2 REVISIONS TO ALTERNATIVE 3: FINAL DRAFT PLAN

2.1 INTRODUCTION

On April 25, 2012, a Draft Regional Plan and a Draft Environmental Impact Statement (EIS) were released for public review and comment. The Draft EIS analyzed the environmental effects of five Regional Plan Update alternatives, each representing different approaches to and/or combinations of land use planning framework, development potential, and environmental regulations and incentives. The Final Draft Plan is a modified version of Alternative 3 (Draft Plan) that was developed by the Regional Plan Update Committee (RPUC) of the TRPA Governing Board. In preparing the Draft Plan, the RPUC conducted a page-by-page review of the existing Regional Plan and various amendment proposals at a series of 15 full-day public meetings between October 2011 and March 2012. The RPUC endorsed 89 percent of the provisions in the Draft Plan by a unanimous vote. The other 11 percent were advanced by a non-unanimous vote of the RPUC.

In response to the call for review and public comment on all draft documents, 357 comment letters and presentations of oral testimony were received; including 45 from public agencies, 54 from stakeholder organizations (including environmental and business organizations), 141 from individuals, 18 comment forms from open houses, and 99 form letters sponsored by two organizations (Friends of the West Shore with 42 form letters and Lake Tahoe Community Realtors with 57 form letters).

Additionally, the administrations of the States of California and Nevada convened a series of meetings to consult with affected stakeholders and develop compromise recommendations to address topics that were not unanimously supported by the RPUC—and to do so in a manner that would further the achievement and maintenance of adopted Environmental Threshold Standards. These consultation meetings were led by California Secretary of Resources John Laird and Nevada Department of Conservation and Natural Resources Director Leo Drozdoff. The consultations involved representatives from state and local governments, environmental organizations, development interests, and subject matter experts. They resulted in a series of policy recommendations that reflected compromises on the major issues that had not been unanimously endorsed by the RPUC. The compromises maintained the Threshold attainment strategies of Alternative 3, while strengthening certain regulatory and procedural controls.

In August 2012, the RPUC held additional meetings to consider the bi-state recommendations and public comments. The RPUC endorsed the bi-state recommendations, along with additional plan amendments that responded to public comments and concerns. On August 22, 2012, the TRPA Governing Board voted to incorporate the revisions recommended by the RPUC into the Final Draft Plan for evaluation in the Final EIS.

The Final Draft Plan represents Alternative 3 from the Draft EIS as revised by the RPUC and Governing Board. Each substantive revision to Alternative 3 is described below, followed by a discussion of how the change would affect the environmental impacts as analyzed in the Draft EIS. The complete Final Draft Plan includes the Final Draft Goals and Policies, dated October 24, 2012, and Final Draft Code of Ordinances, dated October 24, 2012. Both documents are included herein as Appendices A and B, respectively, and are also available at www.trpa.org.
2.2 REVISIONS TO THE DRAFT PLAN

2.2.1 DELEGATION AND PROJECT APPEALS

As described on page 2-34 of the Draft EIS, Alternative 3 would allow public agencies to develop Area Plans to govern development within specific geographic areas, subject to requirements of the Regional Plan and Code. Once an Area Plan is developed and found in conformance with the Regional Plan, TRPA may transfer some project review and approval authority to the agency administering the Area Plan. As proposed in the Final Draft Plan, the Area Planning framework would be amended to include an appeals process for all delegated projects (Policies LU-4.12 and IAP-1.3 and Draft Code Section 13.9). The planning framework for Area Plans would also be amended to reduce the maximum size of projects that could be reviewed and approved by other agencies through a conforming Area Plan (Policy LU 4.12 and Draft Code Section 13.7.3). In effect, these changes remove opportunities, as compared to the Draft Plan, to exempt additional activities from TRPA review and approval under a conforming Area Plan. Instead, project review and approval could be delegated to other agencies, but all delegated decisions could be appealed to TRPA.

The Area Plan concept streamlines implementation of the Regional Plan. Each Area Plan would be required to be in conformance with and a component of the Regional Plan, and as such the Area Plan concept would not change the Regional Plan’s physical effects on the environment. The revisions to the Area Plan concept in the Final Draft Plan would incorporate additional procedural safeguards to ensure that all projects approved under a conforming Area Plan are in fact consistent with the Regional Plan.

Because the revisions to the Area Plan concept would reduce the size of projects for which approval could be delegated to another agency, and would provide additional procedural safeguards to ensure that all projects approved under an Area Plan are consistent with the Regional Plan, the revisions would result in no physical change to the environment. Because the revisions would result in no physical effect on the environment, they would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.2 LIMITS ON COMMODITIES

Alternative 3 includes 2,600 new residential allocations, 200,000 square feet of new commercial floor area (CFA), 600 new residential bonus units, and no new tourist accommodation units (TAUs) (Draft EIS page S-13 and page 2-42). The Final Draft Plan does not change the number of new commodities, but it does place additional limitations on the use of some new commodities. The Final Draft Plan would prohibit the release of the 200,000 square feet of new CFA until the 383,579 square feet of CFA remaining from the 1987 Regional Plan is exhausted. The Final Draft Plan would also restrict the use of the 600 new residential bonus units to within community centers (Table 50.4.1-1 in Draft Code Section 50.4.1).

Restricting the release of new CFA until the CFA remaining from the 1987 Regional Plan is exhausted would likely delay the development of new commercial facilities in some areas and would delay the environmental impacts (both beneficial and adverse) associated with that development. Restricting the location of new residential bonus units to community centers would ensure their availability as development transfer incentives and promote concentration of residential uses in community centers. This restriction would increase the likelihood that the beneficial land use changes proposed in Alternative 3 would be realized.

The additional limits on CFA and residential bonus units would likely delay environmental impacts associated with additional CFA and promote transfers of development as analyzed in Alternative 3. Because these changes
would extend the period of time over which build-out of allowable CFA would occur and restrict the location of residential bonus units, but not increase development potential, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

### 2.2.3 RESORT RECREATION DESIGNATION

As described on page 3.2-69 of the Draft EIS, Alternative 3 would allow an Area Plan or Master Plan to propose the development and subdivision of tourist, commercial and multi-residential land uses in Recreation-designated lands. The Draft EIS determined that this impact would be potentially significant because it “would potentially lead to development of vacant land not currently contemplated for commercial, tourist, and multi-residential development, and such development could result in substantial project-specific environmental effects” (Draft EIS page 3.2-69). To mitigate this potentially significant impact, the Draft EIS prescribed Mitigation Measure 3.2-2, which revises the requirements of such development. Mitigation Measure 3.2-2 states that a new tourist, commercial, or residential use in a Recreation-designated area would only be approved if it “results in a development pattern that is compatible with recreation district uses, does not induce substantial growth in the area (either directly or indirectly), and does not conflict with any environmental policies or regulations” (Draft EIS page 3.2-70). The mitigation measure provides several example measures that could be required to meet the prescribed approval criteria. These example measures include limiting the geographic extent of allowable development and requiring that any new development be the result of transfers of existing development.

The Final Draft Plan includes several restrictions, limitations, and requirements that, as compared to the Draft Plan, would substantially reduce the potential for adverse environmental effects.

First, the Final Draft Plan would limit the applicability of the new allowances to two specific areas that would be designated “Resort Recreation,” a new land use classification. Rather than applying to all 600+ Recreation-designated parcels in the Region, lands potentially eligible for new commercial, tourist, and multi-family residential development would be limited to a 250-acre site in Douglas County adjacent to the High Density Tourist District (Exhibit 2-1) and a 65-acre site that includes the Heavenly California Base Lodge at the southeast terminus of Ski Run Boulevard in the City of South Lake Tahoe (Exhibit 2-2).

Second, the Final Draft Plan would prohibit lot or block subdivision within Resort Recreation areas. Subdivision would be allowed only for structures (i.e., individually owned “air space” condominiums); no subdivision of land would be allowed.

Third, any new development would be required to be transferred from outside the Resort Recreation area; no new allocations would be authorized for this land use classification. And finally, these transfers would be required to result in the retirement of existing development (Draft Code Section 13.5.3.C.3); in other words, transfers would have to occur at a ratio of greater than 1:1 (sending to receiving).
Exhibit 2-1
Douglas County Resort Recreation Area Land Use Designated Area
Exhibit 2-2

City of South Lake Tahoe Resort Recreation Land Use Designated Area
As with the Draft Plan, the Final Draft Plan would require that lands to which the new allowances would apply (limited to the two Resort Recreation areas in the Final Draft Plan) be included in an Area Plan that is found to be in conformance with the Regional Plan prior to any consideration of new commercial, tourist, or multi-family uses in these areas. The Area Plan development and approval process would provide the opportunity for more detailed, site-specific planning, which would be subject to a conformance review and environmental review. The Area Plan review requirements would ensure that, based on the additional site-specific planning, all proposals are consistent with the Regional Plan and potentially significant environmental impacts are identified, assessed, and mitigated. In addition, any project that proposes new commercial, tourist, or multi-family uses in Resort Recreation lands would be subject to TRPA’s project review process, including project-specific environmental review and permitting. This more detailed level of environmental review would assess environmental implications to ensure that environmental impacts at the site-specific level are thoroughly assessed and adequately mitigated, and that all project components conform to existing regulations, such as scenic standards, height limits, and coverage limitations.

As described above, the Final Draft Plan would limit the geographic scope of lands affected by new allowable uses within Recreation areas to two sites that adjoin the Region’s largest and busiest activity centers. The plan revisions would also place additional limitations on new uses within Resort Recreation areas, which would require that any new development result in an overall decrease in development in the Region. Any new uses would be subject to both Area Plan and project review processes to ensure that they are compatible with and appropriate for the site and do not conflict with any environmental policies or regulations. With incorporation of the revisions described above, the Final Draft Plan would safeguard against inappropriate or incompatible land uses in areas in which the allowances apply, and would prevent any increase in development potential within the Region. Because the Final Draft Plan would substantially reduce the geographic scope of the original proposed policy, include additional safeguards limiting development potential, and incorporate the substantive requirements of Mitigation Measure 3.2-2 (Draft Code Section 13.5.3.C.3), it would result in less-than-significant land use impacts related to the land use classification change and Mitigation Measure 3.2-2 would not be required.

### 2.2.4 Tourist Accommodation Unit Transfer Limitations

Alternative 3 would place size limits on transferred TAU’s by defining a sending TAU as one 1,200-square-foot receiving unit or one 1,800-square-foot, 3-bedroom receiving unit if units of this size comprise less than 20 percent of a project’s floor area. The Final Draft Plan retains these size limits for some transferred TAUs, reduces the size limits for other transferred TAUs, and places additional requirements on transfers of TAUs, as described in Draft Code Section 51.5.2.K.

The new requirements would provide additional safeguards to limit the impact of transferred TAUs and prevent unintended consequences such as TAU transfers that result in a conflict with desired community character. Because the Plan revisions would not increase the proposed size limits of transferred TAUs considered in Alternative 3, would reduce the size limits for some transferred TAUs, and would place greater restrictions on such transfers, this revision would reduce the total floor area of tourist development compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

### 2.2.5 Limits on Alternative Transfer Ratios

The Draft Plan would allow Area Plans to establish alternative transfer ratios for development based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate
environmental gain equal to or greater than the transfer ratios established in the Regional Plan. Under the Draft Plan, any Area Plan that proposed alternative transfer ratios would be required to demonstrate that an equal or greater environmental benefit would result, and would be subject to a separate environmental review. The Final Draft Plan includes revisions that would limit the establishment of alternative development transfer ratios to the two Stream Restoration Plan Areas (i.e., the areas surrounding the U.S. 50 crossings of the Upper Truckee River and Trout Creek in the City of South Lake Tahoe) (Draft Code Section 13.5.3.B.4). Rather than potentially applying to any Area Plan, this revision would be focused on incentivizing removal of development and associated coverage from what are considered the Region’s most important areas for environmental restoration—SEZ areas currently developed with uses that generate high pollutant loads very close to Lake Tahoe, and near the mouth of the largest, most urbanized watershed in the Region. Establishment of alternative transfer ratios for the Stream Restoration Plan Areas would still require demonstration of equal or greater environmental benefit and would still be subject to separate environmental review under the Final Draft Plan.

Because the Final Draft Plan retains the environmentally protective criteria for establishment of alternative transfer ratios and substantially reduces its potential application to focus on the highest priority areas for SEZ restoration, this revision would result in reduced potential for environmental impact, and greater potential for environmental gain, as compared to the alternative transfer ratio policy considered in the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

### 2.2.6 HEIGHT RESTRICTIONS IN THE HIGH DENSITY TOURIST DISTRICT

Alternative 3 included a provision to allow, in the context of an Area Plan, building heights of up to 197 feet in the High Density Tourist District, equivalent to the height of the tallest existing buildings within the District. As described in the Draft EIS (page 2-34), any proposed Area Plan would be subject to environmental review pursuant to TRPA requirements, and review for conformance with the Regional Plan. Other requirements would include provisions to enhance the appearance of existing buildings, compliance with existing scenic protection standards (Draft EIS pages 3.9-24 to 3.9-25), scenic threshold findings, and existing building and site design standards.

Despite the existing and proposed scenic protection requirements, the Draft EIS found that the increased allowable maximum height in the High Density Tourist District could render new and redeveloped towers even more prominent in the Region with increased visual intrusion, resulting in potentially significant scenic impacts. To address this impact, the Draft EIS prescribed Mitigation Measure 3.9-1b, which would prohibit redeveloped buildings projecting above the tree line in the High Density Tourist District from increasing the visual prominence over baseline conditions when viewed from key scenic viewpoints. Visual prominence includes consideration of building mass, contrast, location, articulation, color, materials, and architectural style and the quality of landscape features and views that are blocked or revealed. With implementation of mitigation, this provision of Alternative 3 would result in less-than-significant scenic impacts (Draft EIS page 3.9-31).

The Final Draft Plan includes additional limitations on any proposed increase in maximum allowable height within the High Density Tourist District. Potential increases in maximum allowable height would be limited to replacement structures, provided the structures to be demolished and replaced are existing casino hotel towers that stand at least eight stories or 85 feet in height (Table 13.5.3-1 in Draft Code Section 13.5.3). The effect of this provision would be to limit such height allowances to redevelopment of the five structures in the High Density Tourist District that meet these criteria. The Final Draft Plan would retain all of the requirements of Alternative 3, as summarized above, and would require compliance with Mitigation Measure 3.9-1b.
Because the Final Draft Plan retains the restrictions on increased height within the High Density Tourist District proposed in Alternative 3 and places additional restrictions with regard to the applicability of the increased height allowance, it would result in reduced potential for adverse scenic impacts as compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.7 **COMMUNITY CENTER BOUNDARY ADJUSTMENT CRITERIA**

The Draft Plan establishes designated community centers (Town Centers, Regional Center, and High Density Tourist District), which are eligible for certain incentives as described in the Draft EIS on pages 2-33 to 2-41. Design standards for community centers are specified in the Draft Plan, but criteria for potential future revisions to community center boundaries were not defined. Rather, any plan revision, including a boundary revision, would be subject to existing approval requirements: environmental review, all necessary findings pursuant to the Code, and approval by the TRPA Governing Board in accordance with voting requirements of the Compact.

The Final Draft Plan has been revised to include specific criteria limiting areas eligible to be included within community centers through a future plan revision (Draft Code Section 13.5.3.E). These limitations are intended to ensure that any future revisions to boundaries would include predominantly developed areas that support multi-modal transportation and reduced trip lengths, consistent with the intent of the designation of the community centers. Any proposed boundary revision would still be subject to environmental review, findings, and TRPA Governing Board voting requirements necessary to approve a plan revision, as described above.

Because the Final Draft Plan maintains all of the originally proposed requirements associated with modification of community center boundaries and includes additional limitations, it would result in reduced potential for adverse land use impacts as compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.8 **COMMUNITY DESIGN STANDARDS**

The Draft Plan identified specific community design standards that must be included in an Area Plan if it is to be found in conformance with the Regional Plan (Draft Code Section 13.5.3.D). These design standards are intended to protect the environment and promote desired community character. The Final Draft Plan includes additional site design standards for development within community centers. The additional standards include requirements to promote pedestrian activity, transit, and multiple transportation modes; protect viewsheds; encourage variations in height and density that incorporate areas of smaller buildings and reduced density; and preserve sensitive areas, open space, and corridors of undisturbed lands (Draft Code Section 13.5.3.D.1.b).

The Final Draft Plan would retain all of the community design standards of the Draft Plan and would incorporate additional environmental protections. As a result, the Final Draft Plan would result in reduced potential for adverse impacts as compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.9 **INCREASED HEIGHT AND DENSITY PROHIBITION**

The Draft Plan would permit an Area Plan to propose locations for higher residential density adjacent to designated centers. The Final Draft Plan removes this provision and clarifies provisions that restrict increased height and density standards to community centers (Table 13.5.3-1 in Draft Code Section 13.5.3).
The targeted height and density increases proposed under the Draft Plan are intended to create capacity for transfers of development from sensitive and outlying areas into existing community centers, promote multi-modal transportation options, and reduce trip lengths. The Final Draft Plan would retain the majority of redevelopment incentives within community centers, which would result in similar beneficial effects identified under Alternative 3. The Final Draft Plan would limit additional height and density outside of designated community centers, which would reduce the potential for adverse scenic impacts as compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not create new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.10 COVERAGE TRANSFER PROHIBITION BETWEEN HRAS

Alternative 3 would amend the existing Regional Plan to allow coverage to be transferred across Hydrologically Related Area (HRA) boundaries as described in the Draft EIS on pages 3.7-33 to 3.7-36. The Final Draft Plan has been revised to maintain the prohibition on such transfers. As revised, the Final Draft Plan would reflect no change from existing conditions relative to coverage transfers across HRA boundaries.

Because the Final Draft Plan would include no change from existing conditions related to coverage transfers across HRA boundaries, it would result in no impact. None of the assumptions or analysis of other provisions of Alternative 3 specifically rely on coverage transfers across HRA boundaries. As such, this revision to the Final Draft Plan would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.11 OFF-SITE EXCESS COVERAGE MITIGATION

Alternative 3 would continue to allow mitigation of excess coverage through direct removal of existing coverage. Under the existing Regional Plan, coverage removal must occur within the same HRA as the project requiring the mitigation, and the Draft Plan modified this provision to allow mitigating coverage removal anywhere in the Region (Draft EIS pages 3.7-36 to 3.7-37).

Like Alternative 3, the Final Draft Plan would allow mitigation of excess coverage through coverage removal anywhere in the Region, but if the coverage removal is to occur outside the HRA, the Final Draft Plan would require that coverage removal occur on more sensitive land than that affected by the project requiring mitigation (Draft Code Section 30.6.1.B.2). Because the excess coverage mitigation requirements would be more stringent than originally proposed, the Final Draft Plan would result in reduced potential for adverse coverage impacts and increased potential for beneficial effects than Alternative 3. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.12 AMERICANS WITH DISABILITIES ACT COVERAGE EXEMPTION

Alternative 3 includes partial or complete coverage exemptions for non-motorized public trails, re-locatable or temporary coverage, pervious pavement, and pervious decks subject to environmental limitations and siting and design requirements (Draft EIS pages 3.7-37 to 3.7-39 and 3.8-43 to 3.8-47). Alternative 4 includes the same coverage exemptions and an additional exemption for retrofits of existing buildings necessary to provide access required by the Americans with Disabilities Act (ADA), as described in the Draft EIS on pages 3.7-45 and 3.8-50. The Draft EIS found that the coverage exemption as proposed would result in a potentially significant impact related to stormwater runoff and pollutant loads. To address this potentially significant impact, the Draft EIS prescribed Mitigation Measure 3.8-4 F (Draft EIS page 3.8-53), which would place additional specific restrictions and limitations on the coverage exemption. The Draft EIS concluded that, with incorporation of Mitigation
Measure 3.8-4 F, the ADA coverage exemption would result in a less-than-significant impacts related to stormwater runoff and pollutant loads.

The Final Draft Plan incorporates the ADA coverage exemption. The Final Draft Plan also includes Mitigation Measure 3.8-4 F as it applies to the ADA exemption (Draft Code Section 30.4.6). As revised, the Final Draft Plan includes the combination of coverage exemptions evaluated for Alternative 4 under Impacts 3.7-1 and 3.8-4. The Draft EIS concluded that, with mitigation incorporated, the combination of coverage exemptions proposed under Alternative 4, would result in less-than-significant impacts. Therefore, the same combination of coverage exemptions and mitigation measures proposed in the Final Draft Plan would result in less-than-significant impacts. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or substantially increase the severity of any adverse impacts associated with Alternative 3.

### 2.2.13 LAND CAPABILITY VERIFICATION REQUIREMENTS

Alternative 3 proposed to amend the existing Regional Plan by removing the requirement for field verification of land capability in limited instances where the land capability is already well known. The Final Draft Plan has been revised to maintain the existing field verification requirements in all cases. As revised, the Final Draft Plan would reflect no change from existing conditions relative to field verification of land capability.

Because the Final Draft Plan would include no change from existing conditions related to field verification of land capability, it would result in no impact.

### 2.2.14 MAXIMUM ALLOWABLE COVERAGE

Alternative 3 would increase the maximum allowable coverage for developed parcels within community centers and Community Plan areas to 70 percent of the high capability land, which would make it consistent with maximum allowable coverage for vacant commercial lands in those areas (Draft EIS page 3.7-33). The Final Draft Plan would limit this increase in maximum allowable coverage to only areas that are 300 feet or farther from the high water mark of Lake Tahoe or landward of the state highways in the Tahoe City and Kings Beach Town Centers (Draft Code Section 30.4.2.B.1). Closer to Lake Tahoe, maximum allowable coverage for all community center parcels would be 50 percent of the high capability land, reduced from 70 percent for undeveloped commercial parcels. Within Community Plan areas that are not also community centers, existing limitations on maximum allowable coverage would remain unchanged.

Because the Final Draft Plan would include additional limitations on increases in maximum allowable coverage beyond those included in Alternative 3, it would result in reduced potential for environmental impact. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

### 2.2.15 COMPREHENSIVE COVERAGE MANAGEMENT

Subject to specific limitations, the Draft Plan would allow for comprehensive coverage management across multiple parcels, rather than at the individual parcel or project level, within conforming Area Plans. Comprehensive coverage management would be required to be more effective at reducing coverage overall and at reducing coverage in Land Capability Districts 1 and 2. The Final Draft Plan retains these requirements and includes additional limitations that would prevent a comprehensive coverage management plan from increasing allowable coverage within 300 feet of the high water mark of Lake Tahoe, except on the landward side of state highways in the Tahoe City and Kings Beach Town Centers (Draft Code Section 13.5.3.B.1).
Because the Final Draft Plan would retain the stringent effectiveness requirements included in the Draft Plan and incorporate additional limitations on increases of the maximum allowable coverage of any parcel under comprehensive coverage management plans, it would result in reduced potential for environmental impact compared to the Draft Plan. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.16 USE OF TMDL DATA IN REVIEW OF AREA PLANS

The Draft Plan includes numerous policies that would facilitate or incentivize actions that support implementation of the Total Maximum Daily Load (TMDL), but it does not explicitly incorporate TMDL water quality improvement plans and progress reports into the review and recertification process for Area Plans. The Final Draft Plan would retain the provisions that support TMDL implementation and would specify that TRPA will utilize the TMDL water quality improvement plan and TMDL reporting information in the recertification of Area Plans every four years (Draft Code Sections 13.6.5.B, 13.8.2, and 13.8.5). Incorporation of TMDL plans and reporting data would allow consideration of the best available water quality data and information in Area Plan recertification. This revision would also increase the efficiency of Area Plan review and recertification because it would rely on readily available data.

The Final Draft Plan would retain the provisions that support TMDL implementation and incorporate additional procedural revisions that would better integrate Area Plan recertification with TMDL requirements. No adverse environmental effects would result. When considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.17 COORDINATION OF DUPLICATIVE REQUIREMENTS

The Draft Plan included numerous policies that would facilitate or incentivize actions that support implementation of the TMDL, but retained some reporting requirements and criteria that differ from those of the TMDL. In several cases, TRPA and TMDL reporting requirements seek the same information in slightly different formats. In another, TRPA policies allow for alternative BMPs when special circumstances prevent attainment of TRPA’s infiltration standard, but do not explicitly allow contribution to shared stormwater treatment facilities that would have greater water quality benefits in lieu of parcel-specific BMPs.

The Final Draft Plan has been revised to create consistency with TMDL requirements where the existing requirements are functionally the same. The Final Draft Plan would allow local jurisdictions to submit to TRPA annual TMDL reports instead of separate Maintenance Efficiency Plans that include very similar information (Final Draft Code Section 50.5.2.E.3). The Final Draft Plan would also allow large users of road deicers and abrasives to provide TRPA with information on their use through reporting required by the TMDL rather than through a separate report (Final Draft Code Section 60.1.5.B). The Final Draft Plan would also create consistency between TRPA stormwater requirements and TMDL standards in special circumstances where TRPA infiltration standards cannot be met (Final Draft Code Section 60.4.8.B). Other revisions include the addition of clarifying language and consistent terminology to the Water Quality Subelement to improve coordination with the Lake Tahoe TMDL. Affected Plan sections include the Water Quality Subelement Introduction, Goal WQ-3, and Policy WQ-3.10 (see Appendix A, Final Draft Goals and Policies, also available at www.trpa.org).

The revisions to the Final Draft Plan would remove duplicative reporting requirements and create consistency between TRPA standards and TMDL standards where these standards are functionally the same. The proposed revisions would be administrative and procedural, and would result in no direct environmental impact. When
considered in combination with other elements of the Final Draft Plan, these changes would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.18 PILOT PROGRAM FOR TWO DRIVE-UP WINDOWS

The Draft Plan would retain the existing prohibition on new drive-up windows. The Final Draft Plan has been revised to include a pilot program that would allow up to two new drive-up windows, limited to pharmacies, within the City of South Lake Tahoe (Final Draft Code Section 65.1.8.B). The pilot program is intended to improve public safety by allowing elderly and disabled patients to receive medications without having to walk through parking lots in inclement weather.

Because the addition of two drive-up windows would have no effect on population levels and would not affect market demand for this commercial land use, it would not result in a measureable change in Regional vehicle emissions. With respect to localized air quality impacts, please refer to Impact 3.4-4 of the Draft EIS, which evaluates localized mobile-source carbon monoxide (CO) emissions. As described in the Draft EIS analysis (pages 3.4-36 through 3.4-38), vehicle congestion at intersections in the Basin would not result in a violation of ambient air quality standards or threshold standards for CO. This analysis includes intersections that would accommodate up to 3,000 vehicles per hour during the peak hour. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 14,500-square-foot pharmacy/drug store with no drive-up window (ITE land use category 880) is estimated to generate 122 trips during the peak hour. A 14,500-square-foot pharmacy/drug store with a drive-up window (ITE land use category 881) is estimated to generate approximately 150 trips during the peak hour. The addition of a drive-up pharmacy window could result in the addition of approximately 30 trips during the peak hour at the affected locations, which is substantially (orders of magnitude) below the levels of congestion experienced at other intersections in the Basin that also do not result in excessive concentrations of CO and would not violate air quality standards. When considered in combination with other elements of the Final Draft Plan, the pilot program would not generate significant environmental impacts, nor would it substantially increase the severity of any adverse impacts associated with Alternative 3, including impacts on air quality.

2.2.19 AIR QUALITY MITIGATION FEE TIMEFRAME EXTENSION

The Final Draft Plan proposes to include a feature of Alternative 4, Extension of Time for Air Quality Mitigation Fee Basis. In summary, the proposal would aid the reopening of closed business locations and amend the Code of Ordinances to permit new businesses to include vehicle trips generated from a prior business for purposes of calculating air quality mitigation fees, if that prior use had been active for at least 90 days within the last 5 years. The existing Code allows an applicant to include trips generated by a prior use that was active for 90 days in only the last 2 years. The change would decrease the number of situations in which re-tenanting a vacant business would result in an increase in trips compared to the baseline (previous use) condition. The practical effect could be a reduction in air quality mitigation fees collected from new businesses. Currently, these fees are collected by TRPA for dissemination to local jurisdictions for contribution to projects that reduce air emissions (e.g., non-motorized trail construction, transit facilities). The Draft EIS noted that estimation of the amount of the decrease would be somewhat speculative as it was unknown how many projects that would normally qualify for this provision and pay the fee would not be required to do so under the proposed Code amendment. The Draft EIS noted that, moreover, the closed or vacant businesses may have already paid the air quality mitigation fee to mitigate for its vehicle trips at the time of the original tenancy. Because the amount was unknown, and therefore the extent to which reduced fees would reduce the ability to support trip reduction projects was unknown, the conclusion was very conservatively determined to be potentially significant (Draft EIS pages 3.4-47 to 3.4-48).
Since release of the Draft EIS, TRPA staff has conducted additional research to identify the total amount of fees collected from new business applicants that used the Code provision pertaining to use of a previous basis (i.e., businesses opening within two years of a closure). While the degree of fee reduction resulting from the proposed Code change would still be unknown, an understanding of the existing fees collected pursuant to the previous basis provision would provide context for the change. Based on that research, TRPA has determined that, of the over $3.5 million dollars in air quality mitigation fees collected over the past eight years, less than $20,000 was shown to be collected from businesses reopening after a previous closure. This represents less than 1 percent of the total fee revenue.

As described in the Draft EIS, Alternative 3 would result in a less-than-significant impact for operational (long-term) emissions of criteria air pollutants and precursors, and emissions associated with Alternative 3 would be lower than under Alternative 4 (Draft EIS pages 3.4-32 through 3.4-34). Further, a net reduction in emissions of ozone precursors would occur under Alternative 3 as compared to existing conditions, despite additional development. This is attributable to the fact that vehicle emissions standards have become, and are projected to continue to be, increasingly stringent over the next 20 years (Draft EIS page 3.4-10), and new development would be limited by authorized allocations. Any additional population growth and associated increase in operational ozone precursor emissions in the Basin would likely be more than offset by more stringent vehicle emissions standards. Moreover, the Final Draft Plan retains features of Alternative 3 that would substantially improve the ability to fund and construct non-motorized trails associated with the transportation strategy packages and capital improvement projects included in Alternative 3 of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Local jurisdictions frequently use air quality mitigation fees to fund planning and construction of non-motorized trails.

Including the proposed air quality mitigation fee provision of Alternative 4 in the Final Draft Plan (a revision of Alternative 3) would result in less-than-significant effects on air quality because:

- Alternative 3 proposes 800 fewer residential allocations (including bonus units), 200,000 fewer square feet of CFA, and 200 fewer TAUs than Alternative 4 and would generate lower associated emissions as a result.

- Alternative 3 is estimated to generate fewer vehicle miles traveled (VMT) per day than Alternative 4, attributable to further concentrating population in Town Centers and the transportation strategies included in Alternative 3. Regional air pollutant emissions from mobile and area sources would be lower under Alternative 3 than under Alternative 4.

- Regional emissions of ozone precursors and carbon monoxide (CO) are anticipated to decrease substantially under all Plan alternatives due to more stringent vehicle emissions standards (in both California and Nevada) over the Plan implementation period. A net reduction in Basin-wide emissions of ozone precursors and CO would occur between 2010 and 2035, even despite the additional population and commodities and associated emissions proposed under the Plan alternatives. Mobile-source emissions of particulate matter would also be reduced compared to existing conditions.

- Coverage exemptions for non-motorized trails proposed under Alternative 3 would dramatically reduce the costs of bike trail construction, with cost savings of up to $1,200,000 per mile (CTC 2012; S. Irelan pers. comm., October, 9 2012), allowing air quality mitigation fee revenue to be used for other trip reduction projects (i.e., more miles of non-motorized trail or additional pedestrian and transit infrastructure) than under existing conditions.

- The Final Draft Plan includes a proposed provision to allow use of air quality mitigation fees across jurisdictional boundaries to support projects of Regional priority that are specifically identified in a Regional capital improvement program developed in cooperation with local jurisdictions, such as the Five-Year Environmental Improvement Program (EIP) Priority Project List. This would allow flexibility in the program and, potentially, more effective emissions reductions.
The fees currently collected from businesses that re-open under the current basis are very small (less than $20,000 over eight years, as compared to over $3.5 million total air quality mitigation fees collected over the same period, or 0.6 percent). Extending the prior use basis from 2 to 5 years could reduce this proportion of the air quality mitigation fee budget, but even with the very conservative and unlikely assumption of total loss, this amount of revenue reduction over a multi-year period, particularly when coupled with the aforementioned features of Alternative 3, would not hinder TRPA’s ability to implement air quality mitigation projects in the Region. A small potential loss of revenue would be more than recovered by the proposed coverage exemption for non-motorized trails. As one example, CTC estimates that the coverage exemption alone will save approximately $800,000 in costs for one 0.6-mile section of the South Tahoe Greenway Shared Use Trail project (S. Irelan pers. comm., October, 9 2012). These cost savings would be available to construct additional phases of the project or to plan or construct other similar projects, which would result in additional air quality improvements.

Because of these factors, the proposed Code provision to extend the air quality mitigation fee basis from 2 years to 5 years in the Final Draft Plan would not result in any changes to impact conclusions in the Draft EIS for Alternative 3, and no mitigation would be required. Regional emissions of ozone precursors and CO would be reduced substantially from 2010 to 2035 such that a net reduction would occur in the emissions profile for the Basin; mobile-source emissions of particulate matter would decrease during the Plan implementation period as compared to existing conditions; and regional air quality impacts would remain less than significant.

2.2.20 TOURIST ACCOMMODATION UNIT CONVERSION CRITERIA

The Draft Plan retains the conversion-of-use provisions of the existing Regional Plan. These provisions allow existing residential units to be converted to TAUs or CFA, and allow existing TAUs to be converted to residential units or CFA (Final Draft Code Section 50.10). The total number of TAUs and residential units converted are each limited to 200 units within a calendar year. Any conversion of use is subject to environmental review and must meet specific criteria identified in the Code.

The Final Draft Plan has been revised to include a pilot program that would allow a total maximum of 200 TAUs to be converted to multi-family residential units on the same parcel (Final Draft Code Section 50.10). Conversions under this pilot program would be limited to a maximum of 1,250 square feet of residential floor area per unit, and monitoring would be required to evaluate the success of the conversion pilot program.

As compared to existing conditions, this revision would not increase the number of units that could be converted and would not affect overall development potential or other regulations governing the conversion or establishment of uses. Each conversion of use would still be required to undergo project-specific environmental review and would be subject to TRPA regulations and those of other applicable federal, state, and local agencies. As such, the conversion program revision, in and of itself, would have no environmental effect. When considered in combination with other elements of the Final Draft Plan, the revision to the conversion program would not generate significant environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.21 LEVEL OF SERVICE STANDARD CLARIFICATION

Alternative 3 includes a new transportation policy that would allow a project to exceed vehicle level of service (LOS) standards when it includes multi-modal amenities (such as transit, bicycling, and walking facilities) adequate to provide mobility for users (Draft EIS page 2-46). The Final Draft Plan has been revised to clarify that a project may only exceed vehicle LOS standards when the multi-modal amenities are proportional to the
project-generated traffic in relation to overall traffic conditions on affected roadways (Final Draft Goals and Policies page III-6).

This policy clarification would specify that multi-modal amenities must be sufficient to address any increase in project-generated traffic, consistent with the original intent of the policy. The clarified standard would not affect any of the analysis or assumptions for Alternative 3 in the Draft EIS. Thus, this change would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.22 ACQUISITION AND SUSTAINABLE TRANSPORTATION PROGRAMS

The Draft Plan includes Land Use Goal 2, “Direct the amount and location of new land uses in conformance with the environmental threshold carrying capacities and the other goals of the Tahoe Regional Planning Agency Bi-State Compact,” and several policies that support this goal, which are implemented through the Code of Ordinances. The Final Draft Plan has been revised to include an additional policy to support this goal. The new policy states: “Support sensitive land and development right acquisition programs that prioritize the retirement of development and the restoration of sensitive land” (Final Draft Goals and Policies page II-19).

The Draft Plan also includes Transportation Goal 1, “Promote walkable mixed-use centers, transportation enhancements and environmental improvements that increase the viability of transit systems” (Draft Goals and Policies page III-1),” and several policies that support this goal, which are implemented through the Code of Ordinances. The Final Draft Plan has been revised to include an additional policy to support this goal. The new policy states: “Support sustainable transportation infrastructure and operational programs that provide environmental and community benefits” (Final Draft Goals and Policies page III-2).

Both new policies provide support for additional mechanisms to achieve goals already incorporated into and analyzed in Alternative 3. The new policies would not result in changes to the Code of Ordinances or have any direct physical effect on the environment; rather, they may result in additional funding mechanisms for programs already included in the existing Regional Plan. When considered in combination with other elements of the Final Draft Plan, the two new policies would not cause new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.23 TECHNICAL REVISIONS TO THE BICYCLE AND PEDESTRIAN MAP AND TRANSPORTATION POLICIES

The Draft Plan includes a map of conceptual bicycle and pedestrian facilities (Map 5 of the Final Draft Goals and Policies). The Final Draft Plan incorporates technical updates to the map in response to comments. These editorial revisions include changing the existing bicycle designation around Emerald Bay from a Class I to “Share the Road” and adding a Class I trail and river crossing north of the Lake Tahoe Airport. Revisions to the Transportation Policies in the Final Draft Plan include clarifying language and terminology that is consistent with other sections of the Goals and Policies. Affected sections include Policies T-1.5, T-5.1, T-13.1, T-13.2, and Goal T-13.

All facilities included in the conceptual bike and pedestrian facilities map are conceptual in nature, and their inclusion on the map would not result in the implementation of any project. If and when a project included on the map is proposed, the facility would be subject to site-specific design, environmental review, and permitting. Therefore, the map revisions would not result in a physical effect on the environment. The revisions to the transportation policy language would clarify but not substantively change any goals and policies evaluated for Alternative 3. When considered in combination with other elements of the Final Draft Plan, the revisions to the conceptual bike and pedestrian facilities map and the revisions to language in Transportation Element policies
would not generate new environmental impacts or increase the severity of any adverse impacts associated with Alternative 3.

2.2.24 TECHNICAL CORRECTIONS TO THE GOALS, POLICIES, AND CODE OF ORDINANCES

Many comments noted grammatical and typographical errors, inconsistent terms, or other technical errors in the Draft Regional Plan and Code. The Final Draft Plan has been revised to correct these items and improve the clarity of language. All technical corrections were reviewed by a technical working group appointed by the TRPA Governing Board, which included representatives from California, Nevada, and local governments and environmental and development interests. The technical working group reviewed each correction to ensure that no substantive changes were inadvertently made to the content of the Final Draft Plan.