known occurrences relative to the project area and the presence of suitable habitat for the species in or near the project area. TRPA's existing policies and Code provisions address potential impacts to special-status species through site-specific environmental review, development and implementation of project-specific measures to minimize or avoid impacts through the design process, and compensatory or other mitigation for any adverse effects on special-status species as a condition of project approval (Sections 61.3.6 and 62.4 of the TRPA Code). Implementation of the TCAP amendments would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl. Future redevelopment projects would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances. While the TCAP and B/ATCP amendments allow for some different land uses or use densities and heights, they do not propose specific new development or amendments that threaten protection of listed species or their habitat, and do not affect policies that protect biological resources.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.6-2. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)**

The U.S. Fish and Wildlife Service's IPaC database identifies Lake Tahoe and Bijou Creek (intermittent riverine streambed) as wetlands, but no critical habitat is identified. The proposed amendment area includes TRPA land capability district 1b (SEZs), which receive a high level of protection against new ground disturbance or activities that affect riparian and other vegetation important to wildlife. However, the area is fully developed and contains no undeveloped land.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to existing fish or wildlife habitat quantity or quality or pertaining to resource protection measures for SEZs, which encompasses riparian habitat. The B/ATCP addresses Bijou Creek generally, and does not specifically address the portion of Bijou Creek within the amendment area. The B/ATCP indicates area-wide drainage improvements are needed, and states that proposed projects are required to demonstrate storm water containment. The completed Bijou Erosion Control Project is one such project that has addressed this need through the construction of a regional treatment system for runoff in commercial areas which is pumped through an underground force main to infiltration basins in the upper Bijou Creek watershed and replacement of the Bijou Creek storm drain systems that conveys storm water from the watershed through the commercial core area and into Lake Tahoe. In addition, the B/ATCP's conservation vision includes SEZ restoration. These objectives are reflected in the Code of Ordinances and the TCAP include policies that promote the restoration of disturbed SEZs and reduction of excess land coverage. While the amendments would hinder the B/ATCP from achieving these goals within the B/ATCP by removing an area with large potential for drainage improvements, the amendment area remains viable for achieving these improvements, although within the boundary of the TCAP rather than the B/ATCP. Restoration efforts within the boundaries of the TCAP have restored over 4.7 acres of SEZ. TCAP Figure 7-2 identifies the Bijou Commercial Core area, which includes the amendment area, as an area suitable for proposed TMDL stormwater improvement projects.

Consistent with existing conditions, redevelopment projects would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of riparian areas. Section 61.3.3 (Vegetation Protection and Management) of the TRPA Code of Ordinances includes provision for protecting SEZ vegetation, other common vegetation, uncommon vegetation, and sensitive plants species. Chapters 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances include provisions to protect and enhance fisheries and wildlife habitats. Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval. Therefore, implementation of the TCAP amendments would not result in the deterioration of riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.6-3. Would the Project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)**

U.S. Fish and Wildlife Service IPaC database identifies Bijou Creek as a riverine wetland, although the area overlapping the creek in the amendment area is primarily paved and developed with structures. There is no recognizable channel within the beach area adjacent to Lake Tahoe. Future redevelopment would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of riparian area. New land disturbance and activities within these areas are also subject to protection and mitigation in Chapters 30 (Land Coverage), 33 (Grading and Construction), 35 (Natural Hazard Standards), 60 (Water Quality), 61 (Vegetation and Forest Health), 62 (Wildlife Resources), and 63 (Fish Resources), and other provisions of the TRPA Code of Ordinances.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-4. Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to the migration or movement of animals. Due to the existing development of the amendment area, the area provides poor habitat for wildlife migration or nursery sites. Future redevelopment projects would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.6-5. Would the Project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)**

The TCAP and B/ATCP amendments do not alter or conflict with existing local policies or ordinances protecting biological resources. Redevelopment projects would be subject to project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations in Chapter 62 and 63 (Wildlife Resources and Fish Resources, respectively) of the TRPA Code of Ordinances.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-6. Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)**

The TCAP and B/ATCP amendments do not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan because no such plans exist for the project area.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-7. Would the Project result in removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system? (TRPA 4a)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The proposed amendment area is highly developed with little native vegetation. The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, vegetation surrounding the construction site of a future redevelopment project would be required to comply with Section 33.6, Vegetation Protection During Construction, of the TRPA Code of Ordinances. Protective requirements include installation of temporary construction fencing, standards for tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-8. Would the Project result in removal of riparian vegetation other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table? (TRPA 4b)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to vegetation removal and groundwater management. Water supply within the area is primarily obtained from groundwater sources through the South Tahoe Public Utility District. Consistent with existing conditions, any redevelopment project permitted in accordance with the TCAP would be required to meet TRPA

requirements for water supply. TRPA regulations prohibit the approval of any development requiring water unless there is adequate water supply within an existing water right (Section 32.4.1 of the TRPA Code). Additionally, Section 33.3.6 (Excavation Limitations) of the TRPA Code of Ordinances prohibits excavation that intercepts or interferes with groundwater except under specific circumstances and with prior approval by TRPA (Section 33.3.6.A.2). For these reasons, consistent with existing conditions, projects approved under the TCAP amendments would not directly or indirectly lower the groundwater table.

Further, vegetation removal would be required to comply with existing TRPA, federal, and state regulations, permitting requirements, and environmental review procedures that protect habitat that supports riparian vegetation and critical wildlife. Specifically, riparian vegetation and wildlife habitat are protected by Sections 61.1.6 (Management Standards for Tree Removal), 61.3.3 (Protection of Stream Environment Zones), and 63.3 (Fish Habitat Protection), and Chapter 62 (Wildlife Resources) of the TRPA Code of Ordinances. For these reasons, redevelopment associated with the TCAP amendment area is not expected to result in the removal of riparian or other vegetation associated with critical wildlife habitat.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-9. Would the Project result in introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? (TRPA 4c)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to new vegetation. Consistent with existing conditions, implementation of new development or redevelopment projects associated with the TCAP would be required to comply with the TRPA Code provisions (e.g., Section 61.4, Revegetation) and Goals and Policies that prohibit the release of non-native species in the Tahoe Region. Generally, native species require less fertilizer and water than non-native species. Provisions for fertilizer management and preparation of fertilizer management plans that address the type, quantity, and frequency of use of fertilizers are included in Section 60.1.8 of the TRPA Code. Projects would be subject to subsequent project-level environmental review and permitting, and at that time they would be required to demonstrate that any proposed new vegetation would not require excessive fertilizer or water, or provide a barrier to the normal replenishment of existing species.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-10. Would the Project result in change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? (TRPA 4d)**

See discussion and analyses in Questions 5.4.6-7 through 5.4.6-9, and 5.4.6-11 through 5.4.6-14.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-11. Would the Project result in reduction of the numbers of any unique, rare or endangered species of plants? (TRPA 4e)**

The amendment area is highly developed and contains no unique, rare, or endangered plant species. The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to unique, rare, or endangered species of plants. The natural resource protection provisions of Chapters 61 (Vegetation and Forest Health) and 62 (Wildlife Resources) of the TRPA Code of Ordinances are still applicable to the area. Future redevelopment projects in the amendment area would be subject to subsequent project-level environmental review and permitting. At a project-level, potential effects on plant species would be determined based on the species' distribution and known occurrences relative to the project area, the presence of suitable habitat for the species in or near the project area, and preconstruction surveys. TRPA's existing policies and Code provisions address potential impacts to special-status species through site-specific environmental review, require development and implementation of project-specific measures to minimize or avoid impacts through the design process, and require compensatory or other mitigation for any adverse effects on special-status species as a condition of project approval (Sections 61.3.6, Sensitive and Uncommon Plant Protection and Fire Hazard Reduction and 62.4, Special Interest, Threatened, Endangered, and Rare Species of the TRPA Code of Ordinances). Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval. Therefore, implementation of the TCAP and B/ATCP amendments would not result in the reduction in the number of any unique, rare, or endangered species of plants.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-12. Would the Project result in removal of streambank and/or backshore vegetation, including woody vegetation such as willows? (TRPA 4f)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to removal of streambank and backshore vegetation. See discussion and analysis for Question 5.4.6-8 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-13. Would the Project result in removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? (TRPA 4g)**

The area is currently developed, contains few trees, and is not within TRPA's Conservation or Recreation land use classifications.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.6-14. Would the Project result in a change in the natural functioning of an old growth ecosystem? (TRPA 4h)**

See discussion and analysis for Question 5.4.6-13 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-15. Would the Project result in change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)? (TRPA 5a)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter the regulations pertaining to the protection of animal species. The resource management provisions contained in Chapters 60 through 68 of the TRPA Code are still applicable. Any subsequent projects allowed within the TCAP amendment area would be subject to subsequent project-level environmental review and permitting. Consistent with existing conditions, permit applicants would be required to demonstrate that any proposals would occur consistent with TRPA Code provisions related to resource management, including specifically the provisions of Chapters 62 and 63 that address protection of wildlife and fish resources, respectively. For these reasons, adoption of the TCAP amendments would not result in the change in the diversity or distribution of species, or numbers of any species or animals.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-16. Would the Project result in reduction of the number of any unique, rare or endangered species of animals? (TRPA 5b)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

See discussion and analyses for Question 5.4.6-1. The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to unique rare or endangered species of animals and the natural resource provisions of chapters 61 and 62 of the TRPA Code remain applicable.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-17. Would the Project result in introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (TRPA 5c)**

See discussion and analysis for Question 5.4.6-4 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.6-18. Would the Project result in deterioration of existing fish or wildlife habitat quantity or quality? (TRPA 5d)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to existing fish or wildlife habitat quantity or quality. Consistent with existing conditions, redevelopment projects associated with the amendment area could affect fish and wildlife depending on the type, timing, and specific nature

of proposed actions. However, any such projects would be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of fish and wildlife contained in Chapters 62 (Wildlife Resources) and 63 (Fish Resources) of the TRPA Code. Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval. Therefore, implementation of the TCAP and B/ATCP amendments would not result in the deterioration of existing fish or wildlife habitat quantity.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.7 Cultural Resources (CEQA) and Archaeological/Historical (TRPA)

This section presents the analyses for potential impacts to cultural, archaeological and historical resources, discussing the Project impacts on cultural resources related to the disturbance of archaeological, historical, architectural, and Native American/traditional heritage resources. The section also addresses disturbance of unknown archaeological resources, as well as paleontological resources (fossils). Table 5-7 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-7: Cultural Resources and Archaeological/Historical</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.7-1.</b> Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)				<b>X</b>
<b>5.4.7-2.</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)				<b>X</b>
<b>5.4.7-3.</b> Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.7-4.</b> Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? (TRPA 20a)				<b>X</b>
<b>5.4.7-5.</b> Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? (TRPA 20b)				<b>X</b>
<b>5.4.7-6.</b> Is the property associated with any historically significant events and/or sites or persons? (TRPA 20c)				<b>X</b>



**5.4.7-1. Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)**

The amendments do not alter regulations pertaining to historical or cultural resources. As such, the potential effect is the same as those analyzed in the RPU EIS.

The El Dorado County General Plan EIR lists properties included on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) and California State Historic Landmarks. Tahoe Meadows (National Register) and Vikingsholm (National Register) are the two NRHP/CRHR listed properties in the vicinity of South Lake Tahoe, neither of which is located in the amendment area boundaries. There is no evidence of intact, potentially significant prehistoric, archaeological or Washoe cultural sites, or historical sites within the existing TCAP or proposed amendment area. There are historical sites in the surrounding area, including the Lapham Hotel which was located near the intersection of Pioneer Trail and US 50 and McCombers Station located near the intersection of Pioneer Trail and Ski Run Blvd. The TRPA RPU EIS also identifies Lake Bigler House in the immediate vicinity. The TCAP indicates the Lake Valley Lumber Pier and Railroad were located adjacent to the current Timber Cove Pier, but were demolished in the mid-1980s due to safety and navigation concerns. Currently, the amendment area is completely developed with no visible evidence of resources remaining onsite.

Federal and state regulations, the TRPA Code (Chapter 67) and City General Plan policies address protection of cultural, historical and archaeological resources and provide processes to avoid or minimize impacts to such resources. Any building, object or structure over 50 years of age is required to have a historic determination. Redevelopment within the amendment area would be required to comply with federal and state regulations, TRPA Code and General Plan policies, during project specific review, and therefore, would not alter or adversely affect archeological or historical resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-2. Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)**

See discussion and analysis for Question 5.4.7-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-3. Would the Project disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)**

Section 7050.5(b) of the California Health and Safety Code and Section 5097.98 of the State Public Resources Code specify protocol when human remains are discovered. If human remains are discovered, the Codes require work to cease within the immediate area and notification of the County Coroner. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed. The City's General Plan Policy NCR-4.5 requires notification of the City if human remains are discovered during ground disturbing activities. Redevelopment within the amendment area would be required to comply with these requirements during ground-disturbance activities; therefore, the amendments would not alter, adversely affect or result in the loss of these resources and their associated ethnic and cultural values.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-4. Will the Project result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? (TRPA 20a)**

The South Lake Tahoe area has been subject to archaeological survey during the preparation of Community Plans, Redevelopment Plans, and during review of development projects. There is no evidence of intact, potentially significant prehistoric, archaeological or Washoe cultural sites within the TCAP or the amendment area. However, several potential significant historic properties located within the vicinity of the area are identified in TRPA's historic resources database, including the Lapham Hotel which was located near the intersection of Pioneer Trail and US 50 and McCombers Station located near the intersection of Pioneer Trail and Ski Run Blvd. The TRPA RPU EIS also identifies Lake Bigler House in the immediate vicinity; however, the amendment area is completely developed with no visible evidence of resources remaining onsite. The potential exists within the amendment area, like elsewhere in the Tahoe Basin and consistent with existing conditions, for previously undiscovered archaeological or historic resources to be discovered during any earth-moving activities.

Federal and state regulations, TRPA Code (Chapter 67) and General Plan policies address protection of these resources and provide processes to avoid or minimize impacts to historic and archaeological resources. Because any redevelopment in the amendment area would be required to comply with these regulations, consistent with existing practices, it would not alter or adversely affect archeological or historical resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-5. Is the Project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? (TRPA 20b)**

See discussion in Questions 5.4.7-1 and 5.4.7-4 above regarding the mapped resources. TRPA and City policies and regulations have been established to ensure protection of such resources. Because any redevelopment within the amendment area would be required to comply with TRPA regulations (Chapter 67, Historic Resource Protection) that prohibits grading, operation of equipment, or other soil disturbance in areas where a designated historic resource is present, except in accordance with a TRPA-approved resource protection plan, and with City General Plan Policies that prohibit modification of listed properties that would alter their listing status or eligibility, the amendments would not alter or adversely affect cultural, historical, and/or archaeological resources identified on TRPA's or other regulatory official maps.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.7-6. Is the Project associated with any historically significant events and/or sites or persons? (TRPA 20c)**

See discussions and analyses discussions for Questions 5.4.7-1 through 5.4.7-5 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.8 Energy (CEQA/TRPA)

This section presents the analyses for potential impacts to energy. Table 5-8 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-8: Energy				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.8-1.</b> Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)				X
<b>5.4.8-2.</b> Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.8-3.</b> Use of substantial amounts of fuel or energy? (TRPA 15a)				X
<b>5.4.8-4.</b> Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? (TRPA 15b)				X

#### 5.4.8-1. Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The use of energy resources, beyond existing conditions would occur incrementally if existing developments are remodeled or improved. Since the area is already developed, a substantial increase in the rate of use would not occur. The RPU EIS (TRPA 2012a, page 5-3) acknowledged the potential increase in the use of energy resources resulting from increased development and redevelopment within the Tahoe Region, however any project permitted through the TCAP would be subject to project level environmental review and site-specific mitigation measures if necessary. Therefore, any increase in the rate of use of energy resources would be negligible and would not be in quantities that would result in a significant effect.

Non-renewable energy resources such as gasoline and diesel are consumed during the construction of development projects; however, the potential for new development would be limited through restrictions to TRPA regulated commodities (see project description) such as commercial floor area, residential allocations and tourist accommodation units. Furthermore, the area proposed for amendment is already developed. Because construction would be limited and would not require quantities of energy resources beyond those of typical residential and commercial construction, projects associated with the TCAP would not result in substantial depletion or wasteful use of energy resources during construction or operation.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-2. Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)**

The City of South Lake Tahoe has committed to a goal of 100 percent renewable energy by 2032 and is working with the local electricity provider to reach that goal and invest in greater renewable energy sources. Businesses within the city, including those within the amendment area are eligible for free solar assessments. The TCAP and B/ATCP amendments would not conflict with or obstruct these renewable energy goals. The City Code includes requirements for water conservation devices in new or replacement facilities and requires energy efficient outdoor lighting, which conserves energy consumption and are incorporated into the Development and Design Standards of the TCAP Amendment (TCAP Amendment Appendix C). The City has also adopted the 2016 California Energy Code within the City's building regulations. The City also has a Green Building Program with recommended energy efficiency measures for residential and commercial projects. The Green Building Program is incorporated into the TCAP amendment as Appendix D.

TRPA Regional Plan Land Use Element AQ-1.5 encourages the construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings. Transportation Element Goal 1 is to "Protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions." Furthermore, Policy 1.6 states, "Require new and encourage existing. Major commercial interests providing gaming, recreational activities, excursion services, condominiums, timeshares, hotels, and motels to participate in transportation demand programs and projects." The Conservation Element Goal E-1 is "Promote energy conservation programs and development of alternative energy sources to lessen dependence on scarce and high-cost energy supplies." These goals and policies

Redevelopment within the amendment area has the potential to improve energy efficiency through the utilization of new, energy efficient materials, fixtures, and designs. Therefore, redevelopment activity would not obstruct plans for renewable energy or energy efficiency. Redevelopment within the amendment area would be required to comply with federal and state regulations, TRPA Code and General Plan policies, during project specific review, and therefore, would not obstruct energy efficiency goals. The amendments do not propose changes that would conflict with or obstruct state or local plans for renewable energy or energy efficiency.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-3. Would the Project use substantial amounts of fuel or energy? (TRPA 15a)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

All redevelopment permitted through the amendments would occur in accordance with the Regional Plan and City Code. While any new construction would require electric and natural gas service as part of the basic services (Chapter 32, Basic Services of the TRPA Code of Ordinances) the entire area within the TCAP amendment area is currently served by existing electric and gas infrastructure. Additionally, projects requiring new or modified connections would be subject the requirements and fees of the applicable utility providers. The utility companies project that, based on their forecasting and recent growth trends, the available capacity would far exceed the demand generated at build-out of the Regional Plan (TRPA 2012a, page 3.13-20).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.8-4. Will the Project substantially increase the demand upon existing sources of energy, or require the development of new sources of energy? (TRPA 15b)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

See discussion in Question 5.4.8-3 above that concludes that the available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; therefore, demand created by implementation of the amendments would not exceed available capacity, or require the development of new sources of energy.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.9 Geology and Soils (CEQA) and Land (TRPA)

This section presents the analyses for potential impacts to geology, soils and land. Table 5-9 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-9: Geology and Soils and Land				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.9-1.</b> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? (CEQA VIIa)			X	
<b>5.4.9-2.</b> Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)			X	
<b>5.4.9-3.</b> Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)			X	
<b>5.4.9-4.</b> Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)			X	

<b>5.4.9-5.</b> Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIe)				<b>X</b>
<b>5.4.9-6.</b> Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIII f)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.9-7.</b> Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? (TRPA 1a)				<b>X</b>
<b>5.4.9-8.</b> A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? (TRPA 1b)				<b>X</b>
<b>5.4.9-9.</b> Unstable soil conditions during or after completion of the proposal? (TRPA 1c)				<b>X</b>
<b>5.4.9-10.</b> Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? (TRPA 1d)				<b>X</b>
<b>5.4.9-11.</b> The continuation of or increase in wind or water erosion of soils, either on or off the site? (TRPA 1e)				<b>X</b>
<b>5.4.9-12.</b> Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? (TRPA 1f)				<b>X</b>
<b>5.4.9-13.</b> Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards? (TRPA 1g)				<b>X</b>

**5.4.9-1. Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

**5.4.9-1.i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (CEQA VIIa).**

The amendment area is located within the Sierra Nevada-Great Basin seismic belt. Based on the Division of Mines and Geology Special Publication 42 and the Index to Official Maps of Earthquake Fault Zones (Hart and Bryant 1997), the project area is not located in the Alquist-Priolo Earthquake Fault Zone. The closest Alquist-Priolo Earthquake Fault Zone is the Genoa fault located southeast of the area and outside the Tahoe Basin.

There are four known faults that run through the City. One of these is located in the TCAP in the general vicinity of Ski Run Boulevard. These are approximately located fault traces, some associated with the Tahoe Valley Fault Zone, and are not known to be active. The relatively minor and inactive faults have shown no history of fault ruptures and do not meet the criteria for building restrictions under the Alquist-Priolo Earthquake Fault Zone Act. The risk of fault rupture is considered relatively low (CSLT 2011, pages 4.8-13 and 4.8-28).

According to the California Building Code (CBC), the amendment area is located in Seismic Zone D, a region of relatively high seismicity, and has the potential to experience strong ground shaking from earthquakes. As such, all structures must be designed to meet the regulations and standards associated with Zone D hazards as set forth in the CBC. Compliance with these existing regulations ensures that all new or redeveloped structures would be capable of withstanding anticipated ground shaking in the Region and would not create significant public safety risks or property damage in the event of an earthquake.

The City has adopted California Building Code within Title 6 of the City Code. All structures associated with redevelopment in the amendment area would be designed and constructed in accordance with design requirements of the Seismic Zone D which would minimize risks associated with seismic ground shaking and seismic related ground failure. The risk of fault rupture and ground shaking is a less than significant impact.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.9-1.ii) Strong seismic ground shaking?**

See discussion and analysis for Question 5.4.9-1.i above.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.9-1.iii) Seismic-related ground failure, including liquefaction?**

The potential for seismic-related ground shaking in the Region could also contribute to public safety risks and property damage associated with ground failure including liquefaction, lateral spreading, collapse, and settlement. Relatively high ground water levels in the area can contribute to the potential for ground failure,



particularly during excavation and construction of below-grade structures (CSLT 2011, page 4.8-29). Hazards associated with seismic-related ground failure are regulated by the California Building Standards Code adopted by the City in Title 6 of the City's Code to ensure that structures are properly designed and constructed to withstand anticipated ground failure. The risk of injury or property damage from strong ground shaking or resulting ground failure would not substantially increase with the expansion or adoption of the TCAP and B/ATCP amendments and this is a less than significant impact.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.9-1.iv) Landslides?**

The varied topography within the Lake Tahoe Region makes many areas susceptible to landslide hazards. The main hazards are associated with rock falls on steep slopes of massive granite and erosion of decomposed granite on both gentle and steep slopes. The amendment area is highly paved and generally flat. The TRPA Land Use Element Natural Hazards Subelement, Goal 1, Policy 1 of the TRPA Regional Plan restricts construction, reconstruction, or replacement of structures in identified avalanche or mass instability hazard areas. There is no significant risk of exposing people or structures to potential landslides in the amendment area and is a less than a significant impact.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.9-2. Would the Project result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)**

See discussions and analyses for Questions 5.4.9-8, 5.4.9-9 and 5.4.9-10 below.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.9-3. Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)**

See discussions and analyses for Questions 5.4.9-1.i through 5.4.9-1.iv above and Question 5.4.9-4 below.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.9-4. Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)**

According to the Swelling Clays Map of The Conterminous United States, the Tahoe Basin Region falls within an area that is underlain with little to no clays with swelling potential (USGS 1989). However, soil units mapped within the Tahoe Basin Region contain soils with low to high shrink/swell potential (NRCS 2007).

Redevelopment and infrastructure projects in the amendment area may be constructed on areas of unstable or expansive soils or geologic units, thereby increasing the risk to people and structures. Projects would be required to undergo site-specific environmental review and, as appropriate, geotechnical analysis (TRPA Code of Ordinances Section 33.4, Special Information Reports and Plans and City Code Chapter 7.20) to determine the design, grading, and construction practices required to avoid or reduce geologic hazards including those associated with unstable, expansive soils and slope failure. Adherence to existing regulations would ensure impacts would be less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.9-5. Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (CEQA VIIe)**

The Porter-Cologne Water Quality Act requires all sewage and wastewater to be disposed of outside the Lake Tahoe Basin. Therefore, use of septic tanks or alternative wastewater disposal are prohibited in the Lake Tahoe Region.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-6. Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIII f)**

There is little potential that unknown paleontological resources may be located in the area due to the extensive development and coverage in the amendment area, and the potential to destroy such features is not affected by the amendments. Paleontological remains are found in sedimentary rock formations. El Dorado County's geology is predominantly igneous (volcanic) in nature, and the type of sedimentary deposits where such remains might be present, are virtually nonexistent (GP DEIR, page 5.13-1). As stated in the 2013 IS/IEC for the TCAP and the City's General Plan EIR, "A search of the University of California Museum of Paleontology collections database identified 22 paleontological resource finds in El Dorado County; however, none were identified in the City of South Lake Tahoe" (CSLT 2011 and CSLT 2013). To ensure the protection of paleontological resources that may be discovered during construction, the City adopted General Plan Policy NCR-4.4 that requires a paleontological resource evaluation be prepared and measures to mitigate impacts to paleontological resources be identified when fossils are discovered during ground-disturbing activities (CSLT 2011b, page NCR-7).

Federal and state regulations and TRPA Code (Chapter 67, Historic Resource Protection) also address protection of paleontological resources and provide processes to avoid or mitigate impacts to identified and discovered resources. Development associated with the TCAP would be required to comply with these requirements during project specific review and construction activity. Therefore, implementation of the amendments would not alter or adversely affect paleontological resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.9-7. Would the Project result in compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)? (TRPA 1a)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP amendments would not alter or revise the regulations pertaining to land capability and IPES. The land coverage limitations of the adopted Regional Plan (Chapter 30 of the TRPA Code) and existing TCAP, which allows up to 70 percent land coverage on high capability lands (Class 4 through 7) with coverage transfer, remain in effect. Since the amendment area is primarily Class 1b, higher land coverage levels would not apply to all parcels except a portion of Beach Retreat which partially lies within Class 7. The potential effects of these changes were analyzed in the RPU EIS (TRPA 2012, page 3.7-40) and were found to be less than significant.

*“The additional coverage allowed in higher capability lands within Town Centers, the Regional Center, and the High Density Tourist District would be directly offset by coverage transferred from sensitive land or more than offset on an acre-by-acre basis by transfers from higher capability land, resulting in an overall reduction in coverage for the Region and, importantly, reduction in coverage from SEZs and other sensitive lands.”*

Neither the existing TCAP, nor the TCAP amendments propose an alternative comprehensive land coverage management system as defined in Section 13.5.3B of the TRPA Code of Ordinances. However, adopted policy NRC-4.2 in the Natural and Cultural Resources Element directs the City to consider opportunities for land coverage reduction in all public and private redevelopment projects within community centers. Therefore, future redevelopment projects in the amendment area and elsewhere in the TCAP would be subject to permitting by the City and/or TRPA and permit applicants would be required to demonstrate that proposed compaction and land coverage would be within the limits allowed in Chapters 30 and 53 of the Code or demonstrate reduction or other mitigation of existing excess land coverage. Due to the existing excess land coverage, there is no potential for additional land coverage in the amendment area as all parcels currently exceed land coverage limits, as shown in Table 1-1.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.9-8. Will the Project result in a change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions? (TRPA 1b)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to grading. Consistent with existing requirements, grading and construction activities would be required to comply with the provisions of Chapter 33, “Grading and Construction,” of the TRPA Code and Chapter 7.20 of the City Code. Chapter 33 includes specific provisions for timing of grading, winterization of construction sites, specifications for cut and fills areas, protection of vegetation during construction, and preparation of a Slope Stabilization Plan for projects at the request of TRPA. The City Code (Chapter 7.20) requires all projects to implement temporary best management practices (BMPs) in accordance with the *Handbook of Best Management Practices*. The BMPs must be maintained throughout the construction period until winterization and installation of permanent BMPS occurs at construction finalization.

Future projects proposed in the amendment area would be subject to permitting by the City and/or TRPA. Consistent with existing requirements, permit applicants would be required to demonstrate that all proposed grading is consistent with TRPA Code and City Code provisions protecting topography and ground surface relief features intended to retain natural conditions.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-9. Will the Project result in unstable soil conditions during or after completion of the proposal? (TRPA 1c)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to BMPs for soil erosion. Consistent with existing requirements, soil disturbance associated with future projects in the amendment area would be required to comply with Chapters 33 (Grading and Construction) and 60 through 68 (Various Resource Management Chapters) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code. Future projects would be subject to permitting by the City and/or TRPA would be required to demonstrate that any proposed soil disturbance would be consistent with TRPA and City Code provisions related to BMPs. See discussion under Question 5.4.9-8 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-10. Will the Project result in changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet? (TRPA 1d)**

This potential impact was previously analyzed as part of the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to grading, excavation, and new disturbance. Consistent with existing requirements, redevelopment projects could result in new soil disturbance, changes to native geologic substructures, and grading in excess of 5 feet. However, all projects would be required to comply with the provisions of Chapter 30 (Land Coverage) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code regarding permanent disturbance and Section 33.3.6 of the TRPA Code regarding protection of subsurface groundwater.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-11. Will the Project result in the continuation of or increase in wind or water erosion of soils, either on or off the site? (TRPA 1e)**

See discussion and analysis for Question 5.4.9-8 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-12. Will the Project result in changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake? (TRPA 1f)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to the deposition of beach sand, or changes in siltation, deposition, or erosion, including natural littoral processes. Parcels within the existing Gateway District abut Lake Tahoe as would the proposed amendment area parcels. Bijou Creek is also mapped within the area. In accordance with Section 13.7.3 of the TRPA Code, TRPA would retain responsibility for enforcing and implementing Shorezone regulations as described in Chapters 80 through 85 of the TRPA Code. Future projects that could occur in the amendment area under the TCAP with subsequent approval that would alter structures in Lake Tahoe, river or a stream would be subject to the resource management and protection and Shorezone provisions in Chapters 60 through 85 of the TRPA Code.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.9-13. Will the Project result in exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mudslides, ground failure, or similar hazards? (TRPA 1g)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to geologic hazards. Chapter 35, Natural Hazard Standards, of the TRPA Code includes provisions addressing avalanche, floodplains, and wildfire and Chapter 6.15 of the City Code, addresses CBC and IBC building standards that include protections for persons and property from seismic and geologic hazards. In accordance with Section 13.7.3 of the TRPA Code, TRPA would retain responsibility for enforcing and implementing regulations specific to the backshore environment as described in Chapter 85 of the TRPA Code. Consistent with existing conditions, any subsequent project allowed within the amendment area would be subject to project-level permitting and environmental review by the City and/or TRPA. Such projects would be required to meet all applicable building codes and standards and would be required to undergo site-specific geotechnical analysis as specified by Section 33.4 (Special Information Reports and Plans) of the TRPA Code of Ordinances and Chapter 7.20 of the City Code. The TCAP amendments would not expose people or property to geologic hazards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.10 Greenhouse Gas Emissions (CEQA) and Air Quality (TRPA)

This section presents the analyses for potential impacts to greenhouse gas (GHG) emissions. Table 5-10 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-10: Greenhouse Gas Emissions and Air Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.10-1.</b> Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIIa)			X	
<b>5.4.10-2.</b> Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.10-3.</b> Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? (TRPA 2d)				X
<b>5.4.10-4.</b> Increased use of diesel fuel? (TRPA 2e)				X

#### 5.4.10-1. Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIIa)

Implementation of the TCAP and B/ATCP amendments could result in a small increase in development density if redevelopment of existing uses to multi-family dwellings or tourist accommodation uses occurs. Impacts of conversion have already been analyzed through previous Code amendments and impacts of specific projects will be analyzed through their project-specific environmental analyses. The amendments affect greenhouse gas emissions in that they allow 10 additional multi-family residential units over what is currently allowed in the B/ATCP, and the amendments also allow for timeshares, amusement and recreation, privately owned assembly and entertainment, local assembly and entertainment, government offices, threshold-related research facilities, regeneration harvest, fuels treatment, and prescribed fire/burning management, and would no longer allow post offices or collection stations in the amendment area. These additional land new uses do not result in the generation of emissions at a higher rate than those uses already allowed in the area. Elimination of collection stations results in a potential beneficial impact for greenhouse gas emissions. The amendment area is currently fully developed, and, in most cases, tourist accommodation developments are already at or near maximum densities allowed in the TCAP (e.g., each

tourist accommodation property is developed at densities above the multi-family residential maximum density of 25 units/acre).

Emissions would not significantly increase from traffic due to: 1) similar vehicle use patterns between residential units and vacation home rentals, 2) the existing development density is already at or above the proposed density levels, 3) the potential reduction in trips if tourist accommodation units are redeveloped into multi-family units, and 4) the similarities in trip generation for different types of tourist accommodation units (see Appendix A, LSC Transportation Consultants, 2018). Some commercial or retail uses such as restaurants or strip commercial uses can generate a higher number of trips per acre (1,200 and 400, respectively) than 40 unit motels and hotels (360), but these are all uses that are currently allowed in the TCAP and B/ATCP, and therefore, the amendments would not result in an increased potential for emissions over existing conditions. The potential loss of commercial uses serving tourist uses does not increase as a result of the amendments, and the potential to convert uses from commercial to tourist accommodation also does not increase from current conditions.

Greenhouse gas (GHG) emissions are global pollutants and addressed on a regional scale through the TRPA RPU and City General Plan rather than just at the Area Plan scale. Increases in GHG emissions are primarily attributed to mobile-source emissions, and to a lesser extent, electricity and natural gas consumption and use of wood-burning devices. Although development and population growth occurring during the planning horizon of the TRPA Regional Plan would result in an increase in overall GHG emissions that would make a cumulative contribution to global climate change, many of the sustainability- and conservation-oriented land use and transportation policies of the Regional Plan, General Plan, and TCAP would reduce VMT, increase opportunities for transit and non-motor vehicle travel, and allow or encourage redevelopment that would improve energy efficiency. The Regional Plan and General Plan include methods to substantially reduce GHG emissions through actions such as increased and improved pedestrian, bicycle and transit access, intersection improvements to reduce vehicle emissions associated with traffic delays, incentives to concentrate development in Centers, incentives for sustainable design, and encouraging replacement of woodstoves and combustion heaters with cleaner-burning, TRPA-approved units. The TCAP amendments would not alter existing GHG policies and redevelopment of aging structures in the amendment area would improve energy efficiency to reduce GHG emissions and offset GHG increases that could result from additional residential or tourist accommodation units.

An increase in greenhouse gas emissions would be considered significant if the project would obstruct implementation of any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. This standard of significance approach for analysis of climate change impacts is generally supported by the California Air Resources Board (Preliminary Draft Staff Proposal - Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act, October 2008 and ARB Climate Change Scoping Plan, December 2008). The 2014 First Update to the Climate Change Scoping Plan indicates the state is poised to maintain and continue GHG reductions beyond 2020 (ARB 2014:ES\_2) through the Plan's statewide measures, such as the Low Carbon Fuel Standard, energy efficiency measures, and renewable electricity standards. AB 32 requires total statewide GHG emissions to be reduced to the 1990 emissions levels by 2020, which represents an approximate 15 percent reduction, in comparison to current GHG emissions. Given that TRPA's TransCAD region-wide traffic model is designed to provide VMT data for the entire Tahoe Region and cannot provide reliably accurate vehicle miles travel (VMT) data for the TCAP amendment area, the mobile emission analysis was based on a comparison of year 2030 conditions under the 1987 TRPA Regional Plan to the TRPA Regional Plan Update. The amendments would be considered to have a significant impact if proposed policies and actions would be inconsistent with GHG reduction measures recommended by the California Attorney General. In addition, the proposed amendments would be considered to have a significant impact from global climate change if it would result in the exposure of residents to hazards associated with climate change.

It is important to note that estimated increases in mobile-source GHG emissions attributable to future development are based on net changes in VMT that are region-wide (i.e., within the entire Lake Tahoe Air Basin) and are not limited to VMT within the TCAP and B/ATCP amendment boundaries. It is typically not possible to determine the extent to which proposed amendment-generated GHGs would contribute to global climate change or the physical effects often associated with global climate change (e.g., loss of snowpack and clarity changes to Lake Tahoe) because of the negligible amount of GHGs attributed to the TCAP and B/ATCP amendments compared to the overall Tahoe Region.

As part of the TRPA RPU EIS mitigation measure to reduce stationary sources of GHG emissions, TRPA recently (November 20, 2013) adopted several provisions intended to reduce GHG emissions. The GHG reduction provisions include additional best construction practices policies, a requirement to include a Greenhouse Gas (GHG) reduction strategy in Area Plans, a woodstove rebate program, and revisions to TRPA Code sections to remove unintended barriers to sustainable design. In Section 65.1.8.A. (Air Quality/Transportation, Idling Restrictions) of the TRPA Code of Ordinances, a new subsection was added that limits construction vehicle idling time to 5 minutes in California (previous restriction was 30 minutes). In addition to reduced idling time policies, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include new construction provisions that call for the use of existing power sources (e.g. power grid) or clean-fuel generators rather than temporary diesel power generators wherever feasible, location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), and closure of engine doors during operation except for engine maintenance. Lastly, the TRPA Code of Ordinances Section 36.6.1 General Standards, Design Standards removes barriers for incorporating alternative energy or emission reducing vegetated roofs into structures.

The City's General Plan contains policies and specific, enforceable requirements or restrictions and performance standards applicable to the TCAP amendment area that reduce VMT and air quality emissions such as construction and operational-related GHG emissions. These policies promote the use of alternative fuels, alternative transportation, energy conservation, strategies to reduce travel demand, and promotion of sustainable development. The General Plan also contains sustainability policies including measures such as energy conservation, sustainable development, and green building, as well as actions to reduce VMT and mobile-source GHG emissions.

The TCAP also includes policies to address short-term construction emissions, such as implementing EDCAQMD recommended measures, prohibition of burning debris, restriction of equipment and vehicle idling, dust control measures, and utilization of low emission construction equipment. Due to the age of the B/ATCP, it does not currently include GHG-specific policies, although RPU and General Plan policies are applicable; therefore, integrating the amendment area into the current TCAP increases the potential for future projects to comply with GHG-specific policies established in the TCAP, as well as the RPU and General Plan. The policies in the existing TCAP would not be amended and these policies are consistent with measures established by the California Office of the Attorney General and efforts by the state under AB 32 to reduce GHG emissions to the reduction goals.

Future development projects that are subject to discretionary review shall be evaluated in comparison to EDCAQMD-recommended thresholds of significance and shall incorporate emission-reduction measures sufficient to also reduce potentially significant GHG impacts, if identified, to a less-than-significant level.

Because implementation of the Regional Plan, General Plan, and existing TCAP policies would not change under the TCAP amendment, and because the new allowable land-uses and associated densities would not generate more VMT than what is already allowable in the B/ATCP, redevelopment under the proposed amendments is not expected to make a measurable increase in GHG emissions. Thus, this impact is less than significant.



Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.10-2. Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)**

The TCAP amendments do not alter adopted TCAP policies regarding GHG, and the existing TCAP is consistent with applicable plans, policies and regulations adopted in the TRPA Regional Plan, Sustainable Communities Strategy, and City General Plan to reduce emissions of greenhouse gases. As discussed in Question 5.4.10-1 above, the TRPA would continue to implement existing practices described in Mitigation Measure 3.5-1 of the RPU EIS, General Plan Policy NCR-5.10, and TCAP Policy NCR-5.1 which includes developing GHG reduction measures on a project-specific basis within the TCAP. The TCAP would continue to implement policies of the TRPA Regional Plan which calls for concentrating development in town centers in a pedestrian- and transit-oriented environment that focuses on enhancing non-auto modes such as walking, biking, and transit as a strategy to reduce greenhouse gas emissions.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.10-3. Would the Project result in alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? (TRPA 2d)**

The proposed TCAP amendments would result in the same potential for redevelopment activity as compared to the B/ATCP, although the density of development could increase for multi-family housing, depending on the redevelopment proposal. While increased redevelopment and construction activity could occur, resulting in an increase in overall greenhouse gas (GHG) emissions, TRPA concluded that this impact (analyzed in the TRPA RPU EIS) was cumulatively significant, mitigated to the extent feasible, and otherwise unavoidable.

Redevelopment at higher unit densities would contribute some level of greenhouse gas emissions (GHG) to the regional output; however, even if the development density increased, the impact would not be greater than what was previously allowed, and the amendments would not result in a new impact. Construction-related emissions associated with future redevelopment projects would primarily be associated with heavy-duty construction equipment and truck and vehicle exhaust associated with subsequent project development. Operational sources of GHG emissions associated with subsequent projects in the amendment area under the TCAP amendments would include area sources (e.g., landscaping and snow removal equipment), mobile sources (e.g., vehicle exhaust), energy consumption (e.g., electricity and natural gas), solid waste (e.g., emissions that would occur at a landfill associated with solid waste decomposition), and water consumption (e.g., electricity used to deliver and treat water to serve the Region).

Because many of the sustainability- and conservation-oriented land use and transportation policies and strategies of the TRPA Regional Plan, General Plan and the TCAP would effectively reduce VMT, increase transit and non-motor vehicle travel, and allow or encourage mixed-use redevelopment that would improve energy efficiency, the combined influence of planned development and population growth would by itself result in a less-than-significant increase in overall GHG emissions (approximately 3,330 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e)/year, well below the 25,000 MTO CO<sub>2</sub>e/year significance threshold [TRPA 2012a, page 3.5-14]). However, when the emissions are considered in combination with basin-wide GHG emission resulting from TRPA Regional Plan implementation, the emissions would be a cumulatively

considerable contribution to global climate change as identified in the RPU EIS and described below (TRPA 2012a, page 3.5-15).

TRPA adopted several provisions intended to reduce GHG emissions in November, 2013. The GHG reduction provisions include additional best construction practices policies, a requirement to include a Greenhouse Gas (GHG) reduction strategy in Area Plans, a woodstove rebate program, and revisions to TRPA Code sections to remove unintended barriers to sustainable design. In Section 65.1.8.A. (Air Quality/Transportation, Idling Restrictions) of the TRPA Code of Ordinances, a new subsection was added that limits construction vehicle idling time to 15 minutes in Nevada and 5 minutes in California (previous restriction was 30 minutes). In addition to reduced idling time policies, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include new construction provisions that call for the use of existing power sources (e.g. power grid) or clean-fuel generators rather than temporary diesel power generators wherever feasible, location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), and closure of engine doors during operation except for engine maintenance. As described above, TRPA and the EDCAQMD have funded state and locally administered woodstove incentive programs in the Lake Tahoe Region, resulting in reductions in long-term GHG emissions.

Additionally, the TCAP incorporates General Plan policies to address short-term construction emissions and incorporate measures to reduce construction related GHG emissions on a project specific basis, such as equipment idling restriction, application of dust suppressants, and utilization of low emission equipment, as well as additional measures recommended by the EDCAQMD. Long-term operational GHG emissions reduction measures include increasing the use renewable energy sources, providing credits and incentives for “green buildings”, utilizing energy efficient appliances and fixtures, rehabilitating the housing stock to achieve greater energy efficiency, and others.

Since the TCAP amendments do not alter existing policies related to GHG emissions, and the existing policies and regulations addressing GHG emissions would remain in effect, and because the amendment area is currently developed, the potential to increase GHG emissions as a result of the TCAP amendments is insignificant. The existing measures adopted by the TRPA, City, and EDCAQMD would remain applicable and no new impact would occur.

Environmental Analysis: *No (new) Impact.*

Required Mitigation: **None.**

#### **5.4.10-4. Would the Project result in increased use of diesel fuel? (TRPA 2e)**

As with construction of projects under the B/ATCP, construction in the amendment area associated with subsequent projects under the TCAP would require the use of diesel fuel for the operation of construction equipment. From an air quality perspective, one of the primary concerns related to diesel fuel consumption is the resultant exposure of sensitive receptors to emissions of toxic air contaminants (TACs) that can occur during both the construction and operational phases of a project. Based on a review of the proposed permissible uses in the TCAP Gateway District, the amendments would not include the construction or operation of any major sources of TAC emissions such as power-generating plants or other heavy industrial uses.

The construction of redevelopment projects under the TCAP amendments could result in short-term diesel exhaust emissions, including diesel particulate matter (PM), from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. Diesel PM was identified

as a TAC in 1998. The potential cancer risk from the inhalation of diesel PM is a more serious risk than the potential non-cancer health impacts (TRPA 2012a, page 3.4-39). However, the TCAP amendments do not include changes in land use or design standards that would increase exposure over what is allowed in the B/ATCP. Therefore, the exposure of sensitive receptors to TACs or potential for exposure would not increase as a result of the TCAP amendment.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### 5.4.11 Hazards and Hazardous Materials (CEQA) and Risk of Upset and Human Health (TRPA)

This section presents the analyses for potential impacts to hazards and hazardous materials and risk of upset and human health. Table 5-11 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-11: Hazards and Hazardous Materials and Risk of Upset and Human Health</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.11-1.</b> Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)			X	
<b>5.4.11-2.</b> Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)			X	
<b>5.4.11-3.</b> Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)			X	
<b>5.4.11-4.</b> Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)				X
<b>5.4.11-5.</b> For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)				X

<b>5.4.11-6.</b> Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIII f)				<b>X</b>
<b>5.4.11-7.</b> Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IX g)			<b>X</b>	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.11-8.</b> Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? (TRPA 10a)				<b>X</b>
<b>5.4.11-9.</b> Involve possible interference with an emergency evacuation plan? (TRPA 10b)				<b>X</b>
<b>5.4.11-10.</b> Creation of any health hazard or potential health hazard (excluding mental health)? (TRPA 17a)				<b>X</b>
<b>5.4.11-11.</b> Exposure of people to potential health hazards? (TRPA 17b)				<b>X</b>

**5.4.11-1. Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)**

Redevelopment as a result of implementation of the TCAP and B/ATCP amendments could result in increasing the transport, storage, use and/or disposal of hazardous materials as a result of normal construction and operation of land uses and improvement. However, all development would be required to adhere to federal, state, and local regulations regarding the handling, transportation, and disposal of hazardous materials.

Transportation of hazardous materials on area roadways is regulated by the California Highway Patrol, US Department of Transportation, and Caltrans. The Resource Conservation and Recovery Act gives the USEPA the authority to control the generation, transportation, treatment, storage, and disposal of hazardous waste. The El Dorado County Department of Environmental Management is responsible for consolidating, coordinating and making consistent the administration requirements, permits, inspection, and enforcement activities of state standards regarding the transportation, use, and disposal of hazardous materials in the county and the Tourist Core. The City has incorporated specific, enforceable requirements and/or restrictions and corresponding performance standards that address hazardous materials. General Plan Policy HS-6.4 would require private waste collectors to provide household hazardous waste collection programs and Policy HS-6.5 requires private waste collectors to transport hazardous waste during non-peak hours (CSLT 2011b, page HS-7).

All existing and new development in the amendment area would be required to comply with federal, state, and local regulations regarding the handling and transportation, disposal, and cleanup of hazardous materials. The amendment area is already developed with residential, recreational, tourist, and commercial uses, and the amendments do not allow new uses not previously prohibited that have the potential to increase the transport, use or disposal of hazardous materials. Since the amendments would not allow collection stations, which are currently allowed in the amendment area, the risk of a hazardous release decreases. Therefore, this impact would be less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.11-2. Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)**

The GP EIR (2011) identified that development and redevelopment within the City limits could result in the release of hazardous materials into the environment under reasonably foreseeable upset or accident conditions. Exposure to such materials could occur either through routine use or due to accidental release and concluded that this was a potentially significant impact requiring mitigation (CSLT 2011, pages 4.3-38-39). The GP EIR identified two mitigation measures that were incorporated into the final adopted General Plan (2011). Policy HS-6.1 requires existing and new commercial and industrial uses involving the use, handling, transport, or disposal of hazardous materials within the city to disclose their activities in accordance with El Dorado County guidelines and the requirements of state law. Policy HS-6.2 requires that all construction activity cease if contamination is discovered on construction projects. Remediation is required to the satisfaction of the appropriate responsible agency (i.e., El Dorado County Department of Environmental Management, Lahontan Regional Water Quality Control Board, Department of Toxic Substances Control, or the City of South Lake Tahoe) (CSLT 2011b, page HS-7). All existing and future development is required to and will implement and is consistent with regional, federal, state, and local regulations regarding the release of hazardous materials into the environment due to reasonably foreseeable upset and accident conditions. Therefore, this impact would be less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.11-3. Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)**

The nearest schools are the South Tahoe Middle School, located approximately three-quarters of a mile from the amendment area, and the Bijou Community School, located over a half-mile from the amendment area. The use, storage, and transport of hazardous materials are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards and the discovery of contamination requires construction sites to cease operations. Since all existing and future development in the amendment area is required to comply with regional, federal, state, and local regulations addressing safety from hazards, including hazardous materials, the impacts of this impact are anticipated to be less than significant impact.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.11-4. Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)**

No hazardous waste facilities or contaminated sites are identified within the amendment area. There are two GeoTracker Leaking Underground Storage Tank (LUST) cleanup sites in the area: one at the Lakeside Service Station and one at Timber Cove Marina. The cleanup status for each of these sites is complete and each case has been closed.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)**

The TCAP and amendment area are not located within the City's Airport Comprehensive Land Use Overlay district as depicted in the 2019 Airport Land Use Compatibility Plan, and therefore have no impact on public safety in the vicinity of a public-use airport or FAA safety regulations.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-6. Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA IXf)**

The City is responsible for emergency operations within the city limits, which includes the amendment area. The City's Natural Hazard Mitigation Plan was approved by the Federal Emergency Management Agency (FEMA) and included as a local appendix to the El Dorado County Natural Hazard Mitigation Plan. This plan provides guidance for the development of pre-mitigation and post-mitigation recovery for disasters in all hazard classification. Title 1 of the City Code addresses plans for the protection of persons and property within the City in the event of an emergency and the coordination of the emergency functions of the City with all other public agencies, corporations, organizations, and affected private persons. The City's Disaster Council is responsible for reviewing and recommending emergency operation plans for adoption by the City Council, and is also responsible for the review and potential amendments to the Emergency Management Plan. Moreover, the City's adopted General Plan policies in the Health and Safety Element include: Policy HS-1.1 requires the City to periodically review and update the City's Local Emergency Operations Plan; Policy HS-1.3 requires the City to maintain a reverse 911 system; and HS- 1.4 requires the City to identify pre-planned areas for disaster staging and evacuations (CSLT 2011b, page HS-2).

The amendments would not alter or revise the existing regulations or amend the City's Local Emergency Operations Plan or Emergency Management Plan. The amendments also would not impair the implementation of or physically interfere with the City Natural Hazard Management Plan or Emergency Management Plan and therefore results in no impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-7. Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)**

The amendment area is currently fully developed with a mix of commercial, residential, and tourist accommodation units. There are few trees located within the amendment area due to the prevalence of existing development. Amending the area into the TCAP and future redevelopment would not increase the risk of exposing people and structures to hazards involving wildland fires in wildland-urban interface areas. Redevelopment is required to be consistent with and will implement state, regional, and local regulations designed to reduce the risk of wildfire. All new structures are required to comply with the California Fire Code, which establishes minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas. Chapter 5.05 of the City Code, which is currently applicable to the proposed amendment area, contains fire regulations adopted to safeguard life and property from fire and explosion hazards. City General Plan policies require the use of fire resistant materials, installation and maintenance of defensible space, and meeting fire flow requirements in new or rehabilitated structures. Implementation of these policies, in conjunction with the existing California Fire Code and City Code requirements would reduce impacts associated with wildland fires to a less than significant level.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.11-8. Will the Project involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? (TRPA 10a)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

Future redevelopment construction activities could involve the storage, use, and transport of hazardous materials. However, use of hazardous materials would be typical of urban development projects in the Tahoe Region and would occur in compliance with all local, state, and federal regulations. Further, the types of uses that would be permissible within the area are not of the nature that would involve storage, use, and transport of large quantities of hazardous substances that would increase the risk of incident. The types of uses (e.g., commercial, residential, and tourist) are consistent with the types of uses already allowed under existing conditions, such that the TCAP amendments would not be expected to create a new risk of accident or upset conditions. Therefore, the TCAP and B/ATCP amendments would not result in a risk of explosion or the release of hazardous substances.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-9. Will the Project involve possible interference with an emergency evacuation plan? (TRPA 10b)**

See discussion and analysis for Question 5.4.11-6 above that concludes that implementation of the TCAP and B/ATCP amendments will not impact existing emergency evacuation plans.



Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-10. Will the Project result in creation of any health hazard or potential health hazard (excluding mental health)? (TRPA 17a)**

See discussions and analyses for Questions 5.4.11-1 through 5.4.11-4 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.11-11. Will the Project result in exposure of people to potential health hazards? (TRPA 17b)**

See discussions and analyses for Questions 5.4.11-1 through 5.4.11-4 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.12 Hydrology and Water Quality

This section presents the analyses for potential impacts to hydrology and water quality. Table 5-12 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-12: Hydrology and Water Quality				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.12-1.</b> Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)				<b>X</b>
<b>5.4.12-2.</b> Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)			<b>X</b>	
<b>5.4.12-3.</b> Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows? (CEQA Xc)			<b>X</b>	
<b>5.4.12-4.</b> In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)			<b>X</b>	

<b>5.4.12-5.</b> Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)				<b>X</b>
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.12-6.</b> Changes in currents, or the course or direction of water movements? (TRPA 3a)				<b>X</b>
<b>5.4.12-7.</b> Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? (TRPA 3b)				<b>X</b>
<b>5.4.12-8.</b> Alterations to the course or flow of 100-year flood waters? (TRPA 3c)				<b>X</b>
<b>5.4.12-9.</b> Change in the amount of surface water in any water body? (TRPA 3d)				<b>X</b>
<b>5.4.12-10.</b> Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (TRPA 3e)				<b>X</b>
<b>5.4.12-11.</b> Alteration of the direction or rate of flow of ground water? (TRPA 3f)				<b>X</b>
<b>5.4.12-12.</b> Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? (TRPA 3g)				<b>X</b>
<b>5.4.12-13.</b> Substantial reduction in the amount of water otherwise available for public water supplies? (TRPA 3h)				<b>X</b>
<b>5.4.12-14.</b> Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? (TRPA 3i)				<b>X</b>
<b>5.4.12-15.</b> The potential discharge of contaminants to the				<b>X</b>

groundwater or any alteration of groundwater quality? (TRPA 3j)				
<b>5.4.12-16.</b> Is the Project located within 600 feet of a drinking water source? (TRPA 3k)				<b>X</b>

**5.4.12-1. Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to discharge into groundwater or surface waters and groundwater and surface water quality applicable to the amendment area. Chapter 60 of the TRPA Code of Ordinances (Water Quality) includes standards for discharge limits to surface and ground waters. Chapter 7.15 of the City Code regulates urban runoff and stormwater quality. All redevelopment and infrastructure improvements within the amendment area would be required to meet the discharge standards of the Lahontan Regional Water Control Board. Projects that would create more than one acre of disturbance are required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The TCAP amendments do not alter these requirements and no change in the application of these requirements and standards would occur. Since all existing state and local protections for surface water would remain in place and would not be altered by the TCAP amendment, and water quality BMPs (in accordance with Chapter 60 of the TRPA Code) would continue to be required for all development (existing and proposed), the amendments would not result in adverse discharges to surface waters or alteration of surface water quality.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-2. Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to surface water management. Surface water and water rights in California are managed by the California State Water Resources Control Board. Consistent with existing conditions, future projects that require additional water supply affecting the amount of surface water in Lake Tahoe or another water body would be required to comply with Chapters 32 (Basic Services) and 60 (Water Quality) of the TRPA Code of Ordinances. These regulations pertain to the provision of basic services to projects and the protection of source water.

Although there is potential for redevelopment projects to increase unit density from existing conditions with implementation of the TCAP amendment, the potential increase in units above existing conditions is not substantial as the area is fully developed at or near the proposed density limits, and in some cases currently exceeds allowed density limits. Due to the existing excess land coverage, there is no potential for additional land coverage in the amendment area as all parcels currently exceed land coverage limits; therefore, new impediments to groundwater recharge or management would not occur. Because TRPA Code of Ordinances Section 32.4 (Water Service) requires demonstration of adequate available water supply within an existing water right prior to permit approval, implementation of the amendments would not result in a substantial reduction in the amount of surface water or the water available for public water supplies.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.12-3. Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would (CEQA Xc):**

**5.4.12-3.i) Result in substantial erosion or siltation on- or off-site?**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to the course or direction of water movements. In accordance with Section 13.7.3 of the TRPA Code, TRPA would retain responsibility for enforcing and implementing Shorezone regulations as described in Chapters 80 through 86 of the TRPA Code. Section 80.4.1 of the TRPA Code includes measures designed to preserve the natural littoral processes driven by currents and wave action within Lake Tahoe. Stream modifications are limited by the provisions of Chapter 63 (Fish Resources) of the TRPA Code of Ordinances, which requires protection of fish resources, and Sections 61.3.3 (Protection of Stream Environment Zones) and 30.5 (Prohibition of Additional Land Coverage in Land Capability Districts 1a, 1c, 2, 3, and 1b referred to as Stream Environment Zones-SEZ), which requires protection of SEZ areas, thereby protecting streams as well. Consistent with existing requirements, redevelopment projects that could occur in the amendment area that could alter the course or direction of water movements would be subject to subsequent permitting and environmental review, and TRPA Code of Ordinances sections described above as well as all other federal, state, and local regulations pertaining to the course or direction of water movements. Due to the existing excess land coverage, there is no potential for additional land coverage or impervious surfaces in the amendment area as all parcels currently exceed land coverage limits.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.12-3.ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to surface water runoff. All projects must demonstrate compliance with the land capability and land coverage provisions of Chapter 30 (Land Coverage) of the TRPA Code of Ordinances, which is incorporated into the existing TCAP (see TCAP Development and Design Standards). For parcels located within the Gateway district and within 300 feet of the high water line of Lake Tahoe, these provisions allow a maximum land coverage of 50 percent on high capability lands or up to 70 percent on high capability lands outside the high water line. The amendment area is currently highly developed, with the majority of the area covered by pavement or structures. All the developed commercial and tourist properties already exceed the 50 percent maximum allowed in a Community Plan. Although amendment of the area into the TCAP would allow up to 70 percent land coverage on properties in land capability Classes 4 through 7, all but a portion of one parcel is located entirely in land capability Class 1b, so no new land coverage can be created. One parcel (APN 027-090-25) as shown in Table 1-1 includes land capability Class 7 and does not exceed 70 percent land coverage, but the existing land coverage in the land capability Class 7 portion already exceeds 70 percent. Alternatively, the amendments provide a beneficial opportunity for redevelopment through which mitigation of excess land coverage could occur, thereby creating potential to decrease runoff.

Bijou Creek is mapped within the area, but no stream channel is visible due to the prevalence of development and waters are piped through an outfall into the lake. The completed Bijou Erosion Control Project constructed a regional treatment system for runoff in commercial areas which is pumped through an underground force main to infiltration basins in the upper Bijou Creek watershed and replaced the Bijou

Creek storm drain system that conveys storm water from the watershed through the commercial core area and into Lake Tahoe. Due to the existing amount of development in the amendment area, and the prevalence of existing excess land coverage due to a high percentage of land coverage in an area predominantly comprised of Class 1b soils or general excess land coverage on Class 7 soils, no new land coverage would occur and an increase in surface runoff or additional coverage to alter the drainage pattern is not anticipated. Redevelopment within the amendment area would be required to meet existing BMP standards to control stormwater runoff and pollutant loading and redevelopment has the potential to improve runoff management. Since each of the parcels in the amendment area exceeds land coverage limits as shown in Table 1-1, redevelopment would not be allowed to add additional excess land coverage and runoff rates can be expected to either remain the same or decrease in the future. As specified in Section 60.4.6 of the TRPA Code of Ordinances (Standard BMP Requirements), except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year one-hour storm are required for approval of all projects within the Lake Tahoe Region. Therefore, future projects would not inhibit the ability to infiltrate surface water runoff from a 20-year one-hour storm event.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.12-3.iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Redevelopment within the TCAP amendment area would be required to meet existing BMP standards to control potential increases in stormwater runoff and pollutant loading onsite. As specified in Section 60.4.6 of the TRPA Code of Ordinances (Standard BMP Requirements), except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year one-hour storm are required for approval of all projects within the Lake Tahoe Region. Therefore, future redevelopment projects in the amendment area are not expected to create or contribute additional runoff that would exceed the capacity of existing or planned stormwater drainage system. Redevelopment has the potential to improve drainage systems to meet current standards.

Recent drainage improvements (2014) in the TCAP include the Bijou Erosion Control Project Phase 1 which focused on replacing the Bijou Creek storm drain system that conveys runoff from the 1,300-acre Bijou Creek watershed to Lake Tahoe and constructing a comprehensive regional treatment system for runoff generated in the Bijou commercial core, which includes the amendment area.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.12-3.iv) Impede or redirect flood flows?**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to floodplains in Section 35.4 of the TRPA Code of Ordinances (Floodplains) or Chapter 6.65 of the City Code. Portions of the amendment area are located within the FEMA-mapped flood hazard area (primarily the commercial uses in Bijou Center, a few residences, Lakeshore Lodge, and the shoreline). Future redevelopment projects would be required to meet both the requirements of Chapter 35 (Natural Hazard Standards) of the TRPA Code of Ordinances and Chapter 6.65 of the City Code related to floodplain management. Chapter 35 of the TRPA Code of Ordinances (or more specifically Section 35.4.2) prohibits additional development, grading or filling within the 100-year floodplain except for public outdoor recreation, public service and water quality control facilities, and floodplain crossings. Chapter 6.65 of the City Code restricts or prohibits

uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities; requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controls the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; controls filling, grading, dredging, and other development which may increase flood damage; and prevents or regulates the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.12-4. Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to water-related hazards. Future development projects would be required to meet the requirements of Chapter 35 (Natural Hazard Standards) of the TRPA Code of Ordinances and Chapter 6.65 of the City Code related to floodwater management. Consistent with existing conditions, because the TRPA Code prohibits the development, grading, or filling of lands within the 100-year floodplain and in the area of wave run-up (TRPA Goals and Policies, Policy NH-1.2), implementation of the TCAP amendments would not expose people or property to flooding or wave action from 100-year storm events.

There are active faults in the Lake Tahoe Basin, which could be sources of ground shaking at locations within the amendment area boundaries during a seismic event. Seismic events could also result in tsunami or seiche within Lake Tahoe, potentially affecting low-lying areas. Structures redeveloped within the amendment area would be designed and constructed in accordance with the current design requirements of the California Building Code and International Building Code Seismic Zone D. Therefore, there would be no substantial increased risk of loss, injury or death or property damage from ground shaking alone. Based on studies by Ichinose et al. (2000), a potential exists for tsunami and seiche-related waves between 10 and 30 feet in height to occur along the shore of Lake Tahoe, potentially threatening low-lying lakeside communities. While experts have characterized the risk as far less than the risk of an approaching wildfire in the Tahoe Region, they have called for the risk of inundation to be factored into emergency plans for the region (Kaye 2011).

The TCAP and B/ATCP amendments would continue to implement the policies of the Regional Plan (TRPA 2012d) which provides for increased density of development in Town Centers and the Regional Center. The amendment area is located in a low-lying area adjacent to Lake Tahoe and could be at risk from tsunami or seiche. Increasing the density of development within this area could place additional people and properties at risk to tsunami and seiche; however, as discussed previously, and shown in Table 1-1, the amendment area is already highly developed and if redeveloped, the number of total structures and density/population would not measurably change. New land uses that have the potential to release pollutants if inundated by a seiche are not proposed under the TCAP and B/ATCP amendments. The City has prepared and adopted a Natural Hazard Mitigation Plan which provides guidance to the City for the development of pre-mitigation and post-mitigation recovery for disasters in all hazard classifications. Emergency procedures in the City are guided by South Lake Tahoe's Emergency Management Plan (EMP) and the South Lake Tahoe Fire Department's Fire Planning Process. The EMP provides a framework to guide the City's efforts to mitigate and prepare for, respond to, and recover from major emergencies or disasters. Future projects within the amendment area would be required to undergo subsequent project-level permitting and environmental review, which would require the evaluation of hazards related to earthquake-

related tsunami and seiche and measures (e.g., site-specific notification and evacuation procedures) may be required as appropriate.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.12-5. Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to water quality control plans or sustainable groundwater management plans applicable to the amendment area. Chapter 60 of the TRPA Code of Ordinances (Water Quality) includes standards for discharge limits to surface and ground waters. Chapter 7.15 of the City Code regulates urban runoff and stormwater quality. The TRPA Lake Tahoe Water Quality Management Plan (208 Plan) would continue to apply to the area and the amendments propose no changes to this plan. The City of South Lake Tahoe Pollutant Load Reduction Plan would also continue to apply to the area. The TCAP recognizes these plans and TRPA Water Quality Improvement Projects, none of which are altered by the amendments. All redevelopment and infrastructure improvements within the amendment area would be required to meet the discharge standards of the Lahontan Regional Water Control Board. Projects that would create more than one acre of disturbance are required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The TCAP amendments do not alter these requirements and no change in the application of these requirements and standards would occur.

South Tahoe Public Utility District implements the Tahoe Valley South Basin Groundwater Management Plan, which includes the entire STPUD service area in which the amendment area is located. The TCAP and B/ATCP amendments do not propose to change groundwater management and do not propose new uses that would affect the groundwater management plan.

Since all existing state and local protections for surface water and groundwater would remain in place and would not be altered by the amendments, and water quality BMPs (in accordance with Chapter 60 of the TRPA Code) would continue to be required for all development (existing and proposed), the amendments would not result in adverse discharges to surface or groundwaters or alteration of surface or groundwater quality, and would not conflict with or obstruct implementation of plans protecting surface water and groundwater resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-6. Will the Project result in changes in currents, or the course or direction of water movements? (TRPA 3a)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to the course or direction of water movements. TRPA would retain responsibility for enforcing and implementing Shorezone regulations as described in Chapters 80 through 85 of the TRPA Code. Section 80.4.1 of the TRPA Code includes measures designed to preserve the natural littoral processes driven by currents and wave action within Lake Tahoe. Stream modifications are limited by the provisions of Chapter 63 (Fish Resources) of the TRPA Code of Ordinances, which requires protection of fish resources, and Sections 61.3.3 (Protection of Stream Environment Zones- SEZs) and 30.5 (Prohibition of Additional Land Coverage in Land Capability Districts 1a, 1c, 2, 3, and 1b – SEZs), which require protection of SEZ areas.



In this area, Bijou Creek is routed to Lake Tahoe via underground piping, culverts, and outfalls and no stream channel is visible due to the existing intensity of development. Future projects would be subject to subsequent permitting and environmental review, and TRPA Code sections described above as well as all other federal, state, and local regulations pertaining to the course or direction of water movements.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-7. Will the Project result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? (TRPA 3b)**

See discussions and analyses for Question 5.4.12-3.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-8. Will the Project result in alterations to the course or flow of 100-year floodwaters? (TRPA 3c)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to floodplains in Section 35.4 (Floodplains) of the TRPA Code of Ordinances or Chapter 6.65 of the City Code. Portions of the amendment area are located within the 100-year floodplain, as discussed under Question 5.4.12-3 above. All future redevelopment within the amendment area would be required to meet both the requirements of the TRPA Code of Ordinances and City Code related to floodplain management and structural development.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-9. Will the Project result in change in the amount of surface water in any water body? (TRPA 3d)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to surface water management. Surface water and water rights in California are managed by the California State Water Resources Control Board. Future redevelopment projects that would require additional water supply affecting the amount of surface water in Lake Tahoe or another water body would be required to comply with Chapters 32 (Basic Services) and 60 (Water Quality) of the TRPA Code of Ordinances, which address the provision of basic services to projects and the protection of source water.

The potential impact of development and redevelopment within the Tahoe Region on the availability of public water supplies was analyzed in the RPU EIS (TRPA 2012a, page 3.13-11). While the TCAP amendments would slightly increase the maximum allowable density for multiple family and timeshare units, the amendment area is currently highly developed and the potential increase in use as a result of redevelopment projects would not be substantial as existing uses are at, near or even exceed the current allowable density limits. Because the regional water demand at build-out would be less than the regional surface water allocation, and because TRPA Code of Ordinances Section 32.4 requires demonstration of adequate available water supply within an existing water right prior to permit approval, implementation of

the TCAP and B/ATCP amendments would not result in a substantial reduction in the amount of surface water or the water available for public water supplies.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-10. Will the Project result in discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (TRPA 3e)**

See discussions and analyses for Question 5.4.12-1 above. The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to discharge into surface waters and surface water quality. Chapter 60 (Water Quality) of the TRPA Code of Ordinances includes standards for discharge limits to surface and ground waters and Chapter 7.15 of the City Code regulates urban runoff and stormwater quality. All redevelopment and infrastructure improvements within the amendment area would be required to meet the discharge standards of the Lahontan Regional Water Quality Control Board and applicable stormwater discharge permits. All projects that would create more than one acre of disturbance are required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the City's Stormwater Management Plan.

Since all existing state and local protections for surface water would remain in effect, including requirements for water quality BMPs (per Chapter 60 of the TRPA Code of Ordinances), the TCAP amendments would not result in discharges to surface waters or alteration of surface water quality.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-11. Will the Project result in alteration of the direction or rate of flow of ground water? (TRPA 3f)**

The TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to excavations that could intercept or otherwise interfere with groundwater. Section 33.3 (Grading Standards) of the TRPA Code of Ordinances prohibits excavations, except under certain defined and permitted conditions, that interfere with or intercept the high water table by: altering the direction of groundwater flow; altering the rate of flow of groundwater; intercepting groundwater; adding or withdrawing groundwater; or raising or lowering the groundwater table. Additionally, excavation in excess of 5 feet below ground surface (or less in areas of known high groundwater) is generally prohibited because of the potential to intercept or interfere with groundwater (Section 33.3.6 Excavation Limitations, TRPA Code of Ordinances). Such excavations may be permitted under certain defined conditions (Section 33.3.6.B of the TRPA Code of Ordinances), and in such cases it must be demonstrated in a soils/hydrologic report that no interference or interception of groundwater would occur as a result of the excavation. Future projects in the amendment area would be subject to subsequent environmental review and permitting by the City and/or TRPA, and the project applicant would be required to demonstrate compliance with Chapter 33 (Grading and Construction) of the TRPA Code of Ordinances and the protection of groundwater.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-12. Will the Project result in change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? (TRPA 3g)**

See discussions and analyses for Questions 5.4.12-9 through 5.4.12-11 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-13. Will the Project result in substantial reduction in the amount of water otherwise available for public water supplies? (TRPA 3h)**

See discussion and analysis in Question 5.4.12-9 above and analyses in Questions 5.4.21-1 and 5.4.21-2 below which conclude that potential impact of redevelopment on the availability of public water supplies would not have an impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-14. Will the Project result in exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? (TRPA 3i)**

See discussions and analyses for Questions 5.4.12-3, 5.4.12-4, and 5.4.12-8 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-15. Will the Project result in potential discharge of contaminants to the groundwater or any alteration of groundwater quality? (TRPA 3j)**

See discussions and analyses for Questions 5.4.12-9 through 5.4.12-11 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.12-16. Is the Project located within 600 feet of a drinking water source? (TRPA 3k)**

Although there are no wells onsite, the amendment area is located within 600 feet of drinking water sources; however, the TCAP and B/ATCP amendments would not alter or revise the regulations pertaining to source water protection and is therefore consistent with the goals of the Regional Plan and the RPU EIS. Chapter 60 (Water Quality) of the TRPA Code of Ordinances includes protections for drinking water sources. Section 60.3.3.C.1 of the TRPA Code of Ordinances identifies a Source Water Protection Zone that includes a 600-foot radius around wells, lake intakes, and springs assessed by TRPA. TRPA's Source Water Assessment Map identifies four (4) wells located just outside the boundary of the amendment area; however, the buffer of these wells (600 ft. radius around the well) intersects portions of the western and southern borders of the amendment area. All development within Source Water Protection Zones is subject to the requirements of Section 60.3.3.D (Review of Proposed Possible Contaminating Activities Located in Source Water Protection Zones), including installation of water quality BMPs and development of a spill control plan. Any subsequent projects allowed in the area would be subject to permitting by the City and/or

TRPA. Permit applicants within 600 feet of a drinking water source would be required to demonstrate compliance with the source water protection provisions in Chapter 60 (Water Quality) of the TRPA Code of Ordinances and Section 60.3, Source Water Protection.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.13 Land Use and Planning

This section presents the analyses for potential impacts to land use and planning. Table 5-13 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-13: Land Use and Planning				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.13-1.</b> Physically divide an established community? (CEQA XIa)				<b>X</b>
<b>5.4.13-2.</b> Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)			<b>X</b>	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.13-3.</b> Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan? (TRPA 8a)				<b>X</b>
<b>5.4.13-4.</b> Expand or intensify an existing non-conforming use? (TRPA 8b)				<b>X</b>

#### 5.4.13-1. Would the Project physically divide an established community? (CEQA XIa)

The amendment area is already fully developed and there are no plans to divide the area with roads, trenches, railroads, fences or other divisive features. While the TCAP amendments would amend the Bijou Center area from the B/ATCP, the amendments would not physically divide the community and would result in little change from existing conditions as the area would remain subject to TRPA and City policies and regulations.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### 5.4.13-2. Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)

The TCAP and B/ATCP amendments would not alter or conflict with the policies in the TRPA Regional Plan or City General Plan, nor would they amend policies in the adopted TCAP or B/ATCP. However, the amendments would result in changes to the boundaries of the TCAP and B/ATCP and the land use designation within the amendment area. The City's General Plan designates the area as "Town Center" and as an "Economic/Tourist Center" while the adjacent area in the TCAP Gateway District is designated as "Tourist". The TRPA Regional Plan identifies the amendment area as "Mixed-Use" and the adjacent parcels in the TCAP Gateway District as "Tourist". The B/ATCP identifies the Bijou District as "Commercial and Tourist Accommodation". The amendment area is part of the Town Center Special Planning District Overlay on the Regional Plan Land Use Map, which includes adjacent areas in the existing TCAP boundary as well as adjacent areas in the B/ATCP. While the TCAP area is clearly identified as "Tourist" the amendment area is labeled by various land use plans as both Commercial and Tourist or Mixed-Use, which reflects the commercial and tourist accommodation units currently in the area. The area is identified by each of the plans as a Town or Economic/Tourist Center, which would not be affected by the amendments.

While the designations between the TCAP and B/ATCP differ, and this difference is reflected in the General Plan and Regional Plan, the uses allowed in and that are present within the amendment area are relatively the same between the two plans, and are indicative of both a Commercial or a Tourist designation/zone. The allowed uses within the amendment area would change slightly from the range of existing uses applied under the B/ATCP, as shown in Table 2-1 and simplified in the table below:

Land Use Category	B/ATCP (District 1)	Existing TSC-G	Proposed TSC-G Special Area 1
Multiple Family Dwelling	S 15 DU/acre	A 25 DU/acre	A 25 DU/acre
Single Family Dwelling	S (excludes condos)  1 DU/parcel	A (includes condos)  1 unit per parcel for parcels less than one acre, 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence.	A (includes condos)  1 unit per parcel for parcels less than one acre, 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence.
Time Share – Residential Design	--	S 40 units/acre	A 40 units/acre
Time Share Hotel/Motel Design	--	S 40 units/acre	A 40 units/acre
Building Material and Hardware	S	--	S
Nursery	S	--	S
Outdoor Retail Sales	S	--	S
Amusement & Recreation	A	--	A
Privately Owned Assembly & Entertainment	S	--	S
Animal Husbandry	A	--	A
Business Support Services	A	S	A
Schools (Business/Vocational)	A	A	A
Printing and Publishing	S	A (Professional Offices)	A (Professional Offices)
Churches/Religious Assembly	A	S	A

Land Use Category	B/ATCP (District 1)	Existing TSC-G	Proposed TSC-G Special Area 1
Collection Stations	S	--	--
Cultural Facilities	A	S	A
Government Offices	S	--	S
Post Office	S	--	--
Local Assembly/Entertainment	S	--	S
Local Public Health and Safety Facilities	S	A	A
Social Service Organizations	S	A	A
Threshold Related Research Facilities	S	A (Professional Offices)	A (Professional Offices)
Boat Launching Facilities	--	TRPA-S	TRPA-S
Marinas	S	TRPA-S	TRPA-S
Visitor Information Centers	A	S	A
Regeneration Harvest	--	A	A
Insect & Disease Suppression	S	A	A
Fuels Treatment & Management	--	A	A
Prescribed Fire/Burning Management	--	A	A
SEZ Restoration	--	A	A
Structural/Nonstructural Fish/Wildlife Habitat Management	--	A	A

The uses are primarily the same although some allowed uses in one plan are special uses in the other. The primary changes address multiple family and timeshare units. Implementation of the TCAP amendments would increase the maximum number of permissible multiple family units in the amendment area from 15 units per acre to 25 units per acre. In addition, timeshare uses would be allowed in the amendment area and at a maximum density of 40 units per acre, which is the same density allowed for hotel units in both the TCAP and the B/ATCP. Uses currently allowed in the B/ATCP either as an allowed or special use that would not be allowed in the TCAP TSC-G Special Area 1 include only post offices and collection stations. Although not specifically listed in the TCAP list of permissible uses, the following uses are allowed under the definition of “General Retail”: mail order and vending, furniture, home furnishings and equipment, and food and beverage retail sales. Likewise, printing and publishing, threshold related research facilities, and broadcast studios are allowed and included under “professional offices” while repair services are allowed as a special use under “business support services”. Special or allowed uses in TSC-G Special Area 1, not allowed in District 1 of the B/ATCP include timeshares, condominiums, boat launching facilities, SEZ restoration, structural/non-structural fish/wildlife habitat management, regeneration harvest, fuels treatment and management, and prescribed fire/burning management. Special uses in District 1 of the B/ATCP that would be allowed uses in the TCAP Gateway District include multiple family and single family dwellings, local public health and safety facilities, social service organizations, threshold related research facilities, printing and publishing, and insect and disease suppression.

Within TCAP TSC-G Special Area 1, the amendments would add amusement and recreation and animal husbandry as allowed uses and local assembly and entertainment, government offices, privately owned assembly and entertainment, outdoor retail, nursery, and building material and hardware as special uses. In addition, the amendments would permit business support services, schools – business and vocational, and religious assembly as allowed uses instead of special uses in TSC-G Special Area 1, whereas marinas would become special uses rather than allowed uses. Although the list of uses changes, the changes in allowed land uses do not alter the land use direction of the area or conflict with goals and implementation measures in the Regional Plan or General Plan.

The amendments also propose to limit mixed-use density in TSC-G Special Area 1. An amendment is proposed for the “Lot and Density” policy, which states, “The maximum mixed-use density for TSC-G Special Area 1 is 40 units per acre. Otherwise, the lot and density standards for TSC-G Special Area 1 are identical to those in the TSC-G zoning district.” Although the Regional Plan Update allows Area Plans maximum densities of 25 units per acre for multi-family residential plus 40 units per acre for tourist accommodation units, for a combined mixed-use density of 65 units per acre, this amendment limits the density to a maximum of 40 units per acre for a mixed use project in TSC-G Special Area 1, regardless of whether the use is residential or tourist so that development densities cannot exceed the 40 unit per acre limit. Within the remainder of the TCAP Districts that allow mixed-use, the maximum density would be 65 units as established in the Regional Plan Update. This special policy maintains development density within the amendment area and avoids potentially significant density impacts.

The amendment area, as well as other developed areas in the Lake Tahoe Basin, can be characterized as legacy development, or development constructed prior to the initial Regional Plan, which typically does not include environmental or design features that correspond to the environmental requirements and design standards and guidelines in the Regional Plan. These older developments often did not account for land coverage, water quality enhancement, sprawl, sensitive habitat, or other considerations that are prioritized today. Although environmental improvement programs (EIPs) can be implemented to treat particular problems, they focus on a particular aspect, such as stormwater runoff treatment, rather than the multitude of issues surrounding legacy developments, which can only be addressed through redevelopment. The Regional Plan’s priority is to redevelop legacy development and Town Centers (Policy LU-1.2), which states, “Many of the Region’s environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area’s natural resources. To correct this, environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority.” LU-4.1 also indicates that Town Centers are “areas where sustainable redevelopment is encouraged.....Town centers are targeted for redevelopment in a manner that improves environmental. Conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.” Although the Project proposes to alter the allowed density of some uses (multi-family and timeshare) within the amendment area, and revises the allowable uses within the Gateway District, these revisions to the TCAP boundary and the uses allowed within that boundary and the Gateway District support the Regional Plan’s redevelopment goals and vision for Town Centers by encouraging redevelopment and allowing a range of uses appropriate for Town Center purposes and densities.

The General Plan description of Town Center states, “This designation provides for a mixture of uses including tourist accommodation, commercial, intensive recreation, high-density residential, and mixed-use residential. This designation is applied to areas that are currently developed as commercial/visitor centers, have excess land coverage, where vertical mixed-use projects are appropriate, and are near commercial, employment, transit, and public services.” The General Plan also identifies the amendment area as an “Economic and/or Tourist Center.” The existing Gateway District area adjacent to the amendment area is considered Tourist Center by the TCAP, but with a Town Center overlay, and the Gateway District is defined similarly in the TCAP to the description for Town Center in the General Plan. The amendments would not hinder the existing allowable uses in the remainder of the B/ATCP, and would not limit the uses in the existing TCAP Gateway District, but would change the range of uses allowed in the amendment area as discussed above. The General Plan does not indicate the types of land uses allowed, prohibited, or that are special uses to the degree the community and area plans establish. The General Plan categorizes areas into different types of commercial, residential, recreation, or conservation areas, but does not establish of list of specific allowed uses, such as single family dwellings, professional offices, bed and breakfasts, marinas, or other uses. Since the amendment area is a Town Center that provides for a mixture of uses including residential, commercial, tourist, and recreation, the proposed uses under the amendments would not conflict with the General Plan. Like the TCAP amendment, the General Plan allows for land coverage



of up to 70% within Class 4 through 7 lands within the Town Center, resulting in no conflict between the two planning documents in regard to land coverage limits.

In addition to changes in the allowed uses from what is currently applied to the amendment area, the TCAP amendments would also apply the additional height allowance for non-single family dwellings that meet the height findings in the TCAP to the amendment area (TSC-G Special Area 1). The maximum building height would be raised from 42 feet to 56 feet, subject to additional findings, as is currently allowed in other districts in the TCAP and by the Regional Plan for Town Centers. Single-family dwelling structures and structures unable to make the additional height allowance findings would continue to be limited to a maximum of 42 feet, which is consistent with the B/ATCP and TRPA Code. Although the maximum allowable height would increase in the amendment area (TSC-G Special Area 1) under the amendment, the additional height allowance reflects existing conditions within the area, where the height or stories of some structures already exceeds 42 feet, and also reflects the existing height standards established in the TCAP. The number of allowable stories would be from three to four stories for non-single-family dwelling structures that meet the existing, required findings for additional height as discussed above.

The amendment area currently includes a number of residential homes that are used as vacation home rentals (VHRs). The TCAP allows VHRs without limit to the number of VHRs which can be permitted. Since there are existing VHRs in the amendment area (two residential properties and many of the Lakeshore condominium units), moving the area from the B/ATCP into the TCAP would more appropriately place these VHRs in the tourist core. The City is the only jurisdiction that reserves allocations specifically for the development of housing in its area plans and is working with several developers for large multi-family projects either within or outside the TCAP. Currently there is no waiting list for multi-family allocations. The City is working with developers to move forward with affordable housing projects throughout all areas of the City, although none are within the amendment area.

The proposed revisions more accurately reflect existing uses, and are consistent with and do not obstruct implementation of the Regional Plan and General Plan policies.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.13-3. Will the Project include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan? (TRPA 8a)**

As discussed in Question 5.4.13-2, the TCAP amendments would result in a different range of allowed land uses applied to the amendment area as the land would be relocated to within the boundaries of the TCAP, rather than the B/ATCP. Uses permissible in the Gateway District, but not currently permissible in the portion of District 1 to be amended include timeshares, condominiums, regeneration harvest, fuels treatment and management, prescribed fire/burning management, SEZ restoration, boat launching facilities, and structural/nonstructural fish/wildlife habitat management. While the Community Plan does allow timeshares on specific parcels, none of these parcels are within the amendment area, and timeshare uses are not currently allowed. Timeshare units, while different from hotel/motel units, are similar in nature as a tourist accommodation, and would be allowed at the same density (40 units per acre) as the already allowed hotel/motel uses. Although they already exist in the amendment area, the amendments allow condominium units, which were not allowed in the B/ATCP, at the same density as single-family residential uses. Since condominiums function in the same way as a single-family dwelling, no impact from this addition would occur. No significant change in the mix of land uses currently in the amendment area is expected and it would continue to accommodate a mixture of predominantly commercial and tourist uses.

The amendments would allow boat launching facilities and marinas as a special use with TRPA review and approval. Timber Cove Marina currently exists and has the capacity to place boats into the water, so additional boat launching facilities within the amendment area would not be feasible. Given the developed nature of the area and the presence of other boat launch and marina facilities in the vicinity, no new marina or boat launch facilities are anticipated as a result of future redevelopment outside of public access improvements. It is expected the existing marina and beach access would continue to operate in the same way into the future, with public access improvements as identified in the proposed TCAP Recreation Implementation Strategy, “Support the CTC 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.”

Other uses allowed under the TCAP that are special uses in the B/ATCP include multi-family dwellings, single family dwellings, social service organizations, insect and disease suppression, printing and publishing, threshold related research facilities and local public health and safety facilities. Since these uses are permissible with special review, and since single family and multi-family dwellings already exist in the amendment area, allowing them as permissible instead of special uses would not cause an impact as these uses would not be further limited by the amendment.

Two uses currently allowed as a special use in the B/ATCP, collection stations and post offices, would no longer be allowed under TCAP. There are no collection stations or post offices currently within the amendment area, and the amendment area is developed with tourist and commercial uses that would not encourage the siting of a collection station, nor would a collection station be desirable within an area focused on tourism and commercial services. A few resource management uses that are not currently allowed within the B/ATCP would be allowed under the TCAP, including regeneration harvest, fuels treatment and management, and prescribed fire/burning management. The amendment area is urbanized and does not include lands that would be considered “forest”, therefore, this change in allowed use would have little impact. Adding SEZ restoration and structural/nonstructural fish/wildlife habitat management would be beneficial.

The amendments would also change the permissibility of uses within the Gateway District to absorb the uses identified in B/ATCP District 1 to avoid creation of non-conforming uses. These changes are shown in the table in 5.4.13-2 and include new special uses (building material and hardware, nursery, outdoor retail, privately owned assembly and entertainment, government offices, and local assembly and entertainment) and new allowed uses (amusement and recreation and animal husbandry). Marinas would change from an allowed use to a special use and business support services, schools – business and vocational and religious assembly would change from special uses to allowed uses.

Also the amendments to the TCAP addresses the erroneous exclusion of shorezone uses from the TCAP, including water oriented outdoor concessions, waterborne transit, tour boat operations, safety and navigation devices, buoys, piers, fences, boat ramps, floating docks and platforms, shoreline protective devices, and water intake lines, all of which would have the same allowed or special use designation as in the B/ATCP. These uses were previously allowed in the Stateline/Ski Run Community Plan that was replaced by the TCAP in 2013.

No other changes to the land use matrix in the adopted TCAP are proposed by the amendments and no significant impact is anticipated.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.13-4. Will the Project expand or intensify an existing non-conforming use? (TRPA 8b)**

Implementation of the TCAP amendments would result in changes to permissible uses applied within the amendment area as discussed in Questions 5.4.13-2 and 5.4.13-3. None of the uses currently in the amendment area are non-conforming uses in the TCAP, however, the existing condominiums are actually not allowed in the B/ATCP. Timeshares and condominiums are not allowed in the B/ATCP area. While timeshares are a non-conforming use in the B/ATCP, they would be an allowed use in the TCAP and could be developed per TRPA standards and City Code. Timeshares are also consistent with the types of uses envisioned in the TCAP and Regional Plan and typical of uses found in tourist/commercial area and within the amendment area. Residential condominiums would also be an allowed use as single-family dwellings. There are currently 30 condominium units in the amendment area. No land use conflict would be expected as a result of implementing the TCAP amendment. Furthermore, if uses not conforming with the TCAP were within the amendment area, they would be prohibited from expanding by provision of TRPA Code of Ordinances Section 21.2.3 and City Code Chapter 6.55; however, there are currently no non-conforming uses.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### 5.4.14 Mineral Resources (CEQA) and Natural Resources (TRPA)

This section presents the analyses for potential impacts to mineral resources and natural resources. Table 5-14 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-14: Mineral Resources and Natural Resources				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.14-1.</b> Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)				X
<b>5.4.14-2.</b> Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.14-3.</b> A substantial increase in the rate of use of any natural resources? (TRPA 9a)				X
<b>5.4.14-4.</b> Substantial depletion of any non-renewable natural resource? (TRPA 9b)				X

##### 5.4.14-1. Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)

There are no mapped mineral resources within the TCAP or the proposed amendment area in the B/ATCP, nor does any specific plan or other applicable plan identify any sites within the amendment area as an important mineral recovery site.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

##### 5.4.14-2. Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)

See discussion and analysis for Question 5.4.14-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.14-3. Will the Project result in a substantial increase in the rate of use of any natural resources? (TRPA 9a)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

The use of natural resources, such as construction wood or metals, or gasoline would occur incrementally if existing developments are remodeled or improved. Since the area is already developed, a substantial increase in the rate of use would not occur. The RPU EIS (TRPA 2012a, page 5-3) acknowledged the potential increase in the use of natural resources resulting from increased development and redevelopment within the Tahoe Region, however any project permitted through the TCAP would be subject to project level environmental review and site-specific mitigation measures if necessary. Therefore, any increase in the rate of use of natural resources would be negligible and would not be in quantities that would result in a significant effect.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.14-4. Will the Project result in a substantial depletion of any non-renewable natural resource? (TRPA 9b)**

Non-renewable natural resources such as gasoline and diesel are consumed during the construction of development projects; however, the potential for new development would be limited through restrictions to TRPA regulated commodities (see project description) such as commercial floor area, residential allocations and tourist accommodation units. Furthermore, the area proposed for amendment is already developed. Because construction would be limited and would not require quantities of non-renewable resources beyond those of typical residential and commercial construction, projects associated with the TCAP would not result in substantial depletion of any non-renewable natural resource.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.15 Noise

This section presents the analyses for potential impacts related to noise. Table 5-15 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-15: Noise				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.15-1.</b> Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)			X	
<b>5.4.15-2.</b> Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)			X	
<b>5.4.15-3.</b> For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)				X
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.15-4.</b> Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? (TRPA 6a)				X
<b>5.4.15-5.</b> Exposure of people to severe noise levels? (TRPA 6b)				X
<b>5.4.15-6.</b> Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? (TRPA 6c)				X

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.15-7.</b> The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? (TRPA 6d)				<b>X</b>
<b>5.4.15-8.</b> The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? (TRPA 6e)				<b>X</b>
<b>5.4.15-9.</b> Exposure of existing structures to levels of ground vibration that could result in structural damage? (TRPA 6f)				<b>X</b>

**5.4.15-1. Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)**

The TCAP amendments alter the CNEL standards set forth in the TCAP, but no change is proposed to the noise standards in the B/ATCP. The existing TCAP noise standard for the Gateway District is 65 CNEL, which is also the applicable CNEL for the US 50 corridor and for the B/ATCP. However, TRPA Threshold Standards indicate the following maximum background noise level CNEL limits:

N16) 55 dBA CNEL (Average Noise Level) in the High Density Residential Areas Land Use Category.

N18) 60 dBA CNEL (Average Noise Level) in the Hotel/Motel Areas Land Use Category.

N19) 60 dBA CNEL (Average Noise Level)) in the Commercial Areas Land Use Category.

TRPA threshold standards only allow 65 dBA CNEL in industrial areas and along major transportation corridors. The existing CNEL limit in the TCAP exceeds these threshold standards and therefore, the amendments propose to correct this inconsistency. The amendments will limit the maximum CNEL to either 55 or 60 dBA in the TCAP per the uses in each TCAP district, and will maintain the 65 CNEL limit along the US 50 corridor.

## COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)

The maximum community noise equivalent level for this Area Plan is as follows:

TABLE 3: COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)								
DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC	OS	US 50
CNEL	<del>65</del> 60	<del>65</del> 60	<del>65</del> 60 <sup>1</sup>	<del>65</del> 60 <sup>2</sup> (55 within the shorezone)	65	55	55	65

1. **Maximum CNEL for TSC-MUC Special Area #1, which comprises of APNs 028-081-02, 028-081-04, 028-081-15 is 55**
2. **Maximum CNEL for TSC-G Special Area #1 is identical to the TSC-G Zoning District**

The maximum CNEL in the TSC-G would be reduced from 65 dBA to 60 dBA in accordance with current TRPA threshold standards for a predominantly tourist use area. Although no CNEL amendment is proposed for the US 50 corridor, the reduction in maximum CNEL applied within the amendment area would not result in an increased noise impact and would ensure the CNEL limits are in compliance with the current TRPA CNEL standards. Therefore, no increase in allowed CNEL is proposed.

The amendment area is fully developed with commercial, tourist, and residential uses. The potential for noise level increases would not change from the baseline existing conditions because newly allowed uses (condominiums and timeshares) produce similar noise levels as single-family dwellings and tourist accommodation units, which are already allowed and exist in the amendment area. Although timber regeneration harvest, fuels treatment and management, and prescribed fire and burning management would also be newly allowed uses in the amendment area, these uses would not occur other than general wildfire safety management that is already applied, given the developed nature of the amendment area. Although development density for tourist accommodation and multi-family units would increase with the amendment, the proposed density limits are similar to the density of existing land uses. The amendment to the “Lot and Density” policy that limits the maximum combined mixed-use density to 40 units per acre within TSC-G Special Area 1 would also ensure that no noise increase over adopted threshold standards would occur. Redevelopment of commercial, tourist, recreational, and residential uses may result in short-term construction-related noise increases (discussed in Question 5.4.15-5 below), and redevelopment associated with the TCAP amendments would not result in a significant long-term increase in existing CNEL levels, as discussed below. Furthermore, future redevelopment projects in the amendment area would be subject to subsequent environmental review and permitting by the City and/or TRPA, and the project applicant would be required to demonstrate compliance with noise limits.

### Noise/Land Use Compatibility

Policy LU7-2 of the TCAP requires an acoustical analysis as part of the environmental review process when noise-sensitive land uses are proposed in areas exposed to existing or project exterior noise levels exceeding the levels shown in Table HS-1 and HS-2 of the City General Plan, so noise mitigation may be included in the project design. The City and/or TRPA would only approve projects that can demonstrate compliance with the applicable noise standards.

### Traffic-Related Noise

Code of Ordinances Section 68.8.3 requires all substantial transportation projects in transportation corridors that are not in attainment of adopted CNEL standards incorporate mitigating design features to achieve



adopted standards. Redevelopment projects under the TCAP amendments could result in some increases in vehicle travel and traffic volumes on roadways; however, as indicated in the traffic memo (Appendix A), no increase in traffic would occur as a result of the amendment; therefore, no increase in traffic-related noise would occur as a result of the amendment. The addition of timeshares, which operate as tourist accommodations, and condominiums, which already exist in the area and function similarly to single-family dwellings, as allowed uses in the amendment area would not increase traffic related noise conditions above the baseline condition. The proposed amendment to the “Lot and Density” policy ensures mixed-use development densities do not exceed 40 units per acre within TSC-G Special Area 1. Existing development would need to be converted to another more noise intensive use or expanded for any noticeable change in traffic-related noise to occur.

To ensure that the generation of noise levels in excess of standards established for the TCAP is not exceeded, the TCAP incorporates a noise policy which is designed toward reducing traffic-related noise. Policy LU7-1 requires the mitigation of new transportation noise sources to the levels shown in Table HS-2 of the City General Plan (CSLT 2011b, page HS-10) at all outdoor activity areas and interior spaces of existing noise-sensitive land uses. Further, the City and/or TRPA would continue to evaluate individual projects within the TCAP amendment area at a project level and would enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in Chapter 68 (Noise Limitations) of the TRPA Code of Ordinances.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.15-2. Would the Project generate excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)**

The TCAP and B/ATCP amendments would not alter existing noise policies. The amendment area is fully developed with commercial, tourist accommodation and residential uses, but redevelopment could occur within the area, regardless of which area plan or community plan in which it is located. Future construction activities associated with redevelopment projects could potentially expose noise-sensitive receptors to levels that exceed TRPA noise standards and/or expose noise-sensitive receptors to excessive noise levels. Construction activities redevelopment could include site preparation (e.g., demolition, clearing, excavation, grading), foundation work, paving, building construction, utility installation, finishing, and cleanup. These activities typically involve the use of noise-generating equipment such as cranes, excavators, dozers, graders, dump trucks, generators, backhoes, compactors, and loaders. Noise levels associated with these types of equipment are typically between 70 and 85 dBA L<sub>max</sub> at 50 feet. In unique circumstances, specialized construction equipment (such as pile drivers) or techniques (such as blasting) that are inherently louder than typical construction equipment (typically between 94 and 101 dBA L<sub>max</sub> at 50 feet) may be required (TRPA 2012a: pages 3.6-16 and 3.6-17).

During construction, residents and tourists could be exposed to noise levels that exceed TRPA standards outside of the exempt hours between 8:00 a.m. and 6:30 p.m., and/or expose nearby noise-sensitive receptors to excessive or severe noise levels. Therefore, construction activities could expose people to severe and/or nuisance noise levels unless measures are incorporated on a project-specific basis. TRPA adopted (November 20, 2013) additional best construction practices policies and revisions to the Initial Environmental Checklist (IEC) to address these issues. The TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include new construction provisions that call for the location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), closure of engine doors during operation except for engine maintenance, location of stationary equipment

(e.g. generators or pumps) as far as feasible from noise-sensitive receptors and residential areas, installation of temporary sound barriers for stationary equipment, and use of sonic pile driving instead of impact pile driving, wherever feasible. As required by TRPA Code Chapter 3, any project with potentially significant impacts would require mitigation.

The TCAP incorporates the City's General Plan noise policies and provides expanded protection from groundborne vibration and groundborne noise levels. Policy LU7-3 requires an analysis of a vibration impact be conducted for all construction activities that include impact equipment and activities such as pile driving, soil compaction, or vibratory hammers that occur within 200 feet of existing structures. These policies ensure that construction operations are designed to avoid or mitigate for vibrations above 0.02 inches/second (0.5 mm/second).

With implementation of policies and regulations already applicable to the project area the TCAP and B/ATCP amendments would not result in significant groundborne vibration or noise levels.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.15-3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)**

The amendment area is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport and therefore does not expose people working in the project area to excessive noise levels from aircrafts.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-4. Would the Project result in increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan? (TRPA 6a)**

See the response to Question 5.4.15-1, above. The maximum CNEL for the amendment area would be reduced with the amendments to comply with current TRPA threshold standards.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-5. Would the Project result in exposure of people to severe noise levels? (TRPA 6b)**

See the response to Question 5.4.15-1, above. The maximum CNEL allowed in the B/ATCP is the same as the maximum allowed in the TCAP Gateway District. The amendments propose to reduce the maximum CNEL levels in the TCAP to comply with TRPA threshold standards. Therefore, future redevelopment within the amendment area would be required to meet a lower maximum CNEL than is currently required in the TCAP and B/ATCP. No land use changes proposed by the TCAP amendments would result in exposing persons to severe noise above existing conditions.

Construction activities associated with redevelopment projects in the amendment area could include site preparation (e.g., demolition, clearing, excavation, grading), foundation work, paving, building construction, utility installation, finishing, and cleanup. These activities typically involve the use of noise-generating equipment such as cranes, excavators, dozers, graders, dump trucks, generators, backhoes, compactors, and loaders. Noise levels associated with these types of equipment are typically between 70 and 85 dBA Lmax at 50 feet. In unique circumstances, specialized construction equipment (such as pile drivers) or techniques (such as blasting) that are inherently louder than typical construction equipment (typically between 94 and 101 dBA Lmax at 50 feet) may be required (TRPA 2012a: pages 3.6-16 and 3.6-17). Construction activities that occur between 8:00 a.m. and 6:30 p.m. are exempt from TRPA CNEL standards.

TRPA adopted (November 20, 2013) additional best construction practices policies regarding noise generation. The TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include new construction provisions that call for the location of construction staging areas as far as feasible from sensitive air pollution receptors (e.g. schools or hospitals), closure of engine doors during operation except for engine maintenance, location of stationary equipment (e.g. generators or pumps) as far as feasible from noise-sensitive receptors and residential areas, installation of temporary sound barriers for stationary equipment, and use of sonic pile driving instead of impact pile driving, wherever feasible.

The TCAP incorporates a General Plan Mitigation Measure 4.6.6 (CSLT 2011, page 4.6-33) to reduce the impacts of ground borne vibration and noise as a result of construction activity that would provide expanded protection. Policy LU7-3 requires an analysis of a vibration impact be conducted for all construction activities that include impact equipment and activities such as pile driving, soil compaction, or vibratory hammers that occur within 200 feet of existing structures. The City will ensure that construction operations are designed to avoid or mitigate for vibrations above 0.02 inches/second (0.5 mm/second).

Therefore, the TCAP amendments would not expose onsite-sensitive receptors to levels that exceed TRPA noise standards and/or expose noise-sensitive receptors to excessive noise levels.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.15-6. Will the Project result in single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold? (TRPA 6c)**

This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

Single-event noise standards are set forth in Section 68.3.1 of the TRPA Code of Ordinances for aircraft, water craft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. Development allowed within the existing PASS and community plans, as well as with adoption of the TCAP amendment, could involve uses that include these types of motorized vehicles. As is the case under existing conditions, new uses generating an increase in the use of motorized vehicles would be required to meet the TRPA Code provisions pertaining to single-event noise. The TCAP and B/ATCP amendments do not propose a change in the current land uses and no significant noise increase is expected.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-7. Will the Project result in the placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible? (TRPA 6d)**

The existing allowable CNEL within the amendment area is 65 dBA in both the TCAP and the B/ATCP. The amendments would reduce the allowed maximum CNEL in the TCAP to 60 dBA in the TSC-G, thereby reducing the allowed noise level to comply with TRPA standards. The TCAP amendments do not propose uses that are substantially different from the Community Plan. The TCAP and B/ATCP amendments would not increase incompatible uses or alter the existing noise policies to allow an increase in noise levels, nor does it propose new projects in the amendment area. It can be expected that the existing noise levels and types of uses would persist. Any new project subsequent to these proposed amendments would be subject to environmental review and approval.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-8. Will the Project result in the placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses? (TRPA 6e)**

The TCAP amendments remove the Bijou Center area from the B/ATCP. Land uses allowed in the Gateway district of the TCAP, would be applied to the amendment area; however, the land uses are, for the most part, the same as those currently allowed in the B/ATCP as shown in Table 2-1, although collection stations and post offices would no longer be allowed in the amendment area under the TCAP and regeneration harvest, fuels treatment and management, and prescribed fire/burning management would be allowed. The amendment area is currently developed with commercial, tourist accommodation, and some residential uses. Redevelopment projects in the amendment area subject to environmental review would be required to comply with TRPA and City noise standards. Since it is already a mixed-use area, continuation of the uses and types of allowed uses through the TCAP amendments would not result in incompatible uses.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.15-9. Will the Project expose existing structures to levels of ground vibration that could result in structural damage? (TRPA 6f)**

See the response to Question 5.4.15-2, above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.16 Population and Housing

This section presents the analyses for potential impacts to population and housing. Table 5-16 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-16: Population and Housing</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.16-1.</b> Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVa)			<b>X</b>	
<b>5.4.16-2.</b> Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)			<b>X</b>	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.16-3.</b> Alter the location, distribution, density, or growth rate of the human population planned for the Region? (TRPA 11a)				<b>X</b>
<b>5.4.16-4.</b> Include or result in the temporary or permanent displacement of residents? (TRPA 11b)				<b>X</b>

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.16-5.</b> Affect existing housing, or create a demand for additional housing? To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions: (1) Will the proposal decrease the amount of housing in the Tahoe Region? (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? (TRPA 12a)				X
<b>5.4.16-6.</b> Will the proposal result in the loss of housing for lower-income and very-low-income households? (TRPA 12b)				X

**5.4.16-1. Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVA)**

The TCAP amendments transfers 49 developed parcels into the TCAP Gateway District from a portion of the B/ATCP District 1, increases the development density for multiple family and timeshare units, and allows for an increase in the maximum allowable height of tourist accommodation units within TSC-G Special Area 1. With the limited growth allowed by the TRPA Regional Plan that results in a projected growth rate of 10.8% for the next twenty years or 0.58% a year (TRPA 2012a, page 3.12-12) the implementation of the TCAP and B/ATCP amendments is not expected to exceed the existing capacity or result in a need for new development. While the population within the TCAP boundary would increase, and equivalently decrease in the B/ATCP, the overall population in this portion of the City would be unchanged, as it would just transfer existing uses from the B/ATCP to the TCAP. The increased density of multiple family dwellings from 15 units to 25 units could increase future population in the TCAP area, however this growth is consistent with what was envisioned and allowed for in the Regional Plan, as it concentrates development in centers, and overall population growth in the Region would still be limited by the available development rights allowable under the Regional Plan. The density of hotel units would not change as kitchen units are already allowed at 40 units/acre, and while timeshare units would be allowed, and at a density equivalent to hotel units, these are tourist units and would not entice resident population growth. Should future redevelopment convert tourist units or commercial uses to multifamily units, the allowable density of units would increase if the change occurred under the TCAP, as opposed to the B/ATCP, by 10 units per acre. Five existing tourist or commercial parcels are an acre or more, and only one is not entirely within Land Capability Class 1b. There are also two other commercial parcels sized less than one half acre in the amendment area. If all the commercial and tourist units were completely converted to multifamily units, the increase in units from the amendments would be 143 units. The area is primarily commercial and tourist accommodation units, with many of the single family units currently used as vacation rentals; therefore, the potential to develop a multi-family or non-vacation rental residential unit is low. The limits on development through the Regional Plan prevent unplanned population growth, resulting in insignificant

potential for future full time resident population growth. The TCAP and B/ATCP amendments propose no new development of homes, businesses, or extension of infrastructure. Since the amendments do not actually propose substantial population growth, the impact is less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.16-2. Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)**

The Project does not displace housing or necessitate the construction of replacement housing elsewhere. While residential units could be converted to other uses, such a change could already occur without the amendments and the amendments do not create an impact or intensify displacement. The amendment area is currently fully developed and there are six single family homes in the amendment area, one multi-family unit composed of five units, 30 condominium units, and no employee or multi-person housing units. The TCAP and B/ATCP amendments do not propose to eliminate any residential units. As shown in Table 2-1, the same types of residential uses are allowed in the TCAP Gateway District as the B/ATCP District 1, except the TCAP amendments acknowledge condominium units, which are not acknowledged in the B/ATCP, as single-family dwellings and would increase the allowable density for multiple family dwellings from 15 to 25 units per acre. The existing multi-family use is developed at a density of 42 units/acre, which greatly exceeds both the existing and proposed density limits. As discussed in Question 5.4.16-1, redevelopment in the amendment area could occur that changes one use to another type of use; however, such redevelopment could occur with or without the amendment. The TCAP amendments do not propose to remove or construct any units.

Unlike in the B/ATCP, VHRs are an allowable use in the TCAP and there is no maximum quantity of VHR permits that can be issued in the TCAP. Currently, two single-family dwellings, and 16 condominiums at Lakeshore have active VHR permits, leaving 4 single-family homes, five multi-family units, and 14 condominiums with the potential to be converted to VHRs. By placing these units in the TCAP rather than the B/ATCP, those 18 units already permitted to operate as VHRs would be removed from the maximum limit imposed in the B/ATCP; thereby opening up 18 units for VHRs outside the TCAP. However, the potential to convert units to VHRs already exists, as disclosed in the 2012 Regional Transportation Plan and 2010 General Plan, and the amendments do not alter that potential or create a new impact. Although the proposed amendments could increase the number of VHRs within the City outside the TCAP, the number of new potential VHRs is low given the small number of residential units in the amendment area. With passage of Measure T, new VHR permits will not be available outside of the TCAP boundary and eventually existing VHRs would cease to operate in those locations. The City is the only jurisdiction that reserves allocations specifically for the development of housing in its area plans and is working with several developers for large multi-family projects either within or outside the TCAP. Currently there is no waiting list for multi-family allocations. The City is working with developers to move forward with affordable housing projects throughout all areas of the City, although none are within the amendment area.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.16-3. Will the Project alter the location, distribution, density, or growth rate of the human population planned for the Region? (TRPA 11a)**

See discussion and analysis for Question 5.4.16-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-4. Will the Project include or result in the temporary or permanent displacement of residents? (TRPA 11b)**

See discussion and analysis for Question 5.4.16-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.16-5. Will the Project affect existing housing, or create a demand for additional housing?**

**(1) Will the proposal decrease the amount of housing in the Tahoe Region? (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? (TRPA 12a)**

- (1) The amendment area is currently fully developed and there are six single family homes, a multi-family use with 5 units, and 30 condominium units in the amendment area and no employee or multi-person housing units. The TCAP and B/ATCP amendments do not propose to eliminate any residential units. As shown in Table 2-1, the same types of residential uses are allowed in the TCAP Gateway District as the B/ATCP District 1, except the TCAP amendments would increase the allowable density for multiple family dwellings from 15 to 25 units per acre, which would potentially increase the number of units available, and residential condominium units would be allowed as single-family units. The TCAP amendments do not propose the removal of housing, nor does it reduce the housing density. While the TCAP allows multiple family and single family dwellings to be used as vacation rentals (VHRs) with the appropriate permit, VHRs are limited in the B/ATCP and other areas outside Town Centers in the City, making it more difficult to utilize residential units as vacation rentals in the B/ATCP. Although the TCAP amendments increase the potential for housing units to be used as vacation rentals, it does not eliminate housing units or require existing housing units to be used as vacation rentals. Therefore, the TCAP amendments would not result in a decrease in the amount of housing available in the Lake Tahoe Region.
- (2) This potential effect is the same as those analyzed in the TRPA Regional Plan Update, and therefore this analysis incorporates by reference the RPU EIS.

There are no deed-restricted affordable housing units within the amendment area; however, the TRPA Regional Plan Conceptual Land Use Map classifies the amendment area as Town Center District, and the TCAP area is a preferred affordable housing area. Since there are currently no such units in the amendment area, none would be removed. The TCAP amendments do not propose any new development or redevelopment, nor does it alter the area's status or policies as a preferred affordable housing area. Such projects could be constructed within the amendment area, subject to appropriate review and approval and the amendments do not include any policies that would limit such use. However, since the area is currently highly developed and tourist accommodations and commercial uses very active, the likelihood of redeveloping the existing uses for affordable housing is low.

Environmental Analysis: *No Impact.*



Required Mitigation: **None.**

**5.4.16-6. Will the Project result in the loss of housing for lower-income and very-low-income households? (TRPA 12b)**

See discussion and analysis for Question 5.4.16-5 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.17 Public Services

This section presents the analyses for potential impacts to public services. Table 5-17 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-17: Public Services</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.17-1.</b> Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			<b>X</b>	
Police protection?			<b>X</b>	
Schools?			<b>X</b>	
Parks?			<b>X</b>	
Other public facilities? (CEQA XVa)			<b>X</b>	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?				
<b>5.4.17-2.</b> Fire protection? (TRPA 14a)				<b>X</b>
<b>5.4.17-3.</b> Police protection? (TRPA 14b)				<b>X</b>
<b>5.4.17-4.</b> Schools? (TRPA 14c)				<b>X</b>
<b>5.4.17-5.</b> Parks or other recreational facilities? (TRPA 14d)				<b>X</b>
<b>5.4.17-6.</b> Maintenance of public facilities, including roads? (TRPA 14e)				<b>X</b>
<b>5.4.17-7.</b> Other governmental services? (TRPA 14f)				<b>X</b>

**5.4.17-1. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities? (CEQA XVa)**

The TCAP amendments would facilitate localized increases in density and redevelopment within the amendment area. These changes could result in localized population increases that create an additional demand for police, fire protection, emergency services and to a lesser degree, schools. With respect to police protection services, the South Lake Tahoe Police Department provides law enforcement services within the area. The California Highway Patrol (CHP) Valley Division, which includes the greater Sacramento area and the Sierra Nevada foothills to the west, is responsible for all traffic related incidents and assists the Police Department when necessary. The CHP area office is located at 2063 Hopi Avenue in Meyers. The Valley Division oversees four major highways and miles of county roads in the Region including US 50 and SR 89. Jail facilities are managed by the El Dorado County Sheriff's Department and are located at 1051 Al Tahoe Boulevard. The jail is a Type II facility and may house both pre-sentenced and post-sentenced male and female defendants. The jail has a capacity of 158 beds.

The proposed amendment area is currently served by the South Lake Tahoe Police Department, CHP, and County jail so the amendments would not result in any change to service demand. The proposed amendments would increase the allowed density of development for multiple family, condominiums and timeshare units, which could increase the population within the amendment area if the existing commercial and tourist accommodation uses are converted to residential uses. The City's public service policies ensure that the City provides adequate law enforcement services and the necessary funding to ensure adequate law enforcement services and future facilities to meet demands. The density increase in multiple family dwelling units within the amendment area (25 units per acre) would result in an allowed increase of 10 units per acre over the existing allowance in B/ATCP (15 units per acre). Since the use density of multiple family, condominium or timeshare units, although greater than what is currently allowed in the B/ATCP, would be equal to or less than the density of the existing tourist accommodations, no significant increase in demand for law enforcement would occur. Likewise, uses that have the potential to increase demand, such as assembly and entertainment uses allowed in the B/ATCP, would continue to have the same use permission in the TCAP, although local public health and safety facilities would be allowed uses, rather than special uses. Future projects developed within the amendment area are subject to environmental review and would be required to ensure that staffing needs are identified and any physical effect on the environment is properly mitigated. Therefore, impacts associated with implementation of the amendments would be less than significant.

The South Lake Tahoe Fire Department is a municipal fire department that is primarily organized, equipped, and trained to perform fire suppression duties in structural firefighting, initial attack wildland firefighting, vehicular fires, and initial attack for most incipient events. They operate three fire stations in the City at Fire Station One, Fire Station Two, and Fire Station Three, and their equipment includes a ladder truck, two engines, a reserve engine, two brush trucks, medic trucks, a squad truck and battalion vehicle. Currently, the Department operates with eight personnel on duty within the City and has the capability to ladder to a maximum of 18 feet (Meston, 2018). A new ladder truck with a maximum reach of 100 feet for rescue and master stream use will be available in 2020 (Drennan, 2020). Emergency medical services are delivered through Advanced Life Support paramedic engine companies; however, ambulance service is provided by Cal Tahoe Ambulance through the Cal Tahoe Joint Powers Authority. The Fire Department currently serves the amendment area, and the amendments would not affect current service or demand. The amendments would increase allowable development density in the amendment area for timeshare and multiple family units; however, future new or redevelopment projects would be required to ensure adequate

fire protection services per the City's General Plan and permitting process. General Plan policies also require the installation of fire resistant materials, and incorporation of fire safe landscaping and defensible space in all remodeled or new construction. Furthermore, new construction or redevelopment would be required to follow current California Fire Code to prevent or minimize fires. The proposed amendments would allow structures of up to four stories in TSC-G Special Area 1, an increase compared to the current limit of three, and would increase the maximum allowable building height from 42 feet to 56 feet. The Department's new ladder truck is capable of responding to fire incidents in new or redeveloped multi-story structures with the allowed additional height.

The Lake Tahoe Unified School District (LTUSD) serves a 10.1 square mile area that includes the TCAP area as well as the B/ATCP area and the entire City of South Lake Tahoe. LTUSD operates eight schools, but has had to close schools in the recent past due to declining enrollment. Given the current facilities and stagnant enrollment, LTUSD is not experiencing any capacity issues and does not expect any such issue to occur in the future. With the limited growth allowed by the TRPA Regional Plan that results in a projected growth rate of 10.8% for the next twenty years or 0.58% a year (TRPA 2012a, page 3.12-12) the implementation of the TCAP amendments is not expected to exceed the existing capacity or result in a need for new or physically altered governmental facilities. The TCAP amendments slightly increase the allowable development density of multiple family units in the amendment area, which could increase population density if a residential redevelopment project is proposed, but given the small area of amendment, significant population increases that would affect schools are not anticipated. Therefore, impacts associated with implementation of the TCAP amendments would be less than significant.

See discussion and analysis in Question 3.4.17-5, below, for parks and recreation impacts.

Within the TCAP, other public facilities include Fire Station #1, the transit center, and Explore Tahoe Visitor Center at Heavenly Village, none of which are in the proposed amendment area. Implementation of the TCAP amendments is not expected to result in increased demand for community facilities and services or a need for new or physically altered governmental facilities as the amendment area is currently fully developed and the amendments to the TCAP would not substantially create new populations. Redevelopment is possible, that would allow increased density of development for multiple family and timeshare units than is currently allowed in the B/ATCP. However, the changes in demand to community services and facilities are not expected to be significant or result in substantial effects to the physical environment. As with other future projects proposed in the City, and environmental review of specific projects would be required to ensure that physical impacts on the environment area fully mitigated.

Given current public service staffing levels, the proximity of services, implementation of City policies to minimize fire risk and reduce demand, declining school enrollment, and since the amendment area is already served by these services, it is not anticipated that implementation of the TCAP amendments would create a need to construct new facilities that, in turn, could require new or improved facilities, the construction of which could result in adverse effects to the environment. As with other projects developed within the City, environmental review of specific projects would be required to ensure that staffing needs are identified and properly mitigated.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.17-2. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: fire protection? (TRPA 14a)**

See discussion and analysis for Question 5.4.17-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-3. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: police protection? (TRPA 14b)**

See discussion and analysis for Question 5.4.17-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-4. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: schools? (TRPA 14c)**

See discussion and analysis for Question 5.4.17-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-5. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services: parks or other recreational facilities? (TRPA 14d)**

Redevelopment associated with the TCAP amendment area could generate recreation demand by insignificantly increasing the number of residents and visitors in the area. However, existing recreation opportunities are numerous and can meet that potential increase in demand within and in the immediate vicinity of the TCAP (i.e. Timber Cove Marina, Connelley Beach, Ski Run Marina and Beach, Lakeside Marina, Heavenly Resort California Base, Heavenly Gondola, Van Sickle Bi-State Park, Bijou Golf Course [and public beach], the Nevada Stateline to Stateline Bikeway at Rabe Meadow, Nevada Beach, Round Hill Pines Beach and other bike paths, hiking and mountain bicycle trails, and other public parks). The existing TCAP includes policies and implementing strategies to enhance public recreation facilities, as does the City's General Plan. By providing access to a wider range of public recreation opportunities within and outside the boundary, visitor usage is spread out, avoiding demand that causes substantial deterioration of any one facility. Therefore, the increased use of existing neighborhood and regional parks or other recreational facilities as a result of implementing the TCAP amendments is not expected to result in a substantial physical deterioration of recreation facilities to occur or be accelerated, and demand created by redevelopment could be easily met. In addition, recreation demand would be considered at a project-level during subsequent environmental review and permitting of individual proposed projects.

The TCAP and B/ATCP amendments do not proposed changes to existing recreation facilities, but an amendment to the TCAP Recreation Implementation Strategies is proposed. This would be a beneficial impact by supporting the improvement of public access to Lake Tahoe. In support of Goal R-4, the following Implementation Strategy is proposed:

- Support the CTC 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.

The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the

Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9 (Regulation of Additional Recreation Facilities) of the TRPA Code of Ordinances. No additional PAOTs are proposed by the amendment, nor are any changes to recreational land uses or policies.

Environmental Analysis: *No Impact*

Required Mitigation: **None.**

**5.4.17-6. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services in maintenance of public facilities, including roads? (TRPA 14e)**

The TCAP and B/ATCP amendments would not alter or revise policies and practices pertaining to public facility and roadway maintenance. The City's existing policies in the Public/Quasi-Public Facilities and Services Element regarding public facility and road maintenance remain in effect (Goal PQP-1.1, Policy PQP-1.5, and Policy PQP-1.8). Subsequent projects in the amendment area would be required to pay all appropriate fees associated with the maintenance of public facilities and would be subject to permitting by City and/or TRPA. Permit applicants would be required to demonstrate how any additional public maintenance requirements would be accomplished.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.17-7. Will the Project have an unplanned effect upon, or result in a need for new or altered governmental services in other governmental services? (TRPA 14f)**

There are no other known governmental services that would be directly affected by redevelopment associated with the amendment.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.18 Recreation

This section presents the analyses for potential impacts to recreation. Table 5-18 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

Table 5-18: Recreation				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.18-1.</b> Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)			X	
<b>5.4.18-2.</b> Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIa)			X	
TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
<b>5.4.18-3.</b> Create additional demand for recreation facilities? (TRPA 19a)				X
<b>5.4.18-4.</b> Create additional recreation capacity? TRPA 19b)				X
<b>5.4.18-5.</b> Have the potential to create conflicts between recreation uses, either existing or proposed? (TRPA 19c)				X
<b>5.4.18-6.</b> Result in a decrease or loss of public access to any lake, waterway, or public lands? (TRPA 19d)				X

#### 5.4.18-1. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)

Redevelopment associated with the amendment area could generate recreation demand by insignificantly increasing the number of residents and visitors in the area. However, existing recreation opportunities are numerous and can meet increases in demand within and in the immediate vicinity of the TCAP (i.e. Timber

Cove Marina, Connolley Beach, Ski Run Marina and Beach, Lakeside Marina, Heavenly Resort California Base, Heavenly Gondola, Van Sickle Bi-State Park, Bijou Golf Course [and public beach], the Nevada Stateline to Stateline Bikeway at Rabe Meadow, Nevada Beach, Round Hill Pines Beach and other bike paths, hiking and mountain bicycle trails, and other public parks). The existing TCAP includes policies and implementing strategies to enhance public recreation facilities, as does the City's General Plan. By providing access to a wider range of public recreation opportunities within and outside the boundary, visitor usage is spread out, avoiding demand that causes substantial deterioration of any one facility. Therefore, the increased use of existing neighborhood and regional parks or other recreational facilities as a result of implementing the amendments is not expected to result in a substantial physical deterioration of recreation facilities to occur or be accelerated, and demand created by redevelopment could be easily met. In addition, recreation demand would be considered at a project-level during subsequent environmental review and permitting of individual proposed projects.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.18-2. Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVib)**

Redevelopment associated with the TCAP amendments could generate recreation demand by insignificantly increasing the number of residents and visitors in the area if commercial uses are converted to residential or tourist accommodation uses. However, existing recreation opportunities are numerous and can meet an increase in demand within and in the immediate vicinity of the Gateway District and TCAP as discussed in Question 5.4.18-1 above. Therefore, any new demand that is created by redevelopment within the amendment area is expected to be easily met. In addition, recreation demand would be considered at a project-level during subsequent environmental review and permitting of individual proposed projects. The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9 (Regulation of Additional Recreation Facilities) of the TRPA Code of Ordinances. No additional PAOTs are proposed by the amendment, nor are any changes to recreational land uses or policies.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.18-3. Will the Project create additional demand for recreation facilities? (TRPA 19a)**

As discussed in Question 5.4.18-1, existing recreation opportunities are abundant in the area and can meet an increase in demand from redevelopment within and in the immediate vicinity of the TCAP. In addition, the existing TCAP includes expansion of public recreation opportunities within the TCAP boundary limits. Any increase in demand is expected to be easily met by existing, as well as future, recreation facilities. In addition, recreation demand would be considered at a project-level during subsequent environmental review and permitting of individual proposed projects.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**



**5.4.18-4. Will the Project create additional recreation capacity? (TRPA 19b)**

See discussions and analyses in Questions 5.4.18-1 and 5.4.18-2 above that conclude that any potential new demand that is created by redevelopment within the amendment area is expected to be easily met. Furthermore, the existing TCAP includes policies and implementing strategies to enhance transit, and biking and pedestrian linkages to recreation uses within and beyond the boundaries of the TCAP. The TCAP and B/ATCP amendments do not affect recreation capacity.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-5. Will the Project have the potential to create conflicts between recreation uses, either existing or proposed? (TRPA 19c)**

No specific projects are being considered under the amendments and the amendment actions would not affect recreation. Future projects permitted through the TCAP would be subject to project-level environmental review and permitting. Goal R-5 of the Regional Plan specifically addresses incompatibility of recreational uses and the associated system for regulating PAOTs (Section 50.9 of the TRPA Code), which would preclude any conflicts between existing or proposed recreational uses (TRPA 2012d, pages 5-7 and 5-8). Additionally, the potential for expanded land uses to create conflicts between existing land uses was analyzed in Impact 3.11-2 of the RPU EIS (TRPA 2012a, page 3.11-21) and was found to be less than significant due to the existing protections in the goals and policies of the Regional Plan.

The TCAP amendments propose to add a Recreation Implementation Strategy. This would be a beneficial impact by supporting the improvement of public access to Lake Tahoe at Connolley Beach and Timber Cove. In support of Goal R-4, the following Implementation Strategy is proposed:

- Support the CTC 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.

Support of CTC's efforts to improve public beach access would not create recreation use conflicts.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.18-6. Will the Project result in a decrease or loss of public access to any lake, waterway, or public lands? (TRPA 19d)**

Direct public access to Lake Tahoe and public lands within the amendment area is available at Connolley Beach near Timber Cove Marina. Public parking and signage are available at the beach at the end of Balbijou Rd. Access is also available to guests of private lakefront tourist accommodation uses that provide access to paying guests. There are other public access areas in other portions of TCAP. The amendments would not affect access to these parcels and the number and variety of existing recreation uses allowed in the area would not decrease as a result of the amendment. The proposed TCAP Implementation Strategy supports lake access improvements to Connolley Beach and Timber Cove, resulting in a beneficial impact.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.19 Transportation (CEQA) and Traffic and Circulation (TRPA)

This section presents the analyses for potential impacts to transportation, traffic and circulation. Table 5-19 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level. A technical memorandum regarding transportation impacts of the TCAP amendments is attached (Appendix A).

Table 5-19: Transportation, Traffic and Circulation				
CEQA Environmental Checklist Item	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
<b>5.4.19-1.</b> Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)			X	
<b>5.4.19-2.</b> Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (CEQA XVIIb)			X	
<b>5.4.19-3.</b> Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)			X	
<b>5.4.19-4.</b> Result in inadequate emergency access? (CEQA XVIIId)			X	
TRPA Initial Environmental Checklist Item	Yes,	No, With Mitigation	Data Insufficient	No
<b>5.4.19-5.</b> Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)? (TRPA 13a)				X
<b>5.4.19-6.</b> Changes to existing parking facilities, or demand for new parking? (TRPA 13b)				X
<b>5.4.19-7.</b> Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? (TRPA 13c)				X
<b>5.4.19-8.</b> Alterations to present patterns of circulation or movement of people and/or goods? (TRPA 13d)				X

<b>5.4.19-9.</b> Alterations to waterborne, rail or air traffic? (TRPA 13e)				<b>X</b>
<b>5.4.19-10.</b> Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? (TRPA 13f)				<b>X</b>

**5.4.19-1. Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)**

The TCAP, B/ATCP, City General Plan, City Code, TRPA Linking Tahoe Regional Transportation Plan, TRPA Regional Plan, and TRPA Code of Ordinances contain traffic goals, policies, implementation measures, and mitigation requirements applicable to the amendment area. Performance levels are established through level of service (LOS) criteria, which is set at LOS C for rural recreation roads, and D on rural and urban developed roads and signalized intersections, and may be LOS E during peak hours in urban hours of less than four hours per day (TRPA Regional Plan Transportation Element Policy 4.6). Likewise, the standard in General Plan Policy TC-1.2, B/ATCP Objective 8 Policy A, and TCAP Policy T-1.2 is LOS D on all streets and intersections, with up to 4 hours of LOS E acceptable during peak periods. Other policies seek to increase multi-modal and non-motorized travel, although there is no performance threshold for these policies.

The TCAP and B/ATCP amendments do not propose to alter or revise and would not conflict with an applicable plan, ordinance or policy establishing the measures of effectiveness for the performance of the circulation system. Existing plans, ordinances, and policies would continue to be applicable and implemented in the project area. The amendment area is currently fully developed, and the amendments would not significantly increase vehicle trips so as to conflict with LOS standards because the traffic impacts of newly allowed uses and densities (condominiums, timeshare units and multi-family) are the same or lower than what is already allowed through the B/ATCP. As stated in the traffic memo prepared for the project (Appendix A), no increase in traffic would occur as a result of the amendments. Future projects in the area would be required to complete a traffic analysis under TRPA rules if they may generate an increase in daily trips of 100 or more. The amendment area would be subject to the policies in the TCAP rather than the older B/ATCP. Likewise, redevelopment projects would be required to meet current transportation policies and ordinances regarding LOS, transit, and non-motorized travel, which would also improve non-auto transportation systems.

The TCAP and B/ATCP amendments would continue to implement policies of the adopted TRPA Regional Plan and City General Plan, which encourages a land use pattern that promotes the use of alternative modes of transportation. These policies currently apply to the amendment area and would continue to apply regardless of its location within the TCAP or the B/ATCP. The TCAP policies regarding transit, bicycle and pedestrian facilities would apply to the amendment area. The existing TCAP goals include promoting the area as a pedestrian and transit oriented center and seek to establish development and design standards that improve the pedestrian and transit environment through complete streets. Recent improvements in the vicinity include enhanced pedestrian sidewalks and bike lanes along U.S. 50. The amendment area is currently served by sidewalks and transit routes. No adverse change to the existing facilities is proposed. Future redevelopment projects would be subject to review to ensure a decrease in performance or safety of transit, bicycle, or pedestrian facilities would not result.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.19-2. Would the Project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (CEQA XVIIb)**

The TCAP and B/ATCP amendments would not alter, revise or conflict with an applicable congestion management program including but not limited to, level of service standards and travel demand measures, or other standards established by the congestion management agency for designated roads or highways.

Increasing development density and amending high-density use areas into TCAP TSC-G Special Area 1 allows for increased concentration of development within an existing mixed-use area. This area is already served by transit, bicycle, and pedestrian facilities, and includes a mixture of residential, tourist and commercial uses within walking distance of each other. As Town Centers redevelop, a balance of uses within walking distance or adjacent to transit, reduces vehicle dependence and VMT. Therefore, these amendments and future redevelopment can result in a beneficial impact.

Since the City has not adopted separate VMT thresholds, TRPA thresholds are used. TRPA is the designated Regional Transportation Planning Agency in the Lake Tahoe Region and has established Level of Service (LOS) standards for roadways and intersections and Vehicle Miles of Travel (VMT) standards. TRPA and TMPO administer regional programs to reduce Vehicle Miles Travelled (VMT) and achieve regional VMT standards in the Tahoe Basin. The effect of daily trip generation is important as it relates to region-wide VMT. VMT is dependent on the origin and destination of persons traveling to and from uses within the TCAP boundary and the net increase in region-wide trips after accounting for transferred development. VMT is a measure of automobile travel within the transportation system, and an indicator of the degree of integration between the transportation system and planned uses (i.e., a lower VMT indicates greater beneficial integration of transportation systems and land uses to reduce personal vehicle travel). VMT is also a proxy for regional traffic congestion, as well as for air quality. TRPA adopted a VMT Threshold Standard of 2,067,600 VMT for air quality purposes, which represents a 10 percent reduction from the 1981 VMT level. The most recent estimate of annual VMT provided by TRPA is 1,937,070 (Linking Tahoe: Regional Transportation Plan, 2017).

With the proposed amendment, greater building height limits and land use densities would be available to parcels within TCAP TSC-G Special Area 1. However, even if the area were redeveloped, there would be no significant impact because new land uses and densities proposed in the amendments result in substantively the same or lower impacts than what is currently allowed, and no notable transportation impacts are identified. The notable land use changes resulting from the amendments are as follows:

- The maximum density for multi-family dwellings would increase from 15 to 25 units per acre. Although there are no existing vacant lands, it is possible that a future redevelopment project could include a multi-family or residential condominium component that could potentially increase the theoretical number of dwelling units in the amendment area. There are two scenarios for potential development of multi-family dwellings. One would see them added under the redevelopment of one of the three existing tourist properties. The other would see them constructed under the redevelopment of one of the commercial properties. Under both scenarios, the total number of multi-family units could potentially be higher under the amended TCAP compared to the existing B/ATCP. However, given the fact that tourist accommodation uses were already allowed under the B/ATCP to be constructed at 40 units per acre and residential units will only be allowed to be constructed at up to 25 units per acre under the amendment, the total unit count for a mixed-use redevelopment project would likely go down if multi-family units were included, and would be capped at 40 total units. If commercial properties are redeveloped for residential, tourist or mixed-uses, the number of trips associated with those uses is typically less, as discussed in the traffic memo (Appendix A), and mixed-uses would reduce reliance on motorized trips due to walkability or transit access. Multi-family residential units have lower trip generation rates than

hotel units, and considering that the three existing hotels in the amendment area are constructed near the maximum allowable density of 40 units per acre, there is no potential that a future redevelopment project would result in a substantial traffic impact. Finally, as a measurable increase in traffic (100 daily vehicle trips) is not anticipated, per the “Guidance for Assessment of Vehicle Miles Traveled (VMT) Impacts of Projects in the Tahoe Basin,” the impacts on Vehicle Miles Traveled (VMT) in the Tahoe Basin would not be substantial.

- Under the second scenario where an existing commercial parcel would be redeveloped with only multi family residential uses, the number of multi-family units available would be higher under the TCAP standard than the B/ATCP. There are four parcels totaling approximately four acres of commercial uses in the proposed amendment area and as a result, the multi-family residential unit count could be up to 40 units greater under the proposed amendment. Each commercial parcel includes existing development that must be removed to realize the maximum number of units. Removal of the existing commercial floor area would offset the traffic generated from the construction of multi-family residential units. In summary, an increase in traffic would not occur, and the impacts on Vehicle Miles Traveled (VMT) in the Tahoe Basin would also not occur.
- The maximum density for hotel and motel units (with more than 10% of the units including a kitchen) would increase from 15 to 40 units per acre. The B/ATCP and former Stateline/Ski Run Community Plan (the predecessor to the TCAP) included two types of hotel and motel land uses – one with less than 10% kitchen units (40 units/acre) and one with more than 10% kitchen units (15 units/acre). With the adoption of the TCAP, the City simplified the hotel and motel land use description and removed the limit on number of units with kitchens. For traffic purposes, there is no difference between the trip rate for hotel units with and without kitchens. As such, the amendments would result in no measurable increase in traffic or VMT.
- Residential timeshares, which are not allowed under the existing B/ATCP, would be allowed at 40 units per acre. Trip generation rates for timeshares (9.73 trips per unit) is lower than hotels (12.23 trips per occupied room and 14.34 trips per employee). As such, any potential replacement of hotel units with timeshares would be result in reduced traffic and VMT.
- The number of Vacation Home Rentals (VHRs) is not capped in the TCAP. There are six single-family residences in the amendment area that currently require approval from the City to be operated as a VHR. However, an increase in the number of residential homes used as VHRs would not be expected to result in transportation impacts during busy season conditions, as both types of units are assumed to be occupied during busy periods.

Increases in trip generation and VMT would not be significant or conflict with applicable congestion management plans. Measures and policies to address VMT and vehicle trips included in the existing TCAP would be applicable to the amendment area. A future redevelopment project in the amendment area would be required to complete a traffic analysis under TRPA rules if it may generate an increase in daily trips of 100 or more. Therefore, potential impacts related to the VMT standard are considered to be less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.19-3. Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)**

Consistent with the TRPA Regional Plan and City General Plan, implementation of the TCAP amendments does not increase hazards. The amendment area is currently fully developed and no roadway design changes are proposed. A future redevelopment project would be required to comply with appropriate federal state,

and local roadway, sidewalk, and intersection design standards (e.g., ASHTOO, MUTCD, Caltrans Highway Design Manual and City Roadway Design Standards) for public health and safety reasons. The uses allowed in the amendment area under the TCAP amendments are the same or similar to the existing allowed uses and no incompatible uses are allowed.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.19-4. Would the Project result in inadequate emergency access? (CEQA XVIII)**

See discussion and analysis for Questions 5.4.11-6, 5.4.11-9, and 5.4.17-1 above that conclude that implementation of the TCAP and B/ATCP amendments will not impact emergency evacuation plans or access. The amendments do not include changes to roadways that would impair access and does not propose new public roadways. Likewise, the TCAP amendments do not propose new land uses or developments that would impair existing access. Redevelopment projects would be required to meet state and/or local requirements for roadway design to ensure emergency vehicles have appropriate access and turning radius for emergency response.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.19-5. Will the Project result in generation of 100 or more new Daily Vehicle Trip Ends (DVTE)? (TRPA 13a)**

As discussed in Question 5.4.19-2, no increase in traffic above the 100 DVTE threshold would occur as a result of the amendments. The amendment area is currently fully developed at or near the densities proposed by the amendment. As discussed in the Transportation Impact Analysis Memo prepared for the project (Appendix A), a new redevelopment project would not generate more than 100 trips because trip generation rates would decrease under a change in use given the existing uses in the amendment area. Redevelopment of a hotel into multi-family or timeshare units results in a decrease in trips as both the density and trip generation rate would decrease. Given that proposed land use changes in the annexation area do not differ with respect to trip and VMT generation from what is currently allowable, the potential to exceed the threshold does not increase with implementation of the amendments.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### **5.4.19-6. Will the Project result in changes to existing parking facilities, or demand for new parking? (TRPA 13b)**

Proposed land use changes in the annexation area do not differ with respect to trip and VMT generation from what is currently allowable. Future redevelopment projects would be subject to the existing parking requirements in the TCAP, City parking ordinance, and TRPA Code, and would be reviewed by the City and/or TRPA prior to issuance of permits. Consistent with existing conditions, permit applicants would be required to demonstrate that adequate parking would be provided for any new parking demand that is created and for any changes in parking facilities, in accordance with the City Code. It is anticipated that redevelopment projects would have no increase in trip generation, and have the potential to promote pedestrian and non-auto access, potentially resulting in beneficial impacts.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-7. Will the Project result in substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities? (TRPA 13c)**

See discussions and analyses for Questions 5.4.19-3, 5.4.19-5, 5.4.19-6, 5.4.19-8, 5.4.19-9 and 5.4.19-10.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-8. Will the Project result in alterations to present patterns of circulation or movement of people and/or goods? (TRPA 13d)**

As discussed in Question 5.4.19-2, no measurable increase in trip generation or VMT would occur. Proposed land use changes in the annexation area do not differ with respect to trip and VMT generation from what is currently allowable. The list of allowed land uses is the same or similar to the existing range of allowed uses, and no change would occur that would significantly alter the circulation pattern or movement of people or goods. As discussed in the Transportation Impact Analysis Memo (Appendix A), new projects could not generate more than 100 trips and therefore would not exceed the threshold. Any impacts on roadway or intersection LOS would require mitigation at a project level.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-9. Will the Project result in alterations to waterborne, rail or air traffic? (TRPA 13e)**

No alterations to waterborne, rail or air traffic are proposed.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.19-10. Will the Project result in increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? (TRPA 13f)**

See Questions 5.4.19-1, 5.4.19-3, and 5.4.19-4. The TCAP and B/ATCP amendments would not alter existing policies or requirements in regard to traffic safety or the provision of bicycle and pedestrian facilities. The existing TCAP, City, and TRPA policies regarding traffic safety would continue to be applied to the amendment area. By placing the amendment area within TSC-G Special Area 1, as opposed to the B/ATCP, the enhanced pedestrian and bicycle facilities proposed in the TCAP would apply, potentially resulting in improvements. No changes to U.S. 50 or the existing roadway system within the amendment area is proposed. Future redevelopment projects would be subject to review to ensure traffic hazards would not result.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

#### 5.4.20 Tribal Cultural Resources (CEQA) and Archaeological/Historical (TRPA)

This section presents the analyses for potential impacts to tribal cultural, archaeological and historical resources, discussing the Project impacts on tribal cultural resources related to the disturbance of archaeological, historical, and Native American/traditional heritage resources. Table 5-20 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-20: Tribal Cultural Resources and Archaeological/Historical</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)? Yes: X No:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
<b>5.4.20-1.</b> Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa)				X
<b>5.4.20-2.</b> A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIb)				X
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.20-3.</b> Does the proposal have the potential to cause a physical change which would affect unique				X



ethnic cultural values? (TRPA 20d)				
<b>5.4.20-4.</b> Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area? (TRPA 20e)				<b>X</b>

**5.4.20-1. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa)?**

The proposed amendments do not alter regulations pertaining to cultural resources.

There is no evidence of intact, potentially significant Washoe cultural sites within the existing TCAP or proposed amendment area. Pursuant to AB 52, the City of South Lake Tahoe contacted the Ione Band of Miwok Indians and the United Auburn Indian Community on August 23, 2018. No response has been received to date. Since the timeline for response established in AB 52 (30 days) has been exceeded, no further consultation action is required with those tribes. The City will send a Notice of Availability and Notice of Intent to the Washoe Tribe of Nevada and California office and will follow up those efforts with an email.

Federal and state regulations, the TRPA Code (Chapter 67) and City General Plan policies address protection of cultural resources and provide processes to avoid or minimize impacts to such resources. Redevelopment within the amendment area would be required to comply with federal and state regulations, TRPA Code and General Plan policies during project specific review, and therefore, would not alter or adversely affect tribal cultural resources.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.20-2. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIb)**

See discussion and analysis for Question 5.4.20-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None**

**5.4.20-3. Does the Project have the potential to cause a physical change which would affect unique ethnic cultural values? (TRPA 20d)**

See discussions and analyses for Questions 5.4.7-1, 5.4.7-4, and 5.4.7-5 above. Implementation of, federal and state regulations, TRPA Code (Chapter 67) and General Plan policies address protection of historic, cultural, archaeological and paleontological resources and provide processes to avoid or mitigate impacts to these resources. Therefore, any development associated with the amendments would not result in a physical change that would affect unique ethnic cultural values.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.20-4. Will the Project restrict historic or pre-historic religious or sacred uses within the potential impact area? (TRPA 20e)**

See discussion and analysis for Questions 5.4.7-1, 5.4.7-4, and 5.4.7-5 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21 Utilities and Service Systems (CEQA) and Utilities (TRPA)**

This section presents the analysis for potential impacts to utilities and service systems. Table 5-21 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-21: Utilities and Service Systems</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.21-1.</b> Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)				<b>X</b>
<b>5.4.21-2.</b> Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)				<b>X</b>
<b>5.4.21-3.</b> Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)				<b>X</b>
<b>5.4.21-4.</b> Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)			<b>X</b>	
<b>5.4.21-5.</b> Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)				<b>X</b>

TRPA Initial Environmental Checklist Item	Yes	No, With Mitigation	Data Insufficient	No
Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
<b>5.4.21-6.</b> Power or natural gas? (TRPA 16a)				<b>X</b>
<b>5.4.21-7.</b> Communication systems? (TRPA 16b)				<b>X</b>
<b>5.4.21-8.</b> Utilize additional water which amount will exceed the maximum permitted capacity of the service provider? (TRPA 16c)				<b>X</b>
<b>5.4.21-9.</b> Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? (TRPA 16d)				<b>X</b>
<b>5.4.21-10.</b> Storm water drainage? (TRPA 16e)				<b>X</b>
<b>5.4.21-11.</b> Solid waste and disposal? (TRPA 16f)				<b>X</b>

**5.4.21-1. Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)**

Amendment of the project area and amendment of the TCAP and B/ATCP would not require additional wastewater conveyance or treatment capacity. In the South Tahoe Public Utility District, existing average wastewater flow rates are little more than half of the total export capacity (see Table 5-22 below). Additionally, the area to be amended is already developed and connected to/served by the wastewater treatment system. Although density could increase with redevelopment, the redevelopment would not double wastewater flow rates, thus, it is reasonable to assume that sufficient capacity would be available.

Furthermore, all development permitted by the TCAP would be required to comply with Section 32.5 (Waste Water Treatment Service) of the TRPA Code of Ordinances, which requires that all projects be served by facilities that provide treatment and export of wastewater from the Tahoe Region. Section 50.5.1(C.4) of the TRPA Code of Ordinances prohibits distribution of allocations to jurisdictions with insufficient wastewater capacity to support residential development.

Additionally, any project proposing construction, reconstruction, or expansion of a structure would be required to meet the Basic Services and Facilities Standards contained in the TRPA Code of Ordinances. Therefore, implementation of the amendments would not cause sewage treatment capacity to exceed the permitted capacity of the service provider.

<b>Table 5-22: Average Flow Rates and Total Capacity</b>			
<b>Export District</b>	<b>Average Flow (mgd)</b>	<b>Total Capacity (mgd)</b>	<b>Average Remaining Capacity (mgd)</b>
South Tahoe Public Utility District	4.0	7.7	3.7
Source: STPUD 2015			

All redevelopment permitted through the TCAP would be required to meet TRPA BMP standards to reduce runoff and pollutant loading from impervious cover. As specified in Section 60.4.6 (Standard BMP Requirements) of the TRPA Code of Ordinances, except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year, one-hour storm are required for approval of all projects. Therefore, there would be no unplanned alterations or improvements to existing stormwater drainage systems associated with the TCAP amendment.

See Question 5.4.8-3 above that concludes that the available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; therefore, demand created by implementation of the amendments would not result in a need for new or altered power or natural gas systems.

The amendment area is currently served by telecommunications systems. The City Code requires any communication wires to be installed underground (Chapter 6.15 SLTCC). Any redevelopment permitted through the TCAP would be located within existing service areas for communication systems providers, and each project would be responsible for any elected connection or subscription to communication systems within the region. Additionally, the potentially increased redevelopment density could stimulate investment in improved broadband service, which was identified as a need in the Lake Tahoe Basin Prosperity Plan (WNDD 2010).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-2. Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)**

Implementation of the TCAP amendments could result in some increased demand for water supply if redevelopment occurs in the amendment area. However current surface water allocation to the Tahoe Region pursuant to the Truckee River Operating Agreement (TROA) is 34,000 acre feet/year (afy), and current Region-wide demand is approximately 28,079 afy (TRPA 2012, page 3.13.-11). Additional demand generated by the TRPA Regional Plan is approximately 1,725 afy which, given remaining water supply availability, could be accommodated with existing supplies. Thus, it is reasonable to assume that sufficient capacity would be available to accommodate redevelopment at higher densities in the TCAP amendment area.

Furthermore, all redevelopment permitted by the TCAP would be required to comply with Section 32.4 (Water Service) of the TRPA Code of Ordinances, which requires that a project applicant demonstrate the availability of adequate water quantity and quality for both domestic consumption and fire protection prior to project approval. This is demonstrated at a project-level through the acquisition of a Will Serve Letter from the applicable water purveyor.

Additionally, any project proposing construction, reconstruction, or expansion of a structure would be required to meet the Basic Services and Facilities Standards contained in the TRPA Code of Ordinances. Therefore, implementation of the TCAP amendments would not create water use in excess of the maximum permitted capacity of the service provider.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-3. Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)**

Redevelopment under the TCAP would be required to comply with Section 32.5 (Waste Water Treatment Service) of the TRPA Code of Ordinances, which requires that all projects be served by facilities that provide treatment and export of wastewater from the Tahoe Region. Section 50.4.1(C) of the TRPA Code of Ordinances prohibits distribution of allocations to jurisdictions with insufficient wastewater capacity to support residential development, and Section 13.10.7 of the TRPA Code of Ordinances requires demonstration of adequate sewer capacity prior to occupancy of a transferred unit (TRPA 2012a, page 3.13-16).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-4. Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)**

South Tahoe Refuse (STR) is under contract with the City to collect solid waste from area households and businesses as well as to process and transfer all solid waste for disposal or recycling. STR's main facility, which consists of a transfer station and materials recovery facility located at the transfer station, has a total permitted capacity of 370 tons per day, but currently receives approximately 275 tons per day. The remaining capacity of 95 tons per day is sufficient to serve the anticipated growth. Any additional staffing or equipment required to increase service to the area would be funded through the additional service rates that would be collected by STR from the new development. Solid waste is disposed of at the Lockwood Regional Landfill in Sparks, Nevada. This landfill has a total capacity of approximately 302 million cubic yards as a result of recent expansion, currently contains 32.8 million cubic yards of waste and is not expected to reach capacity for over 100 years, with implementation of approved expansions (NDEP, 2013 and Washoe County, 2016).

Both the STR main facility and the Lockwood Regional Landfill have sufficient capacity to manage additional growth. Therefore, this impact is considered to be less than significant.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.21-5. Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)**

The Lockwood Regional Landfill receives solid waste generated within the City and has sufficient capacity to serve the needs as discussed in 5.4.21-4 above. Existing resource recovery operations provide recycling of various materials, including green waste and construction material, which further reduces the quantity of waste sent to the landfill pursuant to state law. All projects proposed within the TCAP are subject to TRPA Regional Plan Land Use Element Goal 5, Policy 1 Public Services Element Goal 3, Policy 2, requiring the transport of solid waste outside the Basin in compliance with California state laws and the City General Plan Policies PQP-3.3 and PQP-3.4 requiring determination of adequate public utilities and services, including solid waste capacity, prior to development approval. Thus, the TCAP amendments comply with federal, state, and local statutes and regulations related to solid waste.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-6. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to power or natural gas? (TRPA 16a)**

See Question 5.4.8-3 above that concludes that the available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; therefore, demand created by implementation of the amendments would not result in a need for new or altered power or natural gas systems.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-7. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to communication systems? (TRPA 16b)**

Communication systems are not listed as a required basic service by TRPA Code of Ordinances; however, the City Code requires any communication wires to be installed underground (Chapter 6.15 SLTCC). Any redevelopment permitted through the TCAP would be located within existing service areas for communication systems providers, and each project would be responsible for any elected connection or subscription to communication systems within the region. Additionally, the potentially increased redevelopment density could stimulate investment in improved broadband service, which was identified as a need in the Lake Tahoe Basin Prosperity Plan (WNDD 2010).

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-8. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to utilize additional water which amount will exceed the maximum permitted capacity of the service provider? (TRPA 16c)**

See Questions 5.4.21-1 and 5.4.21-2 above that conclude additional capacity exists in the Tahoe Region and therefore a need for new systems, or substantial alterations to utilize additional water would not occur.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-9. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? (TRPA 16d)**

See Questions 5.4.21-1 and 5.4.21-3 above, which conclude additional sewage capacity exists in the Tahoe Region and therefore a need for new systems, or substantial alterations to utilize additional treatment capacity would not occur.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-10. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to storm water drainage? (TRPA 16e)**

See discussion and analysis for Question 5.4.21-1 above.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.21-11. Except for planned improvements, will the Project result in a need for new systems, or substantial alterations to solid waste and disposal? (TRPA 16f)**

Implementation of the proposed amendments may result in redevelopment that could increase the Region's overall solid waste generation. Solid waste generation under the TRPA Regional Plan is anticipated to increase to 115,200 tons per year with some portion of that attributable to the amendment area. Given the substantial existing capacity of 22 million tons, and planned expansion that would allow for a total capacity of 204 million tons at the Lockwood Regional Landfill, waste disposal needs for redevelopment under the TCAP could be adequately served in the future.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**



**5.4.22 Wildfire (CEQA)**

This section presents the analysis for potential impacts related to wildfire. Table 5-23 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-23: Wildfire</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Is the Project located in or near state responsibility areas or lands classified as high fire hazard severity zones? Yes: X    No:				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
<b>5.4.22-1.</b> Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)				<b>X</b>
<b>5.4.22-2.</b> Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)			<b>X</b>	
<b>5.4.22-3.</b> Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)				<b>X</b>
<b>5.4.22-4.</b> Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)				<b>X</b>

**5.4.22-1. Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)**

Portions of the project area are located within the local responsibility area very high fire hazard severity zone as mapped by CAL FIRE.

See discussion and analysis for Questions 5.4.11-6, 5.4.11-9, and 5.4.17-1 above that conclude that implementation of the TCAP and B/ATCP amendments will not impact emergency evacuation plans or access. The amendments do not include changes to roadways that would impair access and does not propose new public roadways. Likewise, the TCAP amendments do not propose new land uses or developments that would impair existing access. Redevelopment projects would be required to meet state and/or local requirements for roadway design to ensure emergency vehicles have appropriate access and turning radius for emergency response.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22-2. Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)**

The amendment area is currently fully developed with a mix of commercial, residential, and tourist accommodation units. There are few trees located within the amendment area due to the prevalence of existing development. Amending the area into the TCAP and future redevelopment would not increase the risk of exposing people and structures to hazards involving wildland fires in wildland-urban interface areas. Redevelopment is required to be consistent with and will implement state, regional, and local regulations designed to reduce the risk of wildfire. All new structures are required to comply with the California Fire Code, which establishes minimum standards for materials and material assemblies to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas. Chapter 5.05 of the City Code, which is currently applicable to the proposed amendment area, contains fire regulations adopted to safeguard life and property from fire and explosion hazards. City General Plan policies require the use of fire resistant materials, installation and maintenance of defensible space, and meeting fire flow requirements in new or rehabilitated structures. Implementation of these policies, in conjunction with the existing California Fire Code and City Code requirements would reduce impacts associated with wildland fires to a less than significant level.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.22-3. Would the Project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)**

See discussion and analysis for Question 5.4.22-2 above. The amendment area is currently fully developed and only redevelopment of the area could occur; therefore, new roads, fuel breaks, utilities lines, and water would not be constructed. Utilities are required to be located below ground, and no increased fire risk would occur.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.22-4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)**

See discussion and analysis for Questions 5.4.9-1, 5.4.9-8, 5.4.9-11, 5.4.9-13, and 5.4.12-3 above. As discussed above, the amendment area is relatively flat and highly paved and developed. Downstream flooding or landslides following a fire would not occur. The TCAP and B/ATCP amendments would not affect wildfire risk.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

### 5.4.23 Mandatory Findings of Significance

This section presents the analyses for mandatory findings of significance. Table 5-24 identifies the applicable impacts, anticipated level of impact, and whether mitigation measures are required to reduce impacts to a less than significant level.

<b>Table 5-24: Mandatory Findings of Significance</b>				
<b>CEQA Environmental Checklist Item</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Measures</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>5.4.23-1.</b> Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory? (CEQA XXIa)			<b>X</b>	
<b>5.4.23-2.</b> Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (CEQA XXIb)			<b>X</b>	
<b>5.4.23-3.</b> Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (CEQA XXIC)			<b>X</b>	
<b>TRPA Initial Environmental Checklist Item</b>	<b>Yes</b>	<b>No, With Mitigation</b>	<b>Data Insufficient</b>	<b>No</b>
<b>5.4.23-4.</b> Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish				<b>X</b>

population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? (TRPA 21a)				
<b>5.4.23-5.</b> Does the Project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.) (TRPA 21b)				<b>X</b>
<b>5.4.23-6.</b> Does the Project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) (TRPA 21c)				<b>X</b>
<b>5.4.23-7.</b> Does the Project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? (TRPA 21d)				<b>X</b>

**5.4.23-1. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory? (CEQA XXIa)**

#### Fish and Aquatic Habitat

The TCAP and B/ATCP amendments would not affect, alter, or revise any TRPA Regional Plan or City General Plan policies pertaining to the Shorezone and Lakezone, management of aquatic resources, or permitting of projects affecting these habitats. The TCAP amendments would permit development and redevelopment only in accordance with the TRPA Regional Plan and City General Plan, and any projects proposed within the plan area that could affect aquatic habitats would be subject to TRPA's existing regulations requiring project-specific environmental review and development and implementation of

project-specific measures for any significant effects on fish habitat as a condition of project approval. This potential impact was analyzed in the RPU EIS and, with implementation of TRPA's existing policies and code provisions, found to be less than significant (TRPA 2012a). Construction activities could result in temporary increases in sedimentation, small amounts of fill placed in aquatic habitats, and the release and exposure of construction-related contaminants. As under existing conditions, these impacts would be minimized and mitigated through construction BMPs and compensatory mitigation requirements as specified in TRPA and City policies and code provisions, and other applicable federal and state regulations.

#### Rare, Threatened, or Endangered Species and Communities

The TCAP and B/ATCP amendments would not affect, alter, or revise TRPA Regional Plan policies regarding the protection of rare, endangered, or sensitive plant and animal communities. Compliance with all provisions in Chapter 67 of the TRPA Code of Ordinances is still required for all project review. Future redevelopment could only occur in accordance with the TRPA Regional Plan, City General Plan, and the existing TCAP, and any projects proposed within the amendment area that could affect sensitive plant or animal communities would be subject to TRPA's existing regulations requiring project-specific environmental review and development and implementation of project-specific measures for any significant effects on habitat as a condition of project approval. This potential impact was analyzed in the RPU EIS and, with implementation of TRPA's existing code provisions and requirements, found to be less than significant (TRPA 2012a, page 3.10-50). During project-level environmental review, potential impacts to protected plant or animal communities would be identified and minimized through design and/or mitigation, as required under TRPA, federal, and state regulations.

#### Cultural, Historical, and Archeological Resources

The TCAP and B/ATCP amendments would not affect, alter, or revise TRPA Regional Plan policies regarding the protection of cultural, historical, or archeological resources. Compliance with Chapter 67 of the TRPA Code of Ordinances is still required for all project review. In addition, federal and state regulations address protection of these resources and provide mechanisms to minimize impacts. The amendment area is fully developed, leaving little potential for resources to persist in the area. The TCAP amendments would permit redevelopment only in accordance with the TRPA Regional Plan and the City General Plan, some of which could occur on properties with unknown buried resources. During project-level environmental review, on-site cultural, historical, and archeological resources, if any, would be identified, significance determined, and appropriate mitigation implemented in accordance with federal, state, City, and TRPA regulations.

The adopted TCAP is consistent with the TRPA Regional Plan and City General Plan, which achieve environmental improvement and maintain environmental threshold carrying capacities. Since no changes to existing policies regarding habitats, special status plant or animal communities, or to cultural, historical, and archeological resources are proposed by the amendment, and federal, state, and TRPA protections are already in place, implementation of the TCAP amendments would not result in the degradation of these resources.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.23-2. Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (CEQA XXIIb)**

The adopted TCAP is a collection of both short- and long-term goals, policies, and measures designed to guide the development of the plan area and support the Region in attaining environmental thresholds and other important objectives. These goals, policies, and measures are inherently cumulative in nature as they are applied over a long-term basis, for the planning area as a whole, and in compliance with City and TRPA goals, policies, measures, and thresholds. The TCAP and B/ATCP amendments do not propose new policies or alterations to existing policies that would be cumulatively considerable. TCAP amendment text that allows for greater flexibility in design is limited to a distinct location and with additional limitation and standards that must be met, thereby restricting the potential for cumulatively considerable impacts. The area is currently fully developed, resulting in little cumulative impact potential should redevelopment occur in the future.

Cumulative projects contemplated in the RPU EIS (TRPA 2012a) include Environmental Enhancement, Land Management Plans, TTD/TMPO projects and programs, and other development projects. These projects and programs also apply to the TCAP, B/ATCP, and therefore, the proposed amendment area. The TCAP amendments do not propose specific projects for which cumulative impacts could be analyzed. The Regional Plan EIR cumulative impacts analysis applies to the amendment area regardless of the Community or Area Plan in which it is located.

Air Quality/GHG Emissions

As discussed in Questions 5.4.10-3 and 5.4.8-1, although redevelopment could occur that could increase development density from existing conditions and therefore contribute to an increase in overall greenhouse gas (GHG) emission that would cumulatively contribute to global climate change, redevelopment also has the potential to decrease emissions through increased energy efficiency. Also, the potential increase in development density is small given the existing development densities and fully developed nature of the amendment area. The City General Plan EIR identified significant GHG emissions impacts and the City adopted mitigation measures to address this issue, which remain in effect. The TCAP amendments would not interfere with implementation of these measures, GHG reduction targets, or GHG emissions reduction strategies. Because development and potential population increases are low in association with the TCAP amendment, it is not anticipated to contribute considerably to global climate change and the impact is less than significant.

Traffic

The amendments would not affect, alter, revise or conflict with applicable plans, ordinances or policies establishing the measures of effectiveness for the performance of the circulation system. Increasing development density and amending high-density use areas into the TCAP allows for increased concentration of development within an existing mixed-use area. This area is already served by transit, bicycle, and pedestrian facilities, and includes a mixture of residential, tourist and commercial uses within walking distance of each other. As Town Centers redevelop, a balance of uses within walking distance or adjacent to transit, reduces vehicle dependence and VMT. Therefore, these amendments and future redevelopment can result in a beneficial impact. Due to the existing development within the amendment area, there is no potential for significant traffic increases. Redevelopment could increase land use density, and thereby increase vehicle trips however, the area is fully developed at, over, or near the density limits. Increases in vehicle trips associated with redevelopment at the proposed density limits would not be significant. Consistent with the Regional Plan, individual redevelopment projects in the TCAP that would

generate a net increase of 200 daily vehicle trips or more would be required to prepare a project-level traffic analyses in accordance with Sections 65.2.4.B and 65.2.5.B of the TRPA Code. For any new trips that are generated, TRPA requires an applicant to offset the potential regional traffic and air quality effects of the new trips by requiring an applicant either to: (1) contribute to the Air Quality Mitigation Fund, or (2) implement regional and cumulative mitigation measures equivalent or greater in cost than the calculated Air Quality Mitigation Fee. Regional and cumulative mitigation measures may include, but are not limited to transit facility construction; transportation system management measures (such as bicycle and pedestrian facilities and use of alternative fuels in fleet vehicles); or transfer and retirement of offsite development rights. The air quality mitigation fee amount would be assessed in accordance with the current mitigation fee schedule in the TRPA Rules of Procedure. Furthermore, all individual projects would be required to meet all applicable LOS standards for roadways and intersection and Vehicle Miles of Travel (VMT) standards. For these reasons, the TCAP amendments would not contribute to an increase in traffic levels that results in cumulatively adverse impacts.

### Water Quality

Redevelopment within the area would be required to meet existing BMP standards to control potential increases in stormwater runoff and pollutant loading onsite. Except where special conditions exist and are approved by TRPA, infiltration facilities designed to accommodate the volume of runoff generated by a 20-year 1-hour storm are required for approval of all projects within the Tahoe Basin (TRPA Code Ordinances, Section 60.4.6). Therefore, new development within the TCAP is not expected to cumulatively create or contribute additional runoff that would exceed the capacity of existing or planned stormwater drainage system. The area is also fully developed, with little potential for an increase in stormwater volumes from future projects. Since existing land coverage in the amendment area averages 79% and the majority of the area is Land Classification 1b, redevelopment of the area has potential to reduce excessive asphalt pavement with coverage reduction and increased landscaping, which would improve water quality. The amendment area is also part of Bijou Erosion Control Project (EIP#01.01.01.0002) and while some owners have installed their own BMPs, there is an option to be included in the project, further improving water quality in the area.

### Cultural Resources

Because federal and state regulations, the TRPA Code of Ordinances (Chapter 67), and City General Plan policies address protection of these resources and provide processes to avoid or minimize impacts to historic and archaeological resources, the amendment area is fully disturbed and developed, and any redevelopment would be required to comply with federal and state regulations, TRPA Code of Ordinances and the City General Plan policies during project specific review, the amendments would not contribute to an adverse cumulative effect on archeological or historical resources.

### Noise

The TCAP and B/ATCP amendments would not alter noise policies and would reduce the existing maximum CNEL levels within the TCAP to meet the adopted TRPA CNEL threshold standards, and Regional Plan and General Plan noise policies would continue to be applied. The area is currently near maximum buildout densities as shown in Table 1-1 and all land is developed within the amendment area. Given the small number of potential additional units or traffic from redevelopment, and the similar noise generation of condominiums and timeshares to single-family units and tourist accommodation units, no notable increase in noise would occur. Noise increases associated with traffic under redevelopment build-out conditions would be similar to existing noise levels as traffic levels are relatively the same between existing and new allowed uses. Redevelopment projects would be required to implement project-specific noise reduction measures established in the Regional Plan EIS, General Plan EIR, and the TCAP. Therefore,



the amendments would not create a significant noise level increase. Implementation of the amendment to the CNEL limit would result in a beneficial impact. For these reasons, TCAP and B/ATCP amendments would not contribute to an adverse cumulative increase in noise levels.

### Geologic Hazards

The TCAP and B/ATCP amendments would not alter any policies regarding geologic resources or hazards. Because existing TRPA and City protections are in place, the area is fully developed, and project-specific environmental review would be required for all redevelopment projects, implementation of the TCAP and B/ATCP amendments would not result in increased exposure of people or property to geologic hazards.

### Scenic Resources

As discussed in the analysis, the TCAP amendments would alter height standards and density limits in TSC-G Special Area 1; however, the proposed changes would be highly limited and subject to TRPA's additional height findings to ensure the scenic threshold is maintained, if not improved. Roadway Unit 33 is in non-attainment, the lakefront is in attainment and the amendment area includes no scenic vistas. Redevelopment would improve the scenic quality of the amendment area. The existing TCAP scenic protections would not be altered, and all permitted projects would still be required to meet the TRPA scenic threshold non-degradation standard. Therefore, the TCAP amendments would not contribute to an adverse cumulative effect on scenic resources. Application of more current TCAP design standards on the amendment area, as compared to the older B/ATCP design standards also increases the potential for improvements in the scenic value of the built environment.

### Recreation

The TCAP protects existing recreational resources and provides for the development of increased recreation opportunities through the construction of trailheads, bike paths and lanes, and the TCAP and B/ATCP amendments would not alter these improvement measures. The TCAP amendments include a Recreation Implementation Strategy to support beach access improvements to Connolley Beach and Timber Cove. This amendment would be a beneficial impact. No restrictions to public access or new limitations on recreational resources is proposed by the TCAP and B/ATCP amendments.

Implementation of the TCAP and B/ATCP amendments would be consistent with policies contemplated and analyzed in the General Plan EIR, from which this analysis tiers, including their potential to contribute to cumulative environmental effects. The General Plan EIR identified resources with localized cumulative issues such as traffic, water quality, cultural resources, noise, geologic hazards, and scenic impacts, which were analyzed in the TCAP IS/IEC and this IS/IEC and were not found to have adverse cumulative effects. Therefore, implementation of the TCAP and B/ATCP amendments would not result in a considerable contribution to cumulative adverse conditions.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

#### **5.4.23-3. Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (CEQA XIXc)**

As described above, projects permitted under the TCAP amendments would require project-level environmental review and would be required to comply with applicable TRPA, federal, state, and City regulations, including protections for human health and safety. The area is already fully developed and the

potential for new impacts is low. Therefore, implementation of the amendments would not create a substantial direct or indirect adverse effect on human beings.

Environmental Analysis: *Less than Significant Impact.*

Required Mitigation: **None.**

**5.4.23-4. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory? (TRPA 21a)**

See analysis in Question 5.4.23-1 that concludes implementation of the TCAP and B/ATCP amendments would not degrade the quality of the environment, reduce habitat of a fish population, threaten or eliminate a plant or animal community or eliminate important examples of a major period of California or Nevada history or prehistory.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-5. Does the Project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (TRPA 21b)**

The TCAP implements the TRPA Regional Plan's policies, ordinances, and land use controls designed specifically to achieve long-term environmental goals, and the City's policies, ordinances, and land use controls which are also designed to achieve long-term goals and guide City development over a period of decades. The TCAP implements these policies, which promote concentrating development and redevelopment in town centers, such as the Gateway District, combined with transfer of land coverage and development rights from sensitive lands and lands more distant from community center, and restoration of those areas (TRPA 2012a). The TCAP and B/ATCP amendments would not alter this long-term goal, nor does it propose changes to land use or design that would be substantially different from what is currently allowed or that achieve a short-term goal at the expense of long-range planning for the area. While short-term impacts could occur during redevelopment activities, redevelopment projects have the potential to achieve long-term goals. Since the proposed amendment area is currently fully developed, with sensitive land protected, new permanent alterations to raw land would not occur, and redevelopment projects are anticipated to support environmental, social, and economic improvements.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-6. Does the Project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?) (TRPA 21c)**

Like the Regional Plan, the TCAP is a collection of goals, policies, and measures designed to guide the development of the plan area and support the Region in attaining environmental thresholds and other important objectives. Because these policies are implemented in the TCAP over the long-term (i.e., 20

years) and are applicable to all programs and projects over this period, they are inherently cumulative in nature. The TCAP amendments do not propose changes to these goals, policies, and measures, but propose to amend a fully developed area from the B/ATCP, to which the TCAP goals, policies, and measures would be applied, and to which the TRPA Regional Plan and City General Plan goals, policies, and measures would continue to be applied. The amendments would alter the development density allowed for some uses (timeshares and multiple family dwellings) and would increase the height limit for tourist accommodation uses with the application of additional conditions in TSC-G Special Area 1.

The cumulative projects contemplated in the RPU EIS (TRPA 2012a, pages 4-2 through 4-10) include Environmental Enhancement, Land Management Plans, TTD/TMPO projects and programs, and other development projects. These projects and programs also apply to both the TCAP and the B/ATCP, and their scope and characteristics are not known to have substantially changed. Since the TCAP and amendments are consistent with the Regional Plan and because no specific projects are proposed for which contributions to cumulative impacts may be defined and assessed, the cumulative impacts analysis prepared for the Regional Plan is also applicable to the TCAP.

Additional consideration is provided in Question 5.4.23-2 above for those resources that could result in more localized cumulative effects, including noise, geologic hazards, scenic resources, and recreation, as well as regional cumulative effects such as GHG emissions.

Implementation of the TCAP and B/ATCP amendments would be consistent with policies contemplated and analyzed in the RPU EIS, including their potential to contribute to cumulative environmental effects. The RPU EIS identified resources with localized cumulative issues such as noise, geologic hazards, scenic impacts, and recreation impacts, which were further analyzed in the TCAP IS/ND/IEC as well as this IS/IEC and were not found to have adverse cumulative effects. The proposed TCAP and B/ATCP amendments would not result in a considerable contribution to cumulative adverse conditions.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

**5.4.23-7. Does the Project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? (TRPA 21d)**

See discussion and analysis for Question 5.4.23-3 above that concludes that future projects permitted through the TCAP would require project-level environmental review and would be required to comply with all applicable TRPA, federal, state, and City regulations, including protections for human health and safety. Therefore, implementation of the TCAP and B/ATCP amendments would not create a substantial direct or indirect adverse effect on human beings.

Environmental Analysis: *No Impact.*

Required Mitigation: **None.**

## 5.5 CERTIFICATION [TRPA ONLY]

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

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IEC Preparer

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Date

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## **APPENDIX A – LSC TECHNICAL TRAFFIC MEMORANDUM**

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## TRANSPORTATION PLANNING AND TRAFFIC ENGINEERING CONSULTANTS

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# TECHNICAL MEMORANDUM

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Date: September 12, 2018

TO: Rob Brueck, Hauge Brueck Associates

FROM: Sara Hawley, PE, LSC Transportation Consultants, Inc.

RE: Tourist Core Area Plan Amendment - Transportation Impacts

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This memorandum presents a limited evaluation of the potential transportation impacts resulting from the land use changes associated with the proposed Tourist Core Area Plan (TCAP) and Bijou/Al Tahoe Community Plan Amendment, located along US 50 in the City of South Lake Tahoe. The approximately 18-acre project area that would be annexed from the Bijou/Al Tahoe Community Plan into the TCAP is located on the north side (lake side) of the highway at Balbijou Road and opposite Johnson Boulevard and Fairway Drive. The following existing uses are included:

- Beach Retreat
- Bijou Center/CVS
- Lakeshore Lodge
- Howard Johnson
- Single-family homes
- Recreational uses (outdoor concessions)

With the proposed amendment, greater building height limits and land use densities would be available to parcels within the TCAP. Specifically, additional height may be designated for the tourist accommodation uses in the project area. However, as this would not result in additional units, no notable transportation impacts are identified. Additionally, if a public beach is located within the parcel – approval of additional height must include an improvement to the existing public access. As there would be no increase in public beach parking spaces, there would be no increase in traffic. Improving public access would be expected to result in beneficial transportation impacts, especially for non-auto travel modes.



The notable land use changes resulting from the annexation are as follows:

- The maximum density for multi-family dwellings would increase from 15 to 25 units per acre. Although there are no existing vacant lands, it is possible that a future redevelopment project could include a multi-family component that could potentially increase the theoretical number of multi-family dwelling units in the annex area. That is, the total number of units could potentially be higher under the amended Area Plan compared to the existing Community Plan. However, given the fact that tourist accommodation uses can be constructed at 40 units per acre and residential units can only be constructed at 25 units per acre, the total unit count for a mixed-use redevelopment project would likely go down if multi-family units were included. Furthermore, multi-family residential units have lower trip generation rates than hotel units. Considering that the three existing hotels in the annex area are constructed near the maximum allowable density, the potential that a future redevelopment project would result in a substantial traffic impact is extremely low. Finally, as a notable increase in traffic is not anticipated, the impacts on Vehicle Miles Traveled (VMT) in the Tahoe Basin would also not be substantial.
- The maximum density for hotel and motel units (with more than 10% of the units including a kitchen) would increase from 15 to 40 units per acre. The Bijou/Al Tahoe Community Plan and former Stateline/Ski Run Community Plan (the predecessor to the TCAP) included two types of hotel and motel land uses – one with less than 10% kitchen units (40 units/acre) and one with more than 10% kitchen units (15 units/acre). With the adoption of the TCAP, the City simplified the hotel and motel land use description and removed the limit on number of units with kitchens. For traffic purposes, there is no difference between the trip generation rates for hotel units with and without kitchens. As such, the maximum density under the amendment would result in no measurable increase in traffic or VMT.
- Residential timeshares, which are not allowed under the existing Bijou/Al Tahoe Community Plan, would be allowed at 40 units per acre. It is unlikely that timeshares would be included in a future project. Daily and PM peak-hour trip generation rates for timeshares (8.63 and 0.63 trips per unit, respectively) are slightly higher but very similar to hotels (8.36 and 0.60). As such, replacement of hotel units with timeshares would not be expected to result in a notable increase in traffic or VMT.
- The number of Vacation Home Rentals (VHRs) is not capped in the TCAP. There are single-family residences in the annex area that currently require discretionary approval from the City to be operated as a VHR. However, an increase in the number of residential homes used as VHRs would not be

expected to result in transportation impacts during busy season conditions, as both single-family homes and VHRs are assumed to be occupied during busy periods.

**Conclusion**

In summary, the change in trip generation and Vehicle Miles Traveled (VMT) resulting from the project is not expected to be notable or substantial. Furthermore, a future redevelopment project in the annex area would be required to complete a traffic analysis under TRPA rules if it may generate an increase in daily trips of more than 100.