



## **2023 TAHOE VALLEY AREA PLAN AMENDMENTS, PROJECT DESCRIPTION**

The City of South Lake Tahoe intends to amend the Tahoe Valley Area Plan (TVAP). The purpose of the amendments ranges from general improvements and a need for greater consistency with recently amended TRPA regulations, state regulations, and City goals, to increasing housing opportunities and community equity in appropriate areas. Summarized below are the more significant policy and regulatory amendments that the City intends to consider.

### **LAND USE, COMMUNITY DESIGN, AND HOUSING**

#### **Residential Density**

In order to improve the effectiveness of Housing policies and achievement of Housing goals within the adopted TVAP, the City is considering increasing allowed density for multi-family developments to 60 units per acre, as well as setting minimum density of 8 units per acre for multifamily developments in and around town centers. The current multifamily dwelling density maximums are lower than Tourist Accommodation allowable densities, despite the TRPA determination that TAUs have larger environmental impacts with respect to Vehicle Miles Traveled and carrying capacity of the Tahoe Basin. The currently low maximum densities for multi-family residential development do not allow for affordable housing projects to be eligible and competitive for grants and financing available through state and federal programs. Financially feasible residential projects at the current allowable density ranges tend to be resulting in development of low density, large market rate units. Allowing higher densities for multifamily developments will provide more opportunity for much needed housing in areas close to amenities, and make affordable housing more feasible for developers.

The City is proposing a maximum density of 60 units per acre for multi-family residential development, based on the commodity conversion rate of 1:1.5 between TAUs and RUUs, and a minimum density of eight units per acre. This potential amendment will not change the total full build out potential of the Region due to limitations on development established by TRPA growth management regulations nor will they change the criteria necessary to earn bonus units under the existing Transfer of Development Rights (TDR) program. The proposed amendment also does not include changes to coverage or height limitations, requiring the additional density to be accommodated within the current building envelope. The amendment would allow more concentration of development within Town Centers and increase feasibility of infill and

environmental redevelopment projects in these areas. In addition, the City is requesting that the allowed density bonus referenced in TRPA Code of Ordinances 31.4.1 be applicable to all properties where multi-family residential is an allowed use, including properties within Area Plans.

Proposed amendments will also include a requirement to mitigate any reduction in density from existing conditions.

These changes are directed by Programs 2-8 and 1-4 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

### **Consistency with California State Law**

Amendments will incorporate requirements of recent California state laws.

- AB 68: Accessory dwelling units (ADUs) shall be allowed and applicable design standards added. The Area Plan will include a reference to the ADU Ordinance contained in the City Code to expand its applicability to properties within Area Plans, and TRPA Code of Ordinance requirements for ADUs.
- AB 682: Shared housing or co-living projects are eligible for density bonuses when a number of the units are low or very low income. These changes will be incorporated along with the applicability of density bonuses.

### **Residential Design Standards**

Currently all projects within the TVAP are required to meet the same design standards, which were developed with commercial and mixed use projects in mind. Appendix C should be amended to include standards applicable to purely residential projects. Proposed standards would be consistent with City Code 6.85, Residential Development and Design Standards. These standards were adopted in compliance with California SB 35 and SB 330.

To provide individuals, family members, caregivers, and/or anyone acting on behalf of the person with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing as feasible the city proposes to establish criteria for residential projects that would allow for modification of the TCAP standards. These modifications would address any needs for accommodation by persons with disabilities for additional land coverage for necessary site improvements beyond the additional land coverage allowances for Americans with Disabilities Act (ADA) improvements in Chapter 30 of the TRPA Code of Ordinances.

Currently, affordable housing projects require a higher level of decision maker consideration than market rate housing projects (TRPA Code Section 2.2). Proposed amendments would include new criteria for residential project review levels that treat affordable housing equal to market rate housing, exempting residential projects up to three units and residential projects that comply with objective development and design standards from discretionary and public hearing procedures.

### Permissible Uses

The City will reevaluate Appendix C's Table 1, Permitted Uses By Land Use District, and Table 2, List of Primary Uses and Use Definitions, and consider the following adjustments.

- Incorporate employee housing under *multiple-family dwelling* and *multi-person dwelling*, definitions. By allowing affordable housing projects in commercial zones the City will further align with AB-2011 and SB-6.
- Define shared housing or co-living projects in compliance with AB-682 and allow them where *multiple-family dwelling* and *multi-person dwelling* uses are allowed.
- Specify that residential care facilities (group homes) of all sizes are allowed by right in all residential districts (CA Health & Safety Code 1267.8, 1267.9, & 1267.16, 1568.083 - 1568.0831, 1569.82 – 1569.87, 1518, 1520.5, 1566 - 1566.8, 1567.1, 1267.9; 1760 – 1761.8, and 11834.23).
- Amend definitions to treat employee housing that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (CA Employee Housing Act).
- Specify that transitional and supportive housing are allowed without a conditional use permit or other discretionary action in districts that allow residential development (CA Health and Safety Code Section 50675.2).
- Identify where legal nonconforming uses exist and consider if these uses should be allowed.
- Clarify use definitions; for example, indoor sauna, spa, and hottub facilities are currently included in the use description for both *Amusements & Recreation* and *Personal Services*.
- Designate between large and small *Amusement & Recreation* uses. Currently the use category has no distinction for facilities of different sizes or capacities. The City is considering adding clarifying language such as what is included in *Privately owned assembly and entertainment*, which specifies the use is for facilities with a capacity of greater than 300 people.

Housing related permissible use changes are directed by Programs 2-8 and 1-4 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

## REVITALIZATION AND ECONOMIC DEVELOPMENT

To increase implementation of economic development, revitalization, and environmental improvement goals and policies within the adopted TVAP, the City is pursuing amendments to increase opportunities for events, outdoor dining, accessory uses and sustainable infrastructure in appropriate locations.

### **Designated Special Events Area**

The City is pursuing designating The Crossings, the TJ Maxx/Blue Zone center, and the Tahoe Valley Greenbelt as special event areas. Events meeting specific criteria would be allowed without obtaining a Special Event or Temporary Activity permit.

### **Commercial Floor Area and Outdoor Dining**

The City would like to reduce barriers associated with establishing outdoor dining in appropriate areas. Although outdoor seating is currently not considered Commercial Floor Area (CFA), outdoor dining is. Outdoor dining and seating provide opportunities to create more active streetscapes but are distinguished from indoor seating by their less intensive use due to seasonal weather in the Tahoe Region. The City is proposing to exempt outdoor dining areas from CFA requirements similar to the current application of the regulation to outdoor seating.

### **Advertising for Accessory Uses**

The City is proposing to amend sign regulations to allow independent signage for accessory uses. No changes to the maximum sign area or number of signs allowed for a property are proposed.

### **Coverage Exemptions for Sustainable Infrastructure**

A goal of the City of South Lake Tahoe is to remove barriers to sustainable infrastructure and achieve compliance with AB 1236 which requires ministerial permitting for EV charging stations and limits the ability to deny a permit to specific findings of adverse impact to public health or safety. Coverage has been a limiting factor where existing developments wish to install electric vehicle charging stations. Exempting EV charging infrastructure from counting towards coverage would allow for increased access to charging stations. Mitigation measures such as retiring coverage elsewhere in the watershed or allowing a percentage over maximum coverage for EV charging stations to be transferred to the site will be explored.

### **Policy Amendments**

City staff is recommending to amend or add the following policies:

- Clarify when CFA is required for recreation based primary uses and what areas of recreational facilities are exempt from CFA
- Identify that Barton facilities in the town center – healthcare district are public service uses and exempt from CFA requirements
- Encourage vertical mixed-use projects in the Town Center – Core District

### **DEVELOPMENT AND DESIGN STANDARDS**

In order to provide more clarity on expectations for architectural design of new construction and more enforceable objective standards, the City is proposing amendments that will incorporate aspects of the South Lake Tahoe Design Guidelines into the TVAP Development and Design Standards.

### **Commercial Design Standards**

Through amendments to Appendix C, objective design standards are proposed for new construction and major façade improvements. These design standards will heavily draw from the South Lake Tahoe Design Guidelines (2016), which will be directly referenced in the TVAP. These standards will target include, but are not limited to:

- Requiring building modulation to be achieved by requiring a change in surface/wall depth, change in building height, covered outdoor seating area, columns/pilars, or similar elements of visual interest at a certain frequency. Providing specific objective standards.
- Specifying % of building façade area where use of natural materials is required.
- Requiring dumpster enclosures to match the colors and materials of the primary structure.

Existing standards that are proposed to be modified are:

- More flexibility for roof pitch, allowing a minimum of 3:12 (previously 5:12).
- Flexibility in corner build and building frontage standards where these standards are not desirable, such as where an SEZ or other natural features that should be retained exists.

### **Parking**

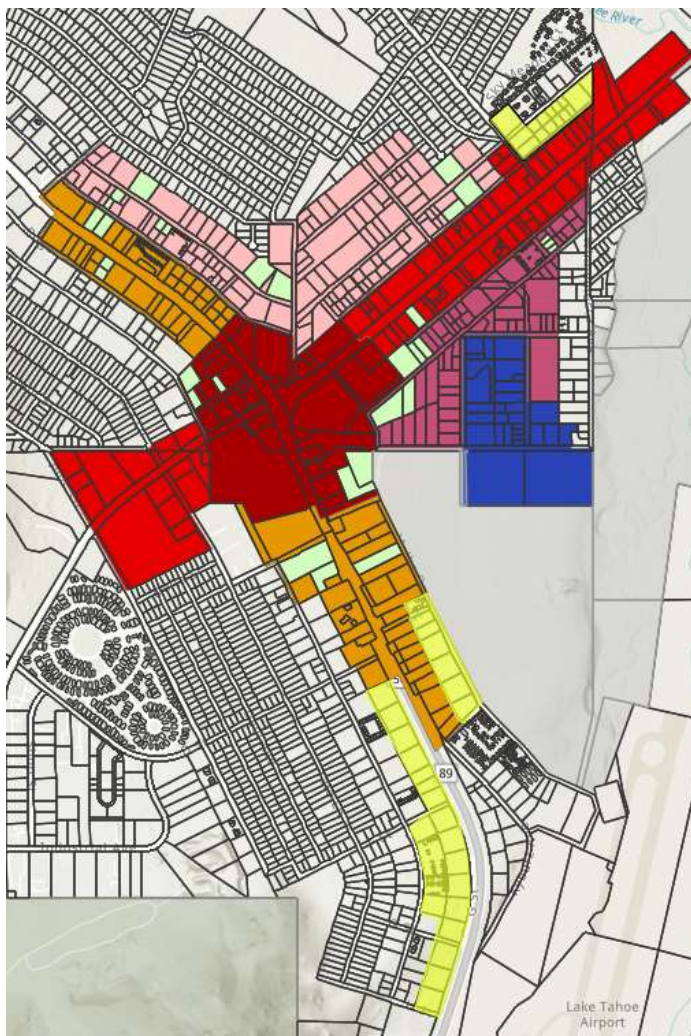
A recent California law prohibits local governments from enforcing minimum parking requirements for residential and commercial projects within one-half mile of a major transit stop. While the City of South Lake Tahoe currently does

not have major transit stops as defined by the California Public Resource Code Section 21064.3, in anticipation of improved transit services, we will evaluate our current parking standards for compliance with the intention of this law. The City also intends to require a greater number of bicycle parking spaces and provide additional parking reductions where projects are located in Town Centers and provide contribution to transit service and/or pedestrian and bicycle infrastructure improvements.

GENERAL IMPROVEMENTS

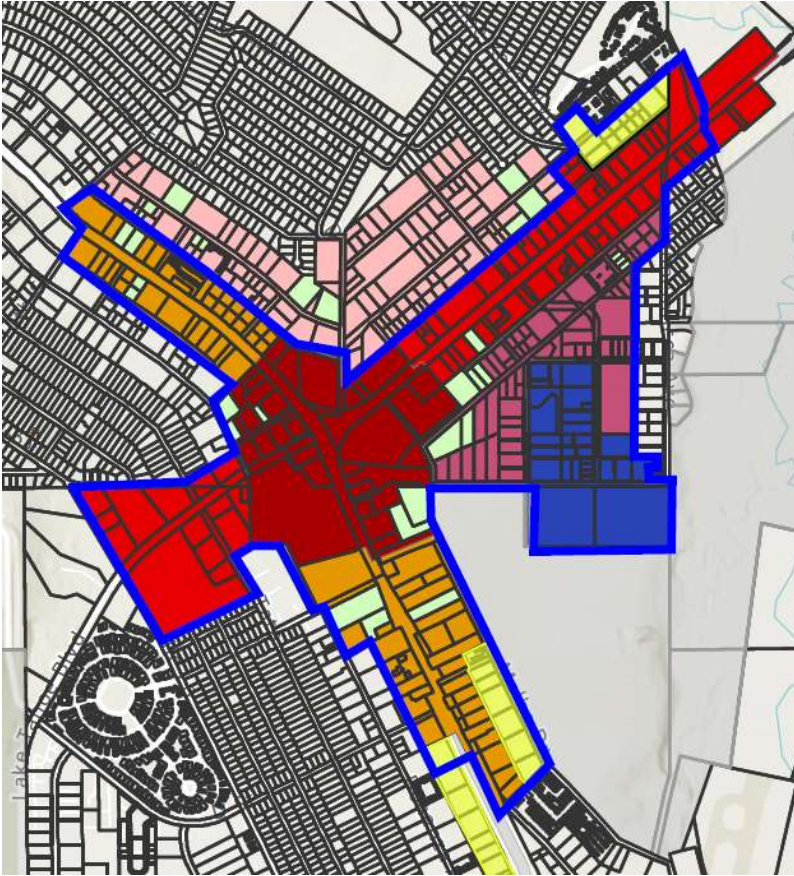
**Boundary Amendments**

The City will explore amending borders of the TVAP and zoning districts within the TVAP, where appropriate. The primary goal of these adjustments is to include high capability parcels in close proximity to Town Centers where multifamily residential uses are allowed so that they may be eligible to utilize substitute standards and incentives to develop or redevelop. Parcels under consideration for incorporation into the TVAP are largely located in Plan Area



Statement 114, Bonanza, including Special Area #1.

Three proposed areas for incorporation are highlighted in yellow.



The proposed Town Center is outlined in blue and includes two of the added areas.

### **Code Corrections and Consistency**

General improvements that will be made to the TVAP include correcting City Code and TRPA Code references, incorporating amendments implemented by TRPA through Ordinance 2021-01, and referencing new TRPA policies that support these proposed amendments. TRPA Code of Ordinances 31.4.6 will be referenced to ensure that legal, non-conforming tourist and residential densities can be maintained and managed pursuant to that section. The TVAP will codify the TRPA interpretation that commercial and residential/tourist mixed-use projects are allowed to use the full parcel area in determining density, regardless of commercial floor footage on the parcel. Commercial floor area shall also be the maximum allowable in that district.

### **Right of Way Improvements and Complete Streets Consistency**

Transportation and Circulation Policies will be amended to reflect current areas of focus, and align with and progress the City's Complete Streets Program. We will incorporate recent mobility improvement concepts from TRPA's Active Transportation Plan and Lake Tahoe Unified School District's Safe Routes to

School Master Plan. In this effort, the City intends to work alongside TRPA as the Active Transportation Plan is updated.

Implementation efforts will be updated to account for completed projects, and identify new areas of support, such as implementation of TRPA's SR 89 Recreation Corridor Management Plan.

### **Green Incentive Program Updates**

The City will be reviewing the green building incentives to ensure the current incentive are still feasible for staff and identifying previous measures which are now required rather than optional based on California Building cCode updates and city ordinances. Staff will also look to incorporate new policies and certification programs that have been implemented or seen success since the plans initial adoption.

During the City's public outreach and public review processes additional amendments may be identified for consideration. City staff will work closely with TRPA staff to ensure continuity and open communication throughout the process.