

## STAFF REPORT

Date: September 18, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Review of proposed Short-Term Rental (STR) Neighborhood Compatibility Guidelines and a proposed Performance Review System Code Amendment (TRPA Code, Section 50.5.2)

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### Summary and Staff Recommendation:

The Short-Term Rental Neighborhood Compatibility Working Group (Working Group) is asked to review and provide a recommendation on the draft Performance Review System Code Amendment (Code Amendment) and updated Short-Term Rental (STR) Neighborhood Compatibility Guidelines (Guidelines).

### Background:

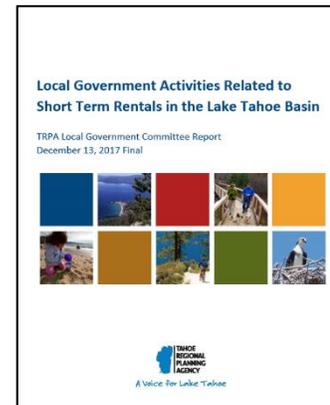
On March 24, 2004, the Tahoe Regional Planning Agency (TRPA) Governing Board updated the definition of Single-Family Dwelling and Multiple-Family Dwelling to recognize the rental of a residence as an allowed use provided that the jurisdiction in which they were located established neighborhood compatibility requirements as defined in TRPA Code. TRPA Code, Section 90.2, defines local government neighborhood compatibility requirements as:

*Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.*

The 2004 TRPA/local jurisdiction vacation rental interlocal agreements are available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility). In the case of Douglas County, only the minutes from the County Commission meeting when the interlocal agreement was discussed and the resulting ordinance are available.

On December 13, 2017, the Local Government Committee released the report entitled *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin*, available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility). The conclusion of this report read:

*The local jurisdictions are acting responsibly to resolve VHR issues so that the concerns of residents and stakeholders, and policies of the Regional Plan are addressed. The TRPA Board and Local Government Committee played a productive role in raising important questions and organizing an overview of best practices and current actions underway on VHR management. We recommend that the Local Government Committee convene periodically (e.g., once a year) for an update on VHR management strategies and actions within the Region, and report to the full Governing Board and public with updates on this report.*



On April 24, 2019, prior to the TRPA Governing Board distribution of the 2019 and 2020 residential allocations to local jurisdictions, the Local Government and Housing Committee (Committee) agreed to develop a code amendment to make STR neighborhood compatibility a third criterion of the Performance Review System for the future release of residential allocations and to bring the amendment before the Governing Board by the end of the calendar year (December 2019).

On June 12, 2019, the Committee endorsed a Short-Term Rental Neighborhood Compatibility Work Program (Work Program), including the formation of a Working Group that includes Committee members, representatives from neighborhood and environmental groups, the real estate community, the building industry, and the community in general. The Working Group was created to ensure stakeholder and public interest is represented and considered throughout the process. The Working Group was tasked with development of a draft STR neighborhood compatibility code amendment and guidelines that will further implementation of Regional Plan Goals and Policies and support environmental threshold standards' maintenance and attainment. The Work Program and information on the Working Group is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

On June 12, 2019, members of the Working Group and public identified examples of STR Neighborhood Compatibility Best Practices, including locational, operational, and enforcement requirements, that could be included in local jurisdiction STR neighborhood compatibility programs. This list has been included in the updated version of the *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin Report (2019)*.

On July 17, 2019, the Working Group reviewed and provided input on an updated draft of the *Local Government Activities Related to Vacation Home Rentals in the Lake Tahoe Basin Report (Report)*. The Report includes the best practices developed at the Committee meeting on June 12, 2019, a summary of best practices being implemented or under consideration at the local level, and a summary of current local jurisdiction STR programs. The Report has since been finalized and is now available on the Working Group website ([www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility)), along with additional information on local jurisdiction STR permitting, enforcement, and educational programs.

On August 14, 2019, the Working Group reviewed and provided input on the draft Code Amendment and Guidelines. The draft Code Amendment would add a third criterion to the Performance Review System. The Performance Review System (TRPA Code, Section 50.5) currently requires residential allocation deductions if a local jurisdiction does not score 90 percent or greater on:

**Criterion 1:** Annual Residential Permit Review and Code Compliance Audit

**Criterion 2:** Lake Tahoe Total Maximum Daily Load (TMDL) Implementation

The proposed Code amendment would require TRPA also deduct residential allocations if a local jurisdiction does not achieve a score of 90 percent or greater based on the proposed STR Neighborhood Compatibility Guidelines. TRPA staff has not made any changes to the draft Code Amendment since the August 14<sup>th</sup> meeting. The draft Code Amendment is provided as **Attachment A**.

On August 14, 2019, TRPA staff presented draft Guidelines that included the best management practices, including locational, operational, and enforcement requirements, for STR neighborhood compatibility developed by the Working Group and tied them to Regional Plan Goals and Policies and environmental threshold categories. As directed by Working Group members, proposed numerical values for scoring purposes were included.

The draft Guidelines included the following categories:

**1) Locational**

The locational component requires local jurisdictions demonstrate that STRs will be located consistent with land uses and the transportation goals in the Regional Plan and through policies that address issues such as the over saturation (“clustering”) of STRs and the construction of large STRs in residential neighborhoods.

**2) Operational**

The operational component requires local jurisdictions demonstrate that they have an ordinance in place that addresses, at a minimum, noise, occupancy, parking, refuse, defensible space, water quality, public health and safety, public/visitor education and other program elements, such as on-line permitting and annual renewal/registration.

**3) Enforcement**

The enforcement component requires local jurisdictions demonstrate that they have a program in place for enforcing the locational and operational STR requirements, bringing illegal STRs into conformance, and addressing “bad actors.”

After receiving significant public input on the draft Guidelines, the Working Group provided direction to prepare the final draft of the Guidelines. TRPA staff updated the draft Guidelines as follows:

- Incorporated corrections recommended by Working Group members.
- Removed direct references to Regional Plan Goals and Policies and environmental threshold categories.
- Clarified that the list of best management practices is a “menu” that local jurisdictions may pick from to earn locational, operational, and enforcement points. In addition, the option for local jurisdictions to develop their own best management strategies for location, operation, and enforcement consistent with threshold standards and/or the Regional Plan was included.
- Reduced the number of points in the operational category from 40 to 30 and increased the number of points in the enforcement category from 30 to 40.

- Worked with local jurisdictions to ensure the location category includes best management practices that will work for each of the five local jurisdictions and will support implementation of Regional Plan land use and transportation goals and policies.

Prior to applying the Performance Review System for the distribution of residential allocations and convening the Performance Review Committee, which is a Committee convened every two years that consists of local jurisdiction and TRPA staff and is tasked with ensuring the Performance Review System is applied appropriately, the Agency anticipates giving local jurisdictions an opportunity to provide a written response as to how they are managing STR neighborhood compatibility based on the Guidelines. The updated draft Guidelines are provided as **Attachment B**.

Location of Short-Term Rentals:

In response to Working Group members expressing the need to know the location of STRs for regional planning purposes, TRPA staff reached out to all five local jurisdictions in the Tahoe Basin and mapped the density of permitted STRs. The only jurisdiction that has not provided location information is Washoe County because room tax is collected by the Convention and Visitors Authority, which is subject to confidentiality requirements. For the below analysis, TRPA created alternate data for Washoe County using online sources. Washoe County has committed to providing its source data once it has a STR permitting program in place.

The below Tables show the location of existing STRs in the Tahoe Region by jurisdiction. This information is provided to analyze the percentage of existing STRs that would meet proposed locational guidelines in each jurisdiction.

**Table 1: Percentage of STRs within a Town Center, Within a Quarter Mile of a Town Center, Transit Stop, and Major Highway by Jurisdiction in the Tahoe Region**

	City of South Lake Tahoe	Douglas County	El Dorado County	Placer County	Washoe County**
<b>Total STRs</b>	1,545	469	860	2,653	963
<b>% within a Town Center</b>	10%	0%	0.2%	5%	9%
<b>% within a quarter mile of a Town Center</b>	35%	10%	3%	15%	46%
<b>% within a quarter mile of a Transit Stop</b>	28%	34%	3%	41%	33%
<b>% within a quarter mile of a Major Highway</b>	45%	55%	43%	71%	68%

\*Percentages in the above table are calculated independently of each other, so they do not total to 100%.

\*\* Washoe County percentages were calculated using the locations identified off of AirBnB, while the total number of STRs is what was counted by Host Compliance and reported to us via the North Lake Tahoe Fire Protection District.

**Table 2: Percentage of STRs within Regional Land Use Districts by Jurisdiction in the Tahoe Region**

	City of South Lake Tahoe	Douglas County	El Dorado County	Placer County	Washoe County**
<b>Total STRs</b>	1,545	469	860	2,653	963
<b>% within Residential Regional Land Use</b>	89.4%	97.6%	97.9%	86.2%	85.6%
<b>% within Mixed Use Regional Land Use</b>	5.8%	0.3%	0.5%	5.9%	5.1%
<b>% within Tourist Regional Land Use</b>	4.6%	0.0%	0.0%	7.7%	7.9%
<b>% within Other Regional Land Use</b>	0.2%	2.1%	1.6%	0.2%	1.4%

\*Percentages in the above table are dependent of each other (i.e. they add up to 100%).

\*\* See note below Table 1.

\*\*\*The Regional Land Use Map depicts the dominate land use for area within the Tahoe Region. In the future, TRPA plans to analyze the location of STRs based on permissible uses within Area Plans, Community Plans, and Plan Area Statements.

In addition, in response to concerns raised with STRs contributing to the increased traffic congestion, and impacting access for first-responders, TRPA staff prepared a memorandum regarding STR trip generation and the Regional Plan locational strategy for reducing trips in the Lake Tahoe Basin. The memorandum is provided as **Attachment C**.

To present the draft Code and Guidelines to the Advisory Planning Commission (APC), Regional Plan Implementation Committee (RPIC), and Governing Board by the end of the calendar year (December 2019) as scheduled, it is anticipated that this will be the last Working Group meeting. It is therefore important that Working Group members bring their final recommendations to the meeting and come to consensus on all outstanding issues. If the Working Group cannot come to a consensus, the Local Government and Housing Committee will be convened to resolve outstanding issues before the proposed Code Amendment and Guidelines are forwarded to the APC, RPIC, and the Governing Board for consideration and possible adoption.

Public Comment:

Public comment regarding this agenda item has been posted at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

Contact Information:

For questions regarding this agenda item, please contact Brandy McMahan, AICP, Local Government Coordinator, at (775) 589-5274 or [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org).

Attachments:

- A. Draft Performance Review System Code Amendment
- B. Draft Short-Term Rental Neighborhood Compatibility Guidelines
- C. Memorandum on STR Trip Generation and the Regional Plan Locational Strategy for Trip Reduction

Attachment A

Draft Performance Review System Code Amendment

**Staff Proposed New Short-Term Rental Neighborhood Compatibility Code Language**

Allocation Performance:

Pursuant to TRPA Code, Section 50.5.2, no jurisdiction shall receive more allocations than the maximum base allocations or fewer allocations than the minimum as shown in Table 1 below.

<b>Table 1: Allocation Performance Table*</b>			
<b>Jurisdiction</b>	<b>Minimum Allocations with Deductions</b>	<b>Deduction Increments</b>	<b>Maximum Base Allocations</b>
<b>Douglas County</b>	2	2	10
<b>El Dorado County</b>	8	5.5	30
<b>Placer County</b>	11	6.5	37
<b>City of South Lake Tahoe</b>	10	5.75	33
<b>Washoe County</b>	3	1.75	10
<b>Total</b>	34		120

\*Table 50.5.2-2 in the TRPA Code of Ordinances.

Notes:

- 1) One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.
- 2) Allocations not distributed under the Performance Review System are assigned to TRPA’s residential allocation incentive pool.

The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- 1) Total Maximum Daily Load Compliance
  - a. A jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
  - b. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
  - c. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.
  
- 2) Permit Monitoring and Compliance
  - a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
  - b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent.
  - c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

The **staff proposed new Short-Term Rental Neighborhood Compatibility Code language**, Section 50.5.2.E.3, reads as follows:

3) Short Term Rental Neighborhood Compatibility

- a. A jurisdiction shall receive its base allocation for a score of 90 percent or greater based on short-term rental neighborhood compatibility guidelines established by TRPA that address short-term rental location, operations, and enforcement; or
- b. A jurisdiction shall be penalized one increment of deduction for a short-term rental neighborhood compatibility score between 75 and 90 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for a short-term rental neighborhood compatibility score below 75 percent.

Attachment B

Draft Short-Term Rental Neighborhood Compatibility Guidelines

**Draft Tahoe Regional Planning Agency Short-Term Rental Neighborhood Compatibility Guidelines for Local Jurisdictions**

9/18/2019

(Print on Tabloid 11" by 17" Paper)

These Guidelines are to be used by the Tahoe Regional Planning Agency (TRPA) when evaluating local jurisdiction Short-Term Rental Neighborhood Compatibility Programs during the application of the Performance Review System (TRPA Code, Section 50.5) for the distribution of residential allocations in the Tahoe Region.

Local jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_ Prepared by: \_\_\_\_\_

<b>DRAFT LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES</b>			
<b>Example STR Neighborhood Compatibility Best Practices</b>	<b>Local Jurisdiction Response</b>	<b>Points (Max.)</b> <i>(to be determined by Working Group)</i>	<b>Points Awarded</b> <i>(to be determined by TRPA/PRC)</i>
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the “menu” of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards town centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation (“clustering”) of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (bike/pedestrian trails and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, bike/pedestrian trails, etc.) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional amenities that can be accessed without an automobile, such as a ski resort.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use)</li> <li>The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.)</li> </ol>		<b>30 points (max)</b>	

<p>3. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>4. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>5. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in town centers).</p> <p>6. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>7. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>8. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>9. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>10. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>11. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or bike/pedestrian trails and amenities.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>			
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**OPERATIONAL**

**Guidance:** To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, **Noise** (5 points), **Occupancy** (2.5 points), **Parking** (5 points), **Refuse** (5 points), **Defensible Space** (2.5 points), **Water Quality** (2.5), **Public Health and Safety** (5 points), public/visitor **Education** (2.5 points), and **Other** program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.

<p><b>Example Noise Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</p> <p>2. The STR neighborhood compatibility program requires a noise management plan.</p> <p>3. The STR neighborhood compatibility program requires installation of noise monitoring devices.</p> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</p> <p><b>Example Parking Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires adequate off-street parking.</p> <p>2. The STR neighborhood compatibility program requires snow removal.</p> <p>3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</p> <p><b>Example Refuse Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</p> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.</p> <p>2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</p> <p><b>Example Water Quality Best Practices (2.5 points)</b></p>		<p><b>30 points (max)</b></p>	
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<p>1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified.</p> <p>2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.</p> <p><b>Example Public Health and Safety Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).</p> <p>2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources &amp; availability.</p> <p>3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law enforcement and fire.</p> <p>4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.</p> <p><b>Example Education Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</p> <p>2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.</p> <p>3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.</p> <p>4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The STR neighborhood compatibility program requires an STR permit and annual renewal.</p> <p>2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.</p> <p>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</p> <p>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</p> <p>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA and/or CC&amp;R regulations on STRs.</p> <p>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>7. The STR neighborhood compatibility program requires on-site professional management.</p> <p>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</p> <p>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</p> <p>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</p>			
<b>ENFORCEMENT</b>			
<p><b>Guidance:</b> To receive 40 points, a local jurisdiction must demonstrate that that they have an <b>Implementation</b> program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program <b>Funding</b> (10 points), effective <b>Penalties</b> (5 points), and an <b>Education</b> program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.</p>			
<p><b>Example Implementation Best Practices (15 points)</b></p> <p>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</p> <p>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</p> <p>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</p>		<p><b>40 points (max)</b></p>	

<p>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</p> <p>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</p> <p>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</p> <p>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</p> <p><b>Example Funding Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, or money generated from fines to fund STR code enforcement.</p> <p>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</p> <p>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</p> <p><b>Example Education Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</p> <p>2. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</p> <p>3. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</p> <p>4. The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</p> <p><b>Example Penalties Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</p> <p>2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</p> <p>3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</p> <p>4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</p> <p><b>Other Best Practices (Can substitute for up to 40 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</p>			
<b>TOTAL</b>		<b>100 points (max)</b>	

\*Every two years, TRPA convenes the Performance Review Committee (PRC), a Committee made up of one TRPA staff member and one staff member from each local jurisdiction, to review the Performance Review System and ensure the provisions of TRPA Code, Chapter 50, have been applied correctly and provide a recommendation to TRPA’s Advisory Planning Commission and Governing Board regarding the distribution of residential allocations to the local jurisdictions.

Attachment C

Memorandum on STR Trip Generation and the Regional Plan Locational Strategy for Trip Reduction

## MEMORANDUM

Date: September 18, 2019

To: Short-Term Rental Neighborhood Compatibility Working Group

From: TRPA Staff

Subject: STR Trip Generation and the Regional Plan Locational Strategy for Trip Reduction

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One of the key concepts underlying the 2012 Regional Plan amendments is the focus on mixed use, transit supported, walkable, bikeable higher density town centers vs. continuing the pattern of segregating different land uses including lower density single-family residential development. Whether those single-family residential units are used for owner-occupied residences or as short-term rentals (STRs), there is clear evidence that both higher density and mixed-use development generate fewer trips as well as other benefits. Three of the sources of information utilized in 2012 are summarized below.

1. Higher Density Development: Myth and Fact - This 2005 Urban Land Institute publication was also supported by organizations ranging from the National Multi Housing Council, to the American Institute of Architects, to the Sierra Club. In the introductory section of the report written almost 15 years ago it stated that “Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally.” (p. 7). It then debunks multiple myths about higher density development using studies of existing developments with quantified results. Regarding traffic, on page 16 it states “Myth: Higher-density development creates more regional traffic congestion and parking problems than low-density development. Fact: Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.” The report goes on to state that “according to one study using data from the National Personal Transportation Survey, doubling density decreases the vehicle miles traveled (VMT) by 38%.” This article is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).
2. Internal Trip Capture for Mixed Use Development – This 2007 Texas Institute of Traffic Engineers (TexITE) conference presentation summarized data from five previous studies, provided an assessment of the ITE internal trip estimation method used at that time, and used detailed information from two mixed use developments in different states to estimate internal trip capture (i.e., the number of trips that did not occur because different uses are close enough together that a trip between them is avoided). The results from that work indicated that the overall trip reduction is 39.4 to 42.6%. The results by type of land use are shown in the following table.

**Table 1. Land Use Percentage Trip Reduction**

Land Use	Percentage Trip Reduction
Retail	36.3-42.7%
Restaurant	43.1-64.8%
Residential	26.4-52.0%

The presentation also made it clear that these numbers will vary based on the uses present, site layout, availability of alternative transportation modes, etc. Nevertheless, mixed-use development reduces trip generation. This presentation is available at: [www.trpa.org/short-term-rental-neighborhood-compatibility](http://www.trpa.org/short-term-rental-neighborhood-compatibility).

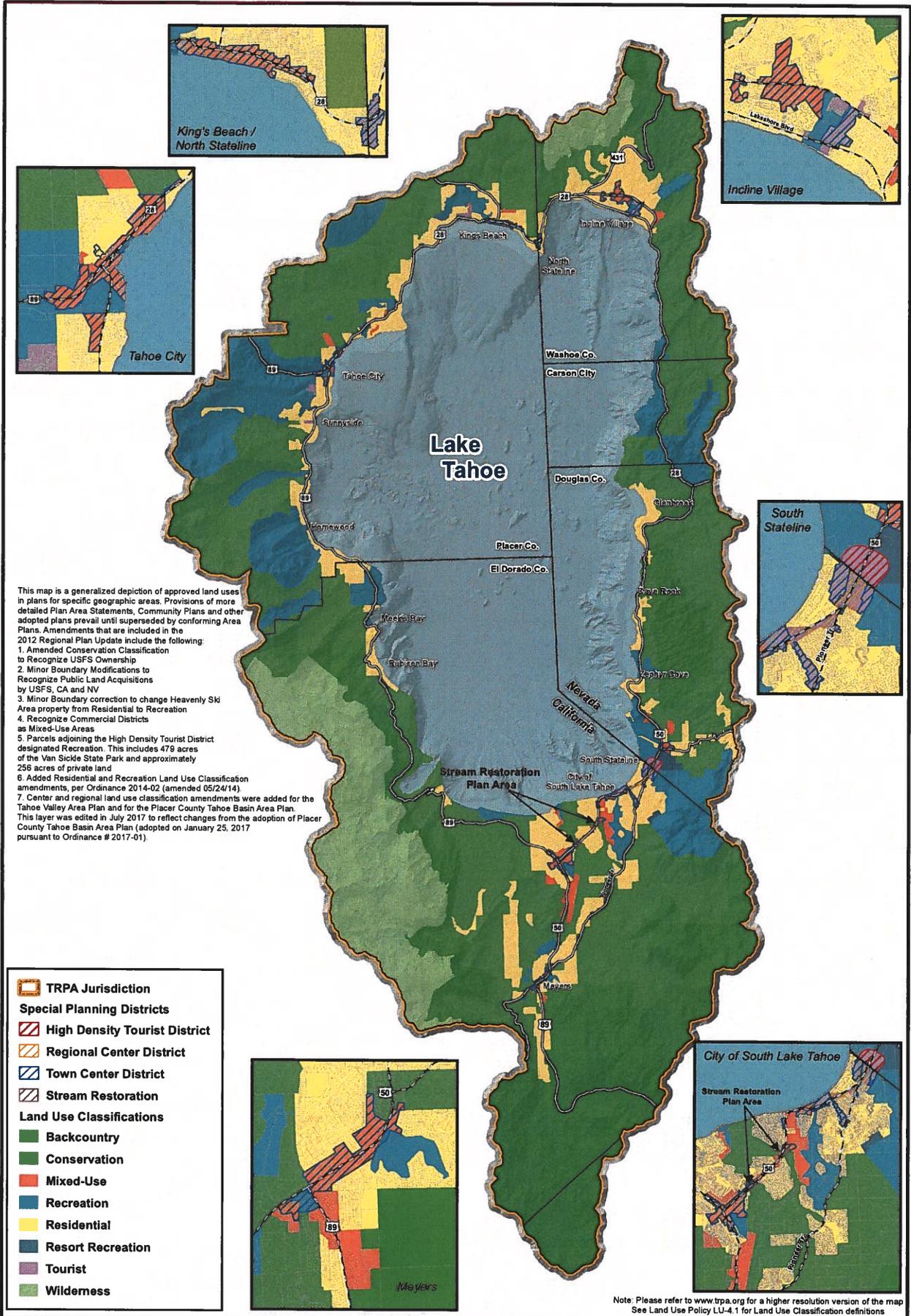
3. Final Environmental Impact Statement (EIS) for the Lake Tahoe Regional Plan Update (2012) – The Final EIS, Volume I, Master Response 11, found that “Actual traffic data from Lake Tahoe supports the premise that proximity of land uses reduces vehicle trip lengths... The average trip length in traffic analysis zones (TAZs) containing town centers is 6.3 miles versus an average trip length of 9.6 miles in outlying TAZs. This indicates a substantial, VMT-reduction benefit of more concentrated land use areas in the Region. Even in town centers that have lower intensity development, such as the Myers area, locating more development in this town center versus in an outlying area would still have a beneficial impact on VMT, because it would encourage shorter trips and greater use of existing facilities for non-auto travel (e.g., bicycle trails, pedestrian facilities, transit), even if the magnitude of VMT savings is not as great as in more urban town center areas.” The Lake Tahoe Regional Plan Update Final EIS is available at: [www.trpa.org/wp-content/uploads/Volume\\_1\\_RPU\\_FEIS.pdf](http://www.trpa.org/wp-content/uploads/Volume_1_RPU_FEIS.pdf).

The Regional Plan established at least one town center in each of the five jurisdictions in the Lake Tahoe Region. The Regional Land Use Map is provided at Exhibit 1.

When the Regional Plan was updated in 2012 the decision on the development pattern and where uses oriented to tourists (i.e., those who obviously utilize retail, restaurant, and residential uses) should be located was “data-driven” and based on substantiated concepts. One of the key reasons for this decision, as illustrated above, was that this would reduce trip generation and VMT in the region when compared to continuing to locate land uses as had been done in the past, not to mention other benefits such as redeveloping economically obsolete buildings that do not meet current environmental standards.

Exhibit:

1. Regional Land Use Map



This map is a generalized depiction of approved land uses in plans for specific geographic areas. Provisions of more detailed Plan Area Statements, Community Plans and other adopted plans prevail until superseded by conforming Area Plans. Amendments that are included in the 2012 Regional Plan Update include the following:

1. Amended Conservation Classification to Recognize USFS Ownership
2. Minor Boundary Modifications to Recognize Public Land Acquisitions by USFS, CA and NV
3. Minor Boundary correction to change Heavenly Ski Area property from Residential to Recreation
4. Recognize Commercial Districts as Mixed-Use Areas
5. Parcels adjoining the High Density Tourist District designated Recreation. This includes 479 acres of the Van Sickle State Park and approximately 255 acres of private land
6. Added Residential and Recreation Land Use Classification amendments, per Ordinance 2014-02 (amended 05/24/14)
7. Center and regional land use classification amendments were added for the Tahoe Valley Area Plan and for the Placer County Tahoe Basin Area Plan.

This layer was edited in July 2017 to reflect changes from the adoption of Placer County Tahoe Basin Area Plan (adopted on January 25, 2017 pursuant to Ordinance # 2017-01)

- TRPA Jurisdiction
- Special Planning Districts**
- High Density Tourist District
- Regional Center District
- Town Center District
- Stream Restoration
- Land Use Classifications**
- Backcountry
- Conservation
- Mixed-Use
- Recreation
- Residential
- Resort Recreation
- Tourist
- Wilderness

Note: Please refer to [www.trpa.org](http://www.trpa.org) for a higher resolution version of the map. See Land Use Policy LU-4.1 for Land Use Classification definitions.



## Map 1 Conceptual Regional Land Use Lake Tahoe Region

LOCAL GOVERNMENT AND HOUSING COMMITTEE

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