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STAFF REPORT

Date: July 21, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Phase 1 Housing Code Amendments: Amendments to the TRPA Code of Ordinances related to: **1)** Bonus Unit Boundary, including amendments to Chapter 52; **2)** Non-conforming density, including amendments to Chapter 31; **3)** Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure Section 12; **4)** Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52.

Summary and Staff Recommendation:

TRPA staff ask that the Governing Board approve and adopt the Phase 1 housing code amendments developed through the Tahoe Living Housing and Community Revitalization Working Group process related to:

- 1) Bonus Unit Boundary, including amendments to Chapter 52;
- 2) Non-Conforming Density, including amendments to Chapter 31;
- 3) Accessory Dwelling Units (ADUs); including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure Section 12;
- 4) Code clean-up items related to Development Rights Strategic Initiative; including amendments to Chapters 51 and 52.

Required Motions:

In order to recommend approval of the requested action, the Governing Board must make the following motions, based on the staff report:

- 1) A motion to approve the required findings (Attachment A), including a finding of no significant effect, for the adoption of Amendments to the TRPA Code of Ordinances related to: 1) Bonus Unit Boundary, including amendments to Chapter 52; 2) Non-conforming density, including amendments to Chapter 31; 3) Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure Section 12; 4) Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52, as shown in Attachment B.

2) A motion to approve and adopt Ordinance ____ - ____ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 21, 31, 39, 50, 51, 52, and 90.

3) A motion to adopt Resolution 21-____ to amend the Rules of Procedures as set forth in Attachment D.

For the motions to pass, the vote of at least four Board members from each state is required.

Background:

As part of the Region-wide, collaborative effort to address the serious housing challenges facing Tahoe communities, in 2019 and 2020 TRPA's Governing Board took two steps to elevate housing as a priority issue and commit to working with other entities to identify the best ways for TRPA to help create housing solutions while supporting and furthering Regional Plan goals. In January of 2019, the TRPA Governing Board re-designated the Local Government Committee as the Local Government and Housing Committee, and in June of 2020, recognizing the need for an in-depth, analysis-based approach to the problem, created a new committee of the Advisory Planning Commission (APC), the Tahoe Living Housing and Community Revitalization Working Group.

Since August of 2020 these committees and the Governing Board have been working to better understand the housing issues in the Basin and identify and implement new policy directions that will proactively move the Region toward a more balanced housing pattern that simultaneously advances Regional Plan and Sustainable Communities Strategy goals of walkable, transit-supportive communities that reduce greenhouse gas emissions and other environmental impacts, while supporting local governments in meeting their housing needs, including meeting Regional Housing Needs Assessment (RHNA) requirements.

In the fall of 2020, the Tahoe Living Working Group recommended moving forward on developing a set of priority housing actions. The Working Group based the identification and prioritization of these actions on technical analysis¹ presented by TRPA staff that identified potential cost reductions and expected on-the-ground housing by strategy, as well as on in-depth discussions with local jurisdiction staff that identified major barriers to implementation of local housing plans. A key takeaway from the analysis and the discussions was that Regional Plan goals that are intended to incentivize workforce housing and mixed-use development are not yet fully supported by existing code and processes. In fact, in many cases tourist developments or homes that are likely to become second homes face fewer permitting and regulatory hurdles than workforce housing project types do. This led to a set of recommendations that included a focus on smaller homes, such as ADUs, better incentivizing tourist and commercial conversions to residential, and permitting parity between housing types, among other priority actions.

¹ The technical analysis is included in Attachments A and B of the November 2020 Tahoe Living Working Group staff packet: <https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>.

The Working Group supported sorting the actions into near-term, medium-term, and longer-term actions. In January 2021, upon a recommendation from the Local Government and Housing Committee, the TRPA Governing Board approved the set of priority housing actions (below).

Action Categories	Timing
ADUs/Small Homes and Residential Density	Near-Term (3-6 months)
Mixed Use Residential and Permitting/Streamlining	Medium-Term (6-12 months)
Tourist/Commercial Conversions to Residential and Coverage Incentives	Longer-Term (1-2 years)
Public Land Donations and Fees	Longer-Term (1-2 years)

Since approval of those priorities, recommendations have emerged from the Working Group process on the near-term items, ADUs and residential density. These recommendations included initial code changes. During the discussions, many Working Group members noted that these initial actions may not be enough to stimulate the housing production that was analyzed and shown in the November attachments without further incentives. The two main concerns were related to coverage and development rights requirements, no changes to which are included with this set of code amendments. Related to coverage, several Working Group members suggested that changes to coverage regulations be considered for ADUs to allow more properties to build detached ADUs. Another concern related to the small size of ADUs, and the requirement that they procure a full development right or Bonus Unit, despite the fact that that same development right could be used for a 4- or 5-bedroom, or even much larger, home. As the pool of Bonus Units is limited, Working Group members expressed concern that ADU applications for Bonus Units would draw down the pool too quickly, without providing as much housing as could be provided if the Bonus Units were used for larger units. However, even without changes in those two areas, there was support for maintaining momentum by bringing these initial actions forward while taking more time to develop additional actions as part of later phases.

The Working Group has already begun working on the medium-term actions, which will look into how the interactions between required density, height, coverage, fees and unit size can be better managed to incentivize workforce housing and walkable, sustainable development. Based on the Working Group’s discussion summarized above, TRPA staff recommends that, as part of the “Permitting/Streamlining” action, the group examine whether development rights requirements, particularly for accessory dwelling units, can be scaled based on the size of the unit.

Discussion:

The Working Group recommended moving three near-term recommendations forward in order to remove barriers to Regional Plan implementation, while beginning work on the medium-term recommendations. The three recommendations are summarized below, and the draft recommended code, Rules of Procedure, and Regional Plan changes are shown in Attachment A. Staff has also included a fourth recommendation that includes code-cleanup items from the Development Rights Strategic Initiative. Upon requests from El Dorado County and the City of South Lake Tahoe, this packet also includes corresponding changes to the Meyers Area Plan, the Tahoe Valley Area Plan, and the Tourist Core Area Plan to reflect the proposed ADU code changes.

Recommendation #1 - Bonus Unit Boundary

The boundary within which bonus units may be awarded in exchange for deed-restricting a unit to affordable, moderate, or achievable housing is described in the TRPA Code of Ordinances Section 52.3.4.F.

The current area of eligibility for these bonus units includes only those parcels that are within ½ mile of existing transit. The Working Group found that this boundary did not fully capture areas that had been identified through other planning efforts as priority areas for higher density residential development, such as the Town Centers established through the 2012 Regional Plan, some Community Priority Zones identified in the Regional Transportation Plan, and some neighborhoods that are zoned multi-family, and which in some cases have a significant amount of attached housing currently used as affordable rentals. The Working Group supported modifying the boundary to recognize that areas close to Town Centers and neighborhoods previously recognized as appropriate for affordable housing can provide walkability.

The Working Group recommended that the Bonus Unit Boundary be modified as follows:

52.3.4.F. The housing project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family is an allowed or special use.

This change increases the boundary by approximately 15 percent. The existing and proposed boundaries may be viewed on an interactive map, here: https://trpa.shinyapps.io/bonus_unit_boundary_map/.

The draft code changes can also be seen in Attachment B.

Recommendation #2 - Non-conforming tourist density

The second recommended code change would allow motels to keep their original Tourist Accommodation Unit (TAU) density when converting to residential. In one-on-one meetings that TRPA held with local jurisdictions in the fall of 2020, and again at the February Working Group meeting, local jurisdictions identified that existing, aging motel properties are disincentivized from converting to residential or a mix of tourist and residential uses through redevelopment because existing, non-conforming tourist densities cannot be applied to residential densities. Many older motels on small lots have tourist densities exceeding the allowable 40 units per acre. Under the existing code, if these properties redevelop, they can keep the grandfathered density if the use does not change. However, when they redevelop and convert to residential, they lose a significant number of units since the maximum residential density allowed is only 25 units per acre and units above this must be banked and transferred off the property. For example, the Seven Seas Motel in South Lake Tahoe considered redeveloping to residential but was deterred by the small number of units available using residential densities. If the project redeveloped to new tourist development, the existing 17 units on the parcel would be grandfathered in. However, when converting to residential, the required residential density would allow only 6 residential units. The proposed revision that is part of this packet would allow the property owner to redevelop from tourist to residential and grandfather in the existing density, resulting in 17 residential units onsite in the case of the example above.

This code amendment would only apply to conversions between TAUs and multi-residential uses and would only be allowed where multi-residential is an allowable use. Because the 1:1.5 conversion rates from TAUs to multi-residential would result in additional multi-residential units, over and above the number that would be allowed based on the grandfathered tourist density, TRPA will require these units to be banked onsite.

See Attachment B for detailed code amendment language. As part of this code amendment, staff is also recommending adding clarifying language to the code regarding the grandfathering in of residential density and banked residential units for use during redevelopment to new residential uses. This new language codifies the existing practice of maintaining existing, non-conforming densities as part of onsite redevelopment, and that of allowing units that are banked onsite and which resulted from development that was legally established to count toward the existing density. However, if a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

Recommendation #3 - Accessory Dwelling Units (ADUs)

Accessory Dwelling Units are attached or detached units that are accessory to the main house, and are generally between 400 and 1200 square feet, averaging around 640 square feet.² TRPA's analysis of the potential for ADUs to provide workforce housing in the basin identified that a near-term strategy to allow ADUs within the framework of TRPA's existing coverage and development rights regulations could result in between 100 to 200 ADUs provided by the private market over the next eight years.³ Because of TRPA's incentives supporting deed-restricted housing within close proximity to transit and Town Centers, TRPA expects that a significant number of these units would be used for workforce housing. The California Department of Housing and Community Development (HCD) allows jurisdictions to count ADUs toward their Regional Housing Needs Assessment (RHNA) requirements regardless of whether they are deed-restricted or not, instead allowing them to base their assessment on size and rental rates of comparable properties.⁴ El Dorado County, Placer County, and the City of South Lake Tahoe have all indicated that ADUs are a key part of their strategy to meet the RHNA requirements.

TRPA's current policy restricting ADUs to parcels of one acre could be made to better align with Regional Plan Goals of encouraging workforce housing in walkable areas. Under the current policy, less than 800 parcels are even eligible to construct this housing type. And smaller parcels are often appropriate for workforce housing types – for instance the average residential parcel size within the proposed Bonus Unit Boundary and close to Town Centers and transit is about 20 percent smaller than the average parcel size outside the boundary.

² Sacramento Area Regional Council of Governments, "SACOG Regional Accessory Dwelling Unit Affordability Analysis," March 2020, Sacramento Area Regional Council of Governments, accessed May 27, 2021 at: [adu_affordability_analysis_methodology_2020-3-31_0.pdf \(sacog.org\)](https://www.sacog.org/du/du-affordability-analysis-methodology-2020-3-31-0.pdf); and Turner Center for Housing Innovation, "Jumpstarting the Market for Accessory Dwelling Units, Lessons Learned from Portland, Seattle, and Vancouver," Chapple, Wegman et al., April 2018.

³ For more information on this analysis, see Attachment A of the November 2020 Tahoe Living Working Group agenda: https://www.trpa.gov/wp-content/uploads/documents/archive/03_Attachment-A-Land-Use-Evaluation-Sheets.pdf.

⁴ California Department of Housing and Community Development, "Housing Element Site Inventory Guidebook Memorandum," June 10, 2020, accessed on May 27, 2021, at: https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

At the February 10, 2021 Working Group meeting, Working Group members agreed that two policy changes should move forward into code development related to ADUs. Through the discussion additional suggestions for further incentivizing ADUs surfaced, such as through coverage or development rights incentives as discussed above, but there was not consensus on these items and additional research is needed to determine their impact on the supply of workforce housing.

The proposed elements of the ADU recommendation include:

- 1. Remove 1-acre limit on ADUs basin-wide.** Currently TRPA regulations stipulate that secondary residences/ADUs are only allowed on parcels greater than one acre in size unless a jurisdiction has a TRPA-certified “Local Government Housing Program” (TRPA Code of Ordinances Section 21.3.2.B). With the advent of California’s 2019 ADU legislation, and local codes in effect in Douglas County and Washoe County, local jurisdictions have most if not all of the required elements of the “Local Government Housing Program” in place. Requiring five separate certifications along with updates over time could add an unnecessary staffing burden both for local jurisdictions and TRPA and was not supported by Working Group members. Hence, under the proposed code amendments, the 1-acre limit would be removed and local jurisdictions would have the authority to regulate ADU construction just as they regulate other single-family home construction through their area plans and their development and building codes. ADUs would still be required to comply with TRPA’s coverage, height, and growth management regulations. As part of this code amendment, TRPA is also recommending lifting the requirement of only one secondary residence/ADU per parcel. Since incentives for ADUs encourage them to locate in close proximity to transit and Town Centers, allowing two ADUs per parcel supports walkability goals. This would also help California jurisdictions comply with California law, as California law allows one ADU and one Junior ADU⁵ per parcel.

There are several elements of California law and Douglas County and Washoe County plans and codes that place further restrictions on the construction or use of ADUs. Currently, California law requires that accessory dwelling units created pursuant to section 65852.22 of the California Government Code (which applies to all new ADUs) if rented, be rented for a term longer than 30 days. Douglas County and Washoe County both currently have a 1-acre parcel size limit for ADUs in the Tahoe Basin in their codes. These 1-acre limits were based on the TRPA 1-acre limit but as they are already adopted they would remain in place until removed by these counties in a subsequent action.

⁵ California law provides the following specifications for a Junior Accessory Dwelling Unit (JADU): within the walls of the single-family house; no more than 500 square feet in size; must have an efficiency kitchen; separate entrance; may share a bathroom with the main house or have its own bathroom; requires owner-occupancy in the main house or the JADU.

Within the bonus unit boundary, an ADU would be eligible for a bonus unit in exchange for a deed-restriction for affordable to achievable income levels, and occupancy of the unit by a local resident. A bonus unit is available from the TRPA pool at no cost to the applicant. There was consensus among working group members that when a bonus unit is assigned in association with the construction of an accessory dwelling unit, the deed-restriction should require that either the accessory dwelling unit, or the main home must comply with the affordability and local residency requirements. This would allow for diversity in housing size and types through construction of ADUs and utilization of the bonus unit program. For example, an out-of-town homeowner might wish to reserve the ADU for their own, periodic use, but rent out the larger, main home to a local family.

- 2. Remove noticing requirement for ADUs.** Currently the Rules of Procedure require noticing for secondary residences as well as for affordable housing, employee housing and multi-family housing. Through the survey results, it was clear that most Working Group members supported lifting the requirement for noticing for secondary residences/ADUs. Several Working Group members, particularly planners from local jurisdictions, noted that it is not appropriate to require noticing for allowed uses, only for special uses. As accessory dwelling units would be allowed on all single-family parcels, the construction of an ADU would not be an exception to the rule; therefore, it would not require special notice. This is similar to existing code whereby a property owner may expand the footprint of a home for construction of a garage or other accessory use without notice of adjacent neighbors. This change does not preclude a local government from requiring noticing for ADUs. In order to implement this change, both the words “affordable” and “secondary residence” will be struck from Section 12.14.2, *Noticing*, of the Rules of Procedure, as many ADUs will likely be deed-restricted affordable units. This amendment does not propose to remove the requirement for noticing of multi-family projects (note that because ADUs are an “accessory” use, they are considered a single-family, not a multi-family use in TRPA’s code).

See Attachment B for detailed code amendment language.

Recommendation #4 - Code clean-up items related to the Development Rights Strategic Initiative

As more deed-restricted housing projects begin to make their way through TRPA’s permitting process, bonus units set aside in the “affordable” and “moderate/achievable” pools have begun to be drawn down. A total of 469 of the remaining 1,124 affordable, moderate, and achievable bonus units as of July 2020 have been transacted or reserved. Of those, 370 have been requested from the “affordable” pool and 99 have been requested from the “moderate/achievable” pool. The significantly higher number of unit requests from the affordable pool is due in part to the lack of state and federal tax credit and other grant programs for homes other than those deed-restricted for affordable income levels, that is, less than 80 percent of Area Median Income. Based on bonus unit transactions that have already been completed, and projects that have submitted applications, the pool dedicated solely to “affordable” has run out of bonus units, while 464 bonus units will remain in the moderate/achievable pool once the submitted applications are completed. Another 337 bonus units are set aside in local jurisdiction pools. See Table 1 for a summary of the pools and transactions since July 2020.

Table 1: Remaining Bonus Units in Affordable/Moderate/Achievable Pools

	TRPA Bonus Unit Pool - Affordable	TRPA Bonus Unit Pool - Moderate/Achievable	TRPA Centers Pool - Moderate/Achievable	Local Jurisdiction Pools	Total
Pool Description	Must be used for affordable	Must be used for moderate/achievable	Must be used in Centers; must be used for moderate or achievable housing	Carry over from Community Plans and Community Enhancement Projects, must be used in the area designated	
Pool Beginning Balances July 2020	225	299	263	337	1124
Reserved or Transacted					
Boulder Bay	-24				-24
Homewood	-12				-12
Aspens Phase 2	-8				-8
Private Project by MOU#18-334	-1				-1
South Shore Bikes Upper Floor				-3	-3
CTC - town center, affordable	-248				-248
Silver Dollar Achievable		-23			-23
Tahoe City ADU		-1			-1
Homewood ADU		-1			-1
CTC – Crossings at the “Y” Mixed-Use				-70	-70
Ski Run/Pioneer Affordable Housing	-77				-77
All Reservations and Transactions Subtracted from the Pool	-370	-25	-73	0	-468
<i>Available Balance July 2020⁶</i>	<i>-145</i>	<i>274</i>	<i>190</i>	<i>337</i>	<i>656</i>

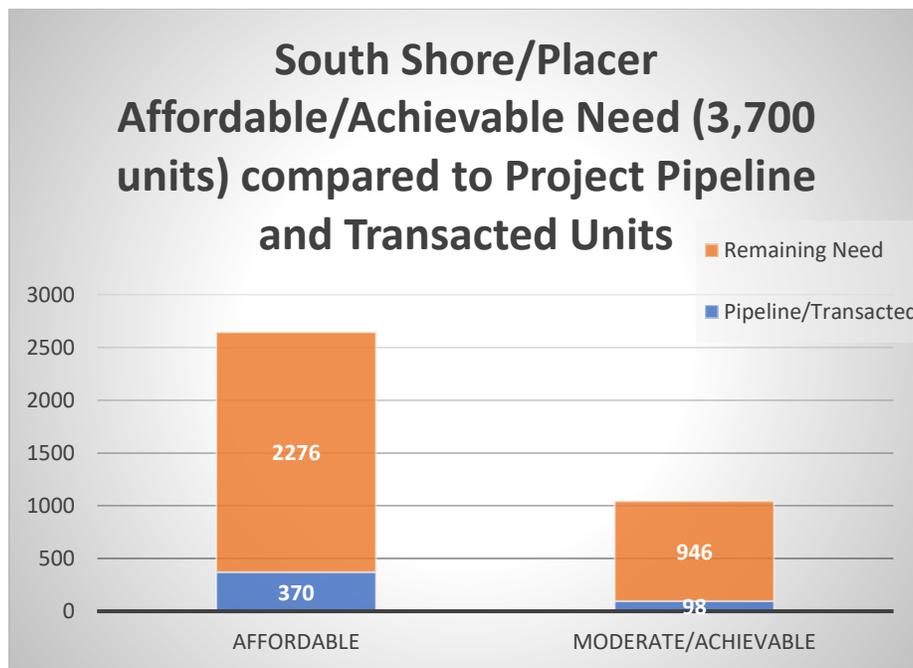
⁶ Until the pool is replenished or units can be drawn from the moderate/achievable pool, reservations that cause the pool to go into the negative cannot be honored.

Section 52.3.1 of the Residential Incentive Program section of the code identifies how residential bonus units from the TRPA pool will be used. Currently, this section identifies that half of the pool shall be used for affordable housing units, while the other half shall be used for moderate or achievable housing units.

Because both the South Shore Housing Needs Assessment and Placer County show a much higher need for homes in the affordable category than in the other two categories combined (see Figure 1), TRPA proposes to update Section 52.3.1 of the code to make it clear that bonus units from the moderate/achievable pool can be used for affordable homes. This is consistent with the definitions of moderate and achievable, which allow use as long as the income levels of occupants are below the specified levels. In response to concerns that this could lead to a shortage of moderate or achievable units, staff notes that there are a variety of bonus unit and other development rights pools that have been set aside that were not explicitly designated for affordable, moderate, or achievable units. As the income-restricted bonus units are drawn down, staff and the Governing Board can monitor the remaining pools and identify whether there is a need to shift more units into the income-restricted pools from other sources.

The change to code language is shown in Attachment B.

Figure 1: Number of housing units needed by 2026 compared to units constructed since July 2020 or that have submitted project applications (“pipeline”)⁷



⁷ A similar graph in the June 23, 2021 Regional Plan Implementation Committee staff report showed 325 affordable units in the pipeline (thus, only reserved units) and 99 units of moderate/achievable in the pipeline. The current version of the graph shows units that are both in the pipeline (reserved) and those that have been transacted from the pools. The previous graph also included one ADU application in the “moderate/achievable column,” however that application was subsequently withdrawn.

At the Local Government and Housing Committee meeting on June 9, committee member Shelly Aldean asked for clarification on the process for reserving bonus units and noted that there should be a time limit on how long bonus units may be reserved. Staff researched the internal reservation process in response to this request. Bonus units are only reserved once a completed application has been received. The bonus units would be reserved until the project is either completed, or, if not started within the allowable timeframe, when the permit expires, three years after issuance.

One additional Development Rights Strategic Initiative code clean-up item is included in this section – in Section 51.5.1.A the word “development right” will be changed to “potential unit of use.”

Informational Hearings:

Staff presented the Phase 1 Housing Amendments to the Advisory Planning Commission, the Local Government and Housing Committee, and the Regional Plan Implementation Committee (RPIC) in June. All three bodies were supportive of the amendments and recommended moving the amendments forward to final environmental review and recommendations for approval.

APC members requested that discussion of VMT, traffic, parking, effect on coverage retirement from sensitive lands and emergency evacuation be included in the final packet. Discussion of these items has been included in the IEC. Local Government and Housing Committee Members requested more information on how long a project can reserve bonus units and expressed concern that we ensure that sufficient Bonus Units go toward moderate/achievable units. This has been addressed in the discussion of Recommendation #4, above. RPIC members requested additional examination of the definition of “affordable” units in the code to specify that they are for local occupancy, and to clarify compliance procedures. Staff has added a change to the “affordable” definition in Chapter 90, and to the Bonus Unit Incentive Program compliance procedures in Section 52.3.4.D in response, which can be seen in Attachment B, under Recommendations #3 and #4. Another RPIC comment was related to working with the California Tahoe Conservancy on possible coverage incentives for ADUs.

Public comments encouraged staff to consider allowing tiny homes on wheeled chassis more widely as part of this or future recommendations, and to consider whether ADUs, particularly on the Nevada side, could lead to additional short-term rental impacts. Public comments received for these meetings are included in the attachments.

Environmental Review and Regional Plan Compliance:

The environmental documentation for the recommended changes described above consists of the Initial Environmental Checklist (IEC) (Attachment E), environmental findings and finding of no significant effect (Attachment A), thresholds evaluation (Attachment E), and compliance measures evaluation (Attachment F). The IEC tiered from the 2020 Regional Plan Environmental Impact Statement, the 2020 Linking Tahoe Regional Transportation Plan and Sustainable Communities IEC, and other recent planning efforts.

The IEC found that the amendments will not have a significant effect on the environment and a finding of no significant effect was prepared.

The environmental evaluation found that the recommendations could improve compliance with BMP requirements and improve mass transportation and scenic quality. The recommendations include incentives for new residential development and tourist redevelopment which would require implementation of BMPs as a condition of permitting, and compliance with design standards and scenic quality ratings. The evaluation also found that the recommendations could lead to improved mass transportation as they encourage development in close proximity to transit, leading to higher ridership which could in turn support higher transit frequencies.

Findings:

Based on the analysis contained in the attached IEC, the monitoring and tracking standards discussed within the IEC and included in the Regional Plan, and the environmental findings document, TRPA determined that the proposed recommendations would not have significant effects or adverse impacts on the environment. Therefore, TRPA staff prepared a Finding of No Significant Effect for the Phase 1 Housing Amendments (Attachment A).

Furthermore, based on the analysis within the thresholds and compliance measures evaluations, the Regional Plan as amended through the proposed policy and code amendments will continue to achieve and maintain thresholds. The intent of the recommended changes is to accelerate attainment of affordable and workforce housing goals for the region, support Regional Plan goals of walkable town centers and neighborhoods, maintain overall development and growth caps for the Tahoe region, and help to accelerate achievement of the environmental thresholds. Project-level review of environmental and threshold impacts shall remain in place as part of the recommended changes.

APC Recommendation

On July 14, staff presented the amendment package to the APC. Public comment at the hearing, including letters sent in advance, touched on the following areas:

- Allow for ADUs in already constructed space to not require a development right;
- Encourage affordability by design, not by government subsidy;
- Encouraged monitoring to understand how ADUs are being used before approving additional incentives; cautioned changing coverage and development rights; encouraged reducing parking requirements before loosening coverage requirements.
- Concern that future amendments to Washoe County Area Plan that might allow for ADUs on parcels of less than one acre might not include restrictions on short-term rentals.

The APC recommended approval of the amendments and a finding of no significant effect. Based on public comment and discussion, the APC approved a fifth motion to recommend that the Tahoe Living Housing and Community Revitalization Working Group work plan prioritize and evaluate the process of requiring a development right for an ADU.

Public comments from the APC meeting are included in Attachment H.

Timeline:

The Regional Plan Implementation Committee will review the amendments and the findings and be asked to make a motion to recommend approval to the Governing Board on July 29. Staff will report the result of the RPIC's deliberation at the Governing Board hearing later in the day.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.gov.

Attachments:

- A. Findings and Finding of No Significant Effect
- B. Changes to the Code of Ordinances, Rules of Procedure and Area Plans Shown in Track Changes
- C. Adopting Ordinance for Changes to the Code of Ordinances
- D. Adopting Resolution for Changes to the Rules of Procedure
- E. Initial Environmental Checklist and Threshold Indicators
- F. Compliance Measures
- G. Area Plan Compliance Checklist
- H. Public Comments Received for APC July 14, 2021 Hearing

Attachment A
Findings and Finding of No Significant Effect

**REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT
FOR PHASE 1 HOUSING AMENDMENTS TO THE
TRPA CODE OF ORDINANCES AND
TRPA RULES OF PROCEDURE**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Chapters 21, 31, 39, 50, 51, 52 and 90, the Meyers, Tahoe Valley, and Tourist Core Area Plans, and Rules of Procedure Section 12 as part of the Phase 1 Housing Amendments.

Chapter 3 Findings: The following finding must be made based on the information submitted in the Initial Environmental Checklist:

1. Finding 3.3.2: The proposed amendments could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed Code, Rules of Procedure and Area Plan amendments for the Phase 1 Housing Amendments. In accordance with Sections 6.12 of the TRPA Rules of Procedure, the IEC tiered from the following documents:

- TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS);
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect;
- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect; and the
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect.
2035: Regional Transportation Plan/Sustainable Communities Strategy (RTP)

The first two documents are program-level environmental documents that include a regional cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review. The 2012 Regional Plan Update (RPU) is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035.

The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The Phase 1 Housing Amendments are an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

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

The amendments proposed fall into these major categories:

- Modification to the Bonus Unit Boundary as described in Chapter 52 of the Code of Ordinances;
- Non-conforming tourist and residential densities;
- Accessory Dwelling Units;
- Clean-up items from the Development Rights Strategic Initiative (2018) changes.

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

These amendments, as described in the staff report packet, will become part of the Regional Plan. Proposed changes are programmatic and not specific to any site location nor any development project. Future projects will still be subject to environmental review and analysis in accordance with the TRPA Regional Plan.

Chapter 4 Findings: Threshold-Related Findings

1. Finding 4.4.1.A: The proposed amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: The proposed amendments help implement Regional Plan Goals and Policies that encourage redevelopment of town centers, directing development to centers, promoting walking, bicycling, and transit use, and promoting housing opportunities for full-time and seasonal residents, and workers. The amendments were intended to directly implement the following Goals and Policies:

- LU-1.2 Redeveloping town centers is a high priority.
- LU-3.3 Development is preferred in and directed toward centers.
- LU-4.1 Centers are where sustainable redevelopment is encouraged.
- Goal HS-1 Promote housing opportunities for full-time and seasonal residents and well as workers employed within the region.
- Goal HS-2 To the extent feasible, without compromising the growth management provisions of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.
- T-1.1 Support mixed-use, transit oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.

There are additional Goals and Policies that the amendments also support, including Goals and Policies in Area Plans.

The amendments are consistent with the Tahoe Regional Plan and TRPA Code of Ordinances, as shown in the Conformance Review Checklist, attached to the staff report, and as demonstrated by the IEC.

TRPA therefore finds that the amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code or Ordinances, and other TRPA plans and programs.

2. Finding 4.4.1.B: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the amendments are consistent with and will help to implement the Regional Plan.

TRPA reviewed the proposed amendment in conformance with the 222 compliance measures and supplemental compliance measures, the over 178 indicators and additional factors that measure threshold progress and threshold target, and **interim attainment dates**. The amendments will not adversely affect applicable compliance measures, indicators, additional factors and supplemental compliance measures and target and interim target dates as identified in the **2019 Threshold Evaluation** indicator summaries. TRPA anticipates that implementation of the amendments will accelerate threshold gains as demonstrated below.

The amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Any allocations used as a result of these amendments would be taken from available pools held by the local jurisdictions or TRPA, transferred, or converted through the transfer of development rights program (TRPA Code Chapter 51). Accounting for units of use, resource utilization and threshold attainment will occur as a part of the project review and approval process.

The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments.

Based on the evaluation in the IEC, evaluation of compliance measures, supplemental compliance measures, and threshold indicator sheets, TRPA finds that the amendments will not cause the thresholds to be exceeded.

3. Finding 4.4.1.C: Wherever federal, state or local air and water quality standards are applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale:

Based on the following: (1) RPU EIS; (2) RTP **IEC**; and (3) 2019 Threshold Evaluation Report, adopted by the Governing Board, no applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not affect or change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the Regional Plan will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL). Federal, State, and local air and water quality standards remain applicable for all parcels in the region, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

4. Finding 4.6: To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find that the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: As demonstrated in the IEC and threshold indicators report, as well as the compliance measures consistency evaluation, the Regional Plan and all of its elements, as amended, will achieve and maintain the thresholds. The amendments are anticipated to help accelerate threshold gain in the Transportation and Sustainable Communities threshold and Scenic Threshold by supporting environmental development and redevelopment opportunities in walkable town centers and neighborhoods, and in areas visible from scenic resource areas.

Recommendation #1, *Bonus Unit Boundary*, expands the area where bonus units can be used to include missing areas that have been identified in the Regional Plan and Regional Transportation Plan as key areas for transit-supportive densities, and which are consistent with low-trip length traffic analysis zones (TAZs). This will increase the amount and type of housing which can be built in walkable areas, contributing to attainment of the Transportation and Sustainable Communities threshold.

Recommendation #2, *Non-Conforming Tourist Density*, is anticipated to help accelerate achievement of the Transportation and Sustainable Communities threshold by allowing increased residential densities in areas close to transit, town centers, and walkable neighborhoods. This amendment is anticipated to support the scenic threshold by encouraging redevelopment along scenic corridors. This amendment is anticipated to support the water quality threshold by spurring redevelopment of older, over-covered properties, at which time the properties will be required to comply with BMPs and mitigate coverage.

Recommendation #3, *Accessory Dwelling Units*, will dramatically increase the number of parcels where this housing type can be built. By allowing ADUs on smaller parcels, which are more likely to be located close to transit and town centers and allowing them on the large number of residential parcels that are within the Bonus Unit Boundary and thus will have access to workforce housing incentives, this change is anticipated to help achieve the Transportation and Sustainable Communities threshold. Studies referenced in the IEC have shown that over 70 percent of households living in ADUs have one or zero cars, thus increasing the ability to construct this small housing type can add units that encourage low-impact transportation. Recommendation #3 could have a beneficial effect on water quality by driving more permits for ADUs. At the time of permitting, properties that are out of compliance with BMPs will need to come into compliance. ADUs must also comply with design standards which will help attain scenic standards where visible from scenic resource areas, as well as contributing to overall scenic quality of neighborhoods.

Based on the foregoing: the completion of the IEC; the previously certified RPU EIS, RTP IS/ND/IEC, and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the project achieves and maintains the thresholds. As described above in more detail, the amendments actively promote threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of Best Management Practices improvements for all projects, and (3) requiring conformance with Design Standards that will result in improvements to scenic quality, water quality, and air-quality. In addition, as found in Chapter 4 Findings 1 through 3, no element of the amendments interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain the thresholds.

Chapter 13 Findings: The following findings must be made prior to adopting amendments to Tahoe Valley Area Plan, Tourist Core Area Plan, and Meyers Area Plan:

1. Finding 13.6.6: The proposed Area Plan Amendments are consistent with and further the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of communities. Area plans shall be prepared in coordination with local residents, other stakeholders and TRPA staff, and shall be consistent with the Regional Goal and Policy plan and applicable ordinances. After being found in conformance with the Regional Plan, Area Plans shall become a component of the Regional Plan.

The proposed area plan amendments were found to be consistent with the goals and policies of the Regional Plan, as described in the Area Plan Findings of Conformance Checklist (attached to the staff summary), and as described in Chapter 4 findings above. The amendments allow the City of South Lake Tahoe and El Dorado County to implement the Phase 1 Housing Amendments within the geographic areas of the area plans.



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FINDING OF NO SIGNIFICANT EFFECT

Project Description: Phase 1 Housing Amendments to the TRPA Code of Ordinances, Rules of Procedure, Tahoe Valley Area Plan, Tourist Core Area Plan, and Meyers Area Plan.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

TRPA Executive Director/Designee

Date

Attachment B
Changes to the Code of Ordinances, Rules of Procedure and Area Plans Shown in Track Changes

Phase 1 Housing Code Amendment Package – Code of Ordinances, Rules of Procedure, and Area Plan tracked changes

Recommendation #1 - Expand the bonus unit eligibility boundary to include ½ mile from existing transit, ½ mile from a Town Center, and within areas that are zoned multi-family

CODE OF ORDINANCES

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an accessory dwelling unit ~~secondary residence~~ as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a ~~bonus unit~~ residential unit of use annually for failure to submit the compliance report or comply with these requirements.

E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

F. The ~~housing~~ project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stops or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family is an allowed or special use.

Recommendation #2 - Allow motels to keep their original TAU density when converting to residential

CODE OF ORDINANCES

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

Existing tourist accommodation developments that change the use of or redevelop the existing structures to multi-residential pursuant to Section 21.2, *Permissible Uses*, and convert the units pursuant to Section 51.4, *Conversion of Development Rights* may maintain existing densities. If the density exceeds the maximum allowed density for multi-residential, the multi-residential use will be considered a legally existing non-conforming use for density purposes. Such conversions shall be subject to the following standards:

- A. The tourist accommodation units shall have been legally established prior to July 1, 1987.
- B. Additional units that result from the conversion shall be banked onsite provided all applicable requirements of Section 51.3, *Banking of Development Rights* are met.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

Tourist accommodation or residential developments may maintain existing densities as part of onsite redevelopment. If the resulting density exceeds the maximum allowed density, the use will be considered a legally existing non-conforming use for density purposes. Tourist accommodation and residential uses with legal non-conforming density shall be subject to the following standards:

- A. The units shall have been legally established prior to July 1, 1987.
- B. Residential units shall be maintained as a residential use.
- C. Tourist accommodation uses may be converted to a residential use, in accordance with Subsection 31.4.5.
- D. Units that are banked onsite and which resulted from development that was legally established on that parcel prior to July 1, 1987 may be counted toward the existing density.
- E. If a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

31.4.7 Calculation of Density with Accessory Dwelling Units

See Recommendation #3, below, for new language related to Accessory Dwelling Units

Recommendation #3 - Remove 1-acre limit on ADUs basin-wide, allow more than one ADU, remove noticing requirement for ADUs

CODE OF ORDINANCES

21.3. ACCESSORY USES

Accessory uses shall be regulated pursuant to the regulations applicable for the primary use upon which the accessory use is dependent. No project or activity pursuant to an accessory use may be permitted without a related existing or approved primary use on the same parcel.

21.3.1. Examples of Accessory Use

Accessory uses are defined in Section 90.2. Examples of accessory uses and related major categories of primary uses are as follows:

A. Residential

Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, exempt home occupations, tennis courts, dog runs, emergency facilities, home occupations, ~~secondary residence~~ accessory dwelling unit, and other uses listed in the definition of a “primary use” as accessory.

B. Tourist Accommodation

Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, ~~secondary residence~~ accessory dwelling unit, restricted gaming (Nevada only), and other uses listed in the definition of a “primary use” as accessory.

C. Commercial

Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, ~~secondary residence~~ accessory dwelling unit, restricted gaming (Nevada only), storage buildings, and other uses listed in the definition of a “primary use” as accessory.

D. Public Service

Accessory uses such as garages, ~~secondary residence~~ accessory dwelling unit, and emergency facilities.

E. Recreation

Accessory uses such as garages, emergency facilities, child care, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, ~~secondary residence~~accessory dwelling unit, outdoor recreation concessions, bars and restaurants, and other uses listed in the definition of a “primary use” as accessory.

21.3.2. ~~Secondary Residence~~Accessory Dwelling Units (formerly Secondary Residences)

Accessory dwelling units (ADUs) shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4. Accessory dwelling units shall not be considered in the calculation of density.

A. Up to two accessory dwelling units shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use. These units may include a guest house or an affordable, moderate, achievable or market-rate rental unit. They may be attached, within, or detached from the main dwelling.

B. One ~~secondary residence~~accessory dwelling unit shall be considered an accessory use ~~to the primary use it serves and may be permitted where the primary use is a commercial use, public service or recreational use~~permissible use. ~~Secondary~~These units may include ~~a guest house; an affordable or market-rate rental unit; a caretaker residence for a residential use, commercial use, public service or recreational use; and a manager's quarters for a tourist accommodation~~use or multi residential use other than multi-family or multi-residential use. ~~A secondary residence shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. If the primary use is residential, a secondary unit may be permitted only if either subparagraph 21.3.2.A.1 or 21.3.2.A.2 below is met.~~

A. Residential Secondary Unit Parcel Size

A secondary residence may be permitted as accessory to a single-family house if:

1. The parcel on which the residence is located is greater in size than one acre; or
2. The parcel on which the secondary residence would be located is within a jurisdiction certified by TRPA to possess an adequate local government housing program and the secondary unit is restricted to affordable, moderate, or achievable housing.

~~B. TRPA Certified Local Government Housing Program~~

~~TRPA may certify by resolution a local government housing program upon a finding that it adequately addresses, at a minimum, subparagraphs 1 through 3 below:~~

- ~~1. A local government-adopted housing **element** that addresses the housing needs and issues of the jurisdiction pursuant to state standards;~~
- ~~2. Special ordinance standards for **development** of secondary residences, including but not limited to:
 - ~~— a. Minimum parcel size;~~
 - ~~— b. Maximum unit floor area for the secondary unit;~~
 - ~~— c. Parking standards; and~~
 - ~~— d. Building setback standards; and~~~~

~~3. An adequately funded and staffed compliance **and** monitoring program. This program shall through deed restriction limit the project area to the approved use and restrict both rental rates and occupants' household income to affordable, moderate, or achievable housing limits. Secondary units approved under this program shall be made available for long term occupancy and shall be occupied for at least ten months in each calendar year. Failure to comply for more than six months with use, rental rates/household income levels, or occupancy requirements shall require removal of the unit or modification of the use to bring the project area into compliance with otherwise applicable development standards.~~

~~The local government shall document and enforce the special **standards** through an MOU with TRPA. The MOU shall include objective compliance standards to ensure adequate funding, staff resources, permitting, compliance, and monitoring consistent with the local government housing program.~~

21.3.6. Living Area Associated with Residential Accessory Structures

Living area associated with a permissible residential accessory structure that does not constitute a residential unit, as defined in Chapter 90: Definitions, may be permitted ~~for parcels ineligible for a secondary residence under Subsection 21.3.2 or an Area Plan adopted under Chapter 13~~ provided that such living area does not ~~constitute a secondary residence. Residential accessory structures, other than an authorized secondary residence, shall not~~ contain any of the following:

- A.** Any item listed under “cooking facilities” as defined in Chapter 90: Definitions, or areas for the insertion of these items;
- B.** Both a bathing facility and a wet bar (either a bathing facility or a wet bar may be permitted);
- C.** More than one toilet or more than one bathing facility; or
- D.** Living area greater than 50 percent of the living area of the primary residence, or greater than 640 square feet, whichever area is less.

TABLE 21.4-A LIST OF PRIMARY USES AND USE DEFINITIONS

Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see <u>“Accessory Dwelling Unit/Secondary Residence.”</u>
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence” <u>Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit).”</u>

31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, Increases to Maximum Density.

Use	Maximum Density
Residential Uses	
Single-family dwelling (parcels less than one acre)	1 unit per parcel, <u>excluding ADUs.</u>
Single family dwelling (parcels greater than or equal to one acre)	2 units per parcel, provided one unit is an authorized secondary residence

31.4 INCREASES TO MAXIMUM DENSITY

31.4.1. Affordable Housing

A. Affordable Housing

Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and
2. The additional density is consistent with the surrounding area.

B. Affordable Housing within Kings Beach Commercial Community Plan

Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:

1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;
2. The additional density is consistent with the surrounding area; and
3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.

31.4.2. Timeshare Uses (Residential Design)

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

31.4.3. Density in Special Height Districts

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

31.4.4. Density in Area Plan Overlays

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

31.4.5 Tourist Accommodation to Residential Conversion

See Recommendation #2, above, for proposed language related to Tourist Accommodation to Residential Conversion.

31.4.6 Legal, Non-Conforming Tourist and Residential Density

See Recommendation #2, above, for proposed language related to legal, non-conforming tourist and residential density.

31.4.7 Calculation of Density with Accessory Dwelling Units.

Accessory dwelling units shall not be considered in the calculation of density.

39.2 SUBDIVISION STANDARDS

39.2.5. Subdivision of Post-1987 Projects

L. Secondary Residences and Accessory Dwelling Units

Secondary residences or accessory dwelling units approved on or after July 1, 1987, shall not be subdivided.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: Permissible Uses, contain residential units: secondary residences; accessory dwelling units (formerly secondary residences); employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: *Definitions*, and 31: *Density*, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~ potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

B. Parcel Restriction

At the time of and as a condition of the transfer of a potential residential unit of use, the parcel from which the potential residential unit of use is transferred shall be restricted pursuant to Section 51.5.4.

C. Receiving Area

The parcel receiving the potential residential unit of use shall be in an area where residential uses are permissible and shall meet the following criteria:

1. Parcels Eligible to Receive One or More Potential Residential Units of Use

The following parcels are eligible to receive one or more potential residential units of use:

- a. Parcels located in a plan area, adopted community plan, or subdistrict within an adopted area plan designated as a receiving area for multi-residential units shall be eligible to receive one or more potential residential units of use; or
- b. Up to two potential residential units of use may be transferred to a parcel for the purpose of constructing accessory dwelling units, provided the building sites for the accessory dwelling units are in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

2. Parcels Eligible to Receive One Potential Residential Unit of Use

The following parcels are eligible to receive one potential residential unit of use:

- ~~a. One potential residential unit of use may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6, or 7;~~
- ba. One potential residential unit of use may be transferred to a parcel that was not assigned a potential residential unit of use provided the parcel has a building site in Land Capability Districts 4, 5, 6, or 7, or, if applicable, is above the initial IPES line of 726.

3. Transfer of Potential Residential Units of Use to Centers; Bonus Unit Incentive

- a. Receiving parcels in Centers are eligible to receive potential residential units of use based on the land capability district of the sending parcel and the distance of the sending parcel from Centers, and from primary transit routes.
- b. Transfers of development that result in transfer ratios greater than 1:1 pursuant to this section shall be eligible to receive bonus units in the amount provided below and be allowed only if the applicant provides TRPA with binding assurance that the potential residential units of use of the sending parcels are permanently restricted as if they were sensitive lands pursuant to subsection 51.5.4.H.
- c. Notwithstanding limitations in Chapters 50 and 52, bonus units received pursuant to this section shall not require an allocation to construct a residential unit.

- d. TRPA may assign a residential allocation from TRPA's residential allocation incentive pool to match the transferred potential residential unit of use when a transfer earns a bonus unit or portion thereof.
- e. Transfer ratios shall be determined by considering two factors and multiplying the two resulting ratios, pursuant to the table below.

52.3.4. Affordable, Moderate, and Achievable-Income Housing

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: Definitions shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an ~~secondary residence~~ accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a ~~bonus unit~~ residential unit of use annually for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.
- F. The ~~housing~~ project awarded a residential bonus unit shall be within ½ mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.

90.2. OTHER TERMS, DEFINED

Accessory Dwelling Unit (ADU)

Formerly “Secondary Residence.” See subsection 21.3.2“Secondary Residence”.

Affordable Housing

See Recommendation #4 for changes to the “Affordable Housing” definition.

Secondary Residence

See “Accessory Dwelling Unit,” subsection 21.3.2.

MEYERS AREA PLAN

TABLE 2-1: PERMITTED, CONDITIONAL USES AND PROHIBITED USES

USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
<i>Residential</i>					
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—
Multiple Family -Dwelling	p ⁽⁶⁾	—	P	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	CUP	—	—	—	—
Single Family Dwelling	p ⁽⁴⁾⁽⁶⁾	—	P	—	—
<u>Accessory Dwelling Unit</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>—</u>
<p>⁽¹⁾ Applies only to parcels on Santa Fe Road.</p> <p>⁽²⁾ Maintenance facilities not allowed within any new transit facilities.</p> <p>⁽³⁾ One employee-housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA.</p> <p>⁽⁴⁾ Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units.</p> <p>⁽⁵⁾ Non-motorized public trails are a permitted use.</p> <p>⁽⁶⁾ These uses are not allowed within the portion of the ground floor of a structure that faces the primary entry point for projects adjacent to US 50. This restriction may be waived if the Meyers Advisory Council and the Planning Commission find that the use is otherwise consistent with the intent of the Meyers Area Plan.</p> <p>⁽⁷⁾ Hotels/motels are only allowed in the Town Center portion of MAP-3.</p>					

TABLE 2-2: DEVELOPMENT STANDARDS

		MAP – 1 (Center) ⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All Uses	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 unit/ parcel (parcels less than 1 acre); 2 units if greater than one acre	NA	NA
	<u>Accessory Dwelling Unit</u>	<u>NA</u>	<u>NA</u>	<u>(See Section 130.40.300 of the El Dorado County Code and Chapter 21 of the TRPA Code of Ordinances)</u>	<u>NA</u>	<u>NA</u>
	Density, Multiple Family ⁽⁴⁾	20 units/ acre	NA	15 units/ acre	NA	NA
	Density, Multi-person/ Nursing & personal care	25 persons/ acre	NA	NA	NA	NA
	Density, Bed and Breakfast	10 units/ acre	NA	10 units/acre	NA	NA
	Density, all other Tourist accommodation	30 units/ acre	NA	30 units/ acre ⁽⁷⁾	NA	NA
	Density, Group facilities	25 persons/ acre	NA	25 persons/ acre	25 persons/ acre	NA
	Density, Campgrounds & Recreational Vehicle Parks	NA	NA	NA	8 sites/ acre for campgrounds, 10 sites/ acre for RV Parks	8 sites/ acre for camp grounds

70 DEVELOPMENT STANDARDS

The following provisions shall apply in all MAP Zones.

- A. Table 2-2 sets forth the applicable lot area, lot width, building height, development density, land coverage, and setback requirements for each MAP Zone. Design standards are further regulated under the Meyers Area Plan Design Standards and Guidelines, included as Attachment A of the Meyers Area Plan.
- B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be reviewed for consistency with the Meyers Design Standards and Guidelines, and subject to a Design Review Permit in compliance with Section 130.52.030 ([Design Review Permit](#)) in Article 5 (Planning Permit Processing) of the El Dorado County Zoning Ordinance.

Upon receiving a complete application for any project requiring a Design review permit other than a single family detached residence or Accessory Dwelling Unit, and prior to issuance of a Design Review Permit, the TRPA, El Dorado County Planning Department or El Dorado Planning Commission shall request and consider a recommendation from the Meyers Advisory Council on the consistency of the proposed activity with the policies of the Meyers Area Plan and the Meyers Design Standards and Guidelines.

ATTACHMENT B – DEFINITION OF USES

Multiple-family dwelling

More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~One detached secondary residence is~~ Up to two accessory dwelling units are included; see "[Accessory Dwelling Unit](#)~~Secondary Residence~~." in the TRPA Code of Ordinances.

Single-family dwelling

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. ~~A caretaker residence is included (see "Secondary Residence"~~ Up to two Accessory Dwelling Units are included; see "Accessory Dwelling Unit); ~~in the TRPA Code of Ordinances.~~

TAHOE VALLEY AREA PLAN

7.1 Goals and Policies

Policy H-1.2 – Housing Incentives

Provide the following incentives to encourage the development of a range of housing options in the Tahoe Valley plan area:

- 70 percent land coverage in the TRPA designated Town Center;
- A maximum of 25 dwelling units an acre in the Town Center;
- Height up to 45 feet in the Town Center Core District and 42 feet elsewhere;
- Access to the City’s banked coverage pool to offset excessive coverage mitigation fee and for transfer of coverage (see Policy NCR-7.2); and
- ~~Secondary units allowed on parcels less than an acre in the Town Center Neighborhood Professional District.~~

13.1 Incentive Programs

Residential Bonus Units

A total of 488 residential bonus units remaining from the 1987 Regional Plan and a total of 600 new residential bonus units for use in Centers only were made available under the 2012 Regional Plan and are available for use region wide. Residential bonus units may be earned and used by projects in accordance with Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section do not require residential allocations. Residential bonus units used for moderate income housing require a residential allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA’s unused allocation pool subject to TRPA’s allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, r~~Residential bonus units can also be earned under the City’s Local Government Housing Program certified by TRPA. The program allows for the conversion of illegal secondary residential units into deed restricted affordable housing units.

In addition, residential bonus units may also be earned and used for projects in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tahoe Valley and Transfer of Existing Development to the Tahoe Valley Area Plan program descriptions below.

Secondary Accessory Dwelling Units

Secondary units are permitted on parcels located in the Town Center Professional Neighborhood District that are less than one acre in size where single family residential units are permitted. In addition to the requirements of the TRPA Regional Plan, All secondary accessory dwelling units must meet City development standards for minimum lot size, setbacks, and parking. Units that are accessory to non-residential uses or are on parcels of one acre or greater (formerly known as secondary units) are subject to TRPA development standards.

APPENDIX C

Development and Design Standards

Table 2 LIST OF PRIMARY USES AND USE DEFINITIONS	
USE	DEFINITIONS
Multiple-family dwelling	More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see <u>“Accessory Dwelling Unit”</u> “Secondary Residence.” <u>in the TRPA Code of Ordinances.</u>
Single-family dwelling	One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence” <u>Up to two Accessory Dwelling Units are included; see “Accessory Dwelling Unit).”</u> <u>in the TRPA Code of Ordinances.</u>

Development Standards

LOT AND DENSITY

TABLE 4 DEVELOPMENT STANDARDS								
DISTRICT	TC-C	TC-MUC	TC-G	TC-NP	TC-HC	CMX-S	OS	

Maximum Density

Single Family Dwelling <i>(parcels less than one acre)</i>	1 unit per parcel	1 unit per parcel 2 units per parcel, provided one unit is an authorized secondary residence (A)	1 unit per parcel	1 unit as part of a mixed use	-
Single Family Dwelling <i>(parcels greater than or equal to one acre)</i>	2 units per parcel, provided one unit is an authorized secondary residence				-

- ~~**A. Secondary Units.** Lots less than an acre in size in the Town Center Neighborhood Professional District may have an authorized secondary unit pursuant to the following:~~
- ~~1. The unit is not intended for sale and may be rented for residential uses only.~~
 - ~~2. The lot contains an existing single family dwelling.~~
 - ~~3. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~
 - ~~4. The total area of floor space for a secondary unit shall not exceed 640 square feet.~~
 - ~~5. One covered or uncovered parking is required for the secondary unit.~~
 - ~~6. Height, building setbacks, minimum lot size, architectural review and other zoning requirements generally applicable to residential construction in the zone in which the property is located shall apply.~~
 - ~~7. Secondary units shall have the colors, materials and textures and architecture similar to the main dwelling unit.~~
 - ~~8. A secondary unit shall be considered a residential unit subject to TRPA's residential allocation limitations and transfer provisions.~~
 - ~~9. A secondary unit shall be subject to the land coverage and Best Management Provisions of the TRPA Code.~~

TOURIST CORE AREA PLAN

10.3 INCENTIVE PROGRAMS

- Residential Bonus Units

A total of ninety (90) residential bonus units are assigned to the Tourist Core Area Plan that may be used for affordable housing units or as a match for transferring development rights to centers. The remaining 488 in TRPA's pool that may be used region wide and 600 new residential units are available for use only in Town Centers, the Regional Center or the High Density Tourist District. Residential bonus units may be earned and used by Projects in accordance with TRPA Code Section 52.3: Multi-Residential Incentive Program of the TRPA Code. Residential bonus units used for affordable housing under this section does not require residential allocations. Residential bonus units used for moderate income housing required an allocation. The City of South Lake Tahoe has a Certified Moderate Income Housing Program pursuant to Section 50.5.2.B and 52.3.6 of the TRPA Code, thus moderate income housing units are eligible to earn allocations from TRPA's unused allocation pool subject to TRPA's allocation procedures.

~~Pursuant to TRPA Code Section 21.3.2.B, r~~ Residential bonus units can also be earned under the City's Local Government Housing Program that has been certified by TRPA. The program allows for the conversion of illegal secondary residential units into deed restricted affordable housing units.

In addition, residential bonus units may also be earned and used for projects in the Tourist Core in accordance with TRPA Code Section 51.3.3.C: Transfer of Development Rights to Centers or TRPA Code Section 51.5.3: Transfer of Existing Development to Centers. See Transfer of Development Rights to the Tourist Core and Transfer of Existing Development to the Tourist Core Area Plan program descriptions below.

APPENDIX C

Development and Design Standards

Table 2

LIST OF PRIMARY USES AND USE DEFINITIONS

USE	DEFINITIONS
Multiple-family dwelling	<p>More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. One detached secondary residence is <u>Up to two accessory dwelling units are</u> included; see “<u>Accessory Dwelling Unit</u>” Secondary Residence. <u>in the TRPA Code of Ordinances.</u></p>
Single-family dwelling	<p>One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. A caretaker residence is included (see “Secondary Residence” <u>Up to two Accessory Dwelling Units are</u> included; see “<u>Accessory Dwelling Unit</u>”); <u>in the TRPA Code of Ordinances.</u></p>

TABLE 4

LOT AND DENSITY STANDARDS

DISTRICT	TSC-C	TSC-MU	TSC-MUC	TSC-G	TSC-NMX	REC
Maximum Density: Single Family Dwelling						<p>1 unit per parcel for parcels less than one acre 2 units per parcel for parcels greater than or equal to one acre, provided one unit is an authorized secondary residence</p>

RULES OF PROCEDURE

12.14. PROJECT OR MATTER REQUIRING NOTICE TO AFFECTED PROPERTY OWNERS

12.14.2. Residential (new or increase in density)

- A. ~~Affordable/~~Employee housing
- B. Mobile home parks (except for placement of mobile homes on existing pads in existing parks)
- C. Multi-residential
- ~~D. Secondary residence~~
- E. Home occupations – nonexempt

Recommendation #4 – Code Clean-Up Items Related to the Development Right Strategic Initiative

CODE OF ORDINANCES

51.5. TRANSFER OF DEVELOPMENT RIGHTS

Development rights as defined by Chapter 90: *Definitions* may be transferred from one parcel to another provided the transfer complies with this section. The following development rights shall be eligible for transfer: commercial floor area, tourist accommodation units, residential units of use (including potential residential units of use and residential allocations), and bonus units.

51.5.1. Transfer of Potential Residential Unit of Use

A potential residential unit of use, as defined in Chapters 90: *Definitions*, and 31: *Density*, may be transferred to another parcel pursuant to the following provisions:

A. Vacant Parcel

The parcel from which the ~~development right~~ potential residential unit of use is to be transferred shall have a potential residential unit of use pursuant to Section 50.3.1.

52.3 RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, ~~shall~~ may be used for moderate or achievable housing units.

90.2. OTHER TERMS, DEFINED

Affordable Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are ~~for~~ lower-income households (income not in excess of 80 percent of the respective county's median income) and ~~for~~ very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

Attachment C
Adopting Ordinance for Changes to the Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-__

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO
AMEND TRPA'S CODE OF ORDINANCES AND OTHER MATTERS RELATED
THERE TO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.0 Findings

- 1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
- 1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
- 1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
- 1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
- 1.35 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2021-__, An Ordinance to modify the Bonus Unit Boundary, including amendments to Chapter 52; allow non-conforming density to remain onsite during redevelopment, including amendments to Chapter 31; introduce Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90; and modify code related to the Development Rights Strategic Initiative including Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52.
- 1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.0 **Amendment of the TRPA Code of Ordinances**

2.10 Ordinance 87-9, as previously amended, is hereby amended as shown in Attachment B.

Section 3.0 **Interpretation and Severability**

3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

Section 4.0 **Effective Date**

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment D
Adopting Resolution for Changes to the Rules of Procedure

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2021 –

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING
AGENCY TO ADOPT AMENDMENTS TO ARTICLE 12.14.2 OF THE TRPA RULES
OF PROCEDURE REGARDING THE PHASE 1 HOUSING AMENDMENTS

WHEREAS, the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region; and

WHEREAS, the Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, TRPA adopted Rules of Procedure to govern its affairs, including Rule 12.14.2 regarding projects or matters requiring notice to affected property owners; and

WHEREAS, Chapter 21 of the TRPA Code of Ordinance provisions that regulate the allowable parcel size for construction of an accessory dwelling unit (formerly called “secondary residence”) were recently amended pursuant to TRPA Ordinance 2021-__; and

WHEREAS, the revisions to Chapter 21 of the TRPA Code of Ordinances specify that accessory dwelling units are no longer limited to parcels of one acre or greater in the case of residential uses and instead are allowed on all residential parcels, regardless of size and thus are considered consistent with other residential uses; and

WHEREAS, TRPA made the necessary findings to adopt the amendments to 12.14.2 of the Rules of Procedure as required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends TRPA Rules of Procedure Rule 12.14.2 as shown in Attachment B hereto in order to implement the amendments to Chapter 21 of the TRPA Code of Ordinances adopted under Ordinance 2021-__.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2021, by the following vote:

Ayes:
Nays:
Absent:

Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board

Attachment E
Initial Environmental Checklist and Threshold Indicators

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST/THRESHOLD INDICATORS

Project Name:

Phase 1 Housing Amendments

Project Location:

The Tahoe Region within the planning area of the Tahoe Regional Planning Agency.

Amendment Description:

The Phase 1 Housing Amendments consist of three near-term recommendations by the Tahoe Living Housing and Revitalization Working Group that will remove barriers to Regional Plan implementation and help increase the supply of affordable and workforce housing. There is also a fourth recommendation added by staff that includes code-cleanup items from the Development Rights Strategic Initiative. The Tahoe Living Working Group identified that although the Regional Plan envisioned redevelopment of town centers with sufficient workforce housing in walkable areas, the combination of zoning regulations, permitting requirements and market forces are driving delivery nearly exclusively of large, single-family homes that are unaffordable to local residents and workers. The recommendations seek to build upon existing incentives to direct housing toward town centers and walkable areas, by adding options that encourage a diversity of home types and sizes to help make better use of these incentives. Upon requests from El Dorado County and the City of South Lake Tahoe, this packet also includes corresponding changes to the Meyers Area Plan, the Tahoe Valley Area Plan, and the Tourist Core Area Plan to reflect the proposed ADU code changes.

Recommendation #1 - Bonus Unit Boundary

The boundary within which bonus units may be awarded in exchange for deed-restricting a unit to affordable, moderate, or achievable housing is described in the TRPA Code of Ordinances Section 52.3.4.F.

The current area of eligibility for these bonus units includes only those parcels that are within ½ mile of existing transit. This boundary does not fully capture areas that have been identified through other planning efforts as priority areas for higher density residential development, such as the Town Centers established through the 2012 Regional Plan, some Community Priority Zones identified in the Regional Transportation Plan, and some neighborhoods that are zoned multi-family, and which in some cases have a significant amount of attached housing currently used as affordable rentals. The Working Group supported modifying the boundary to recognize that areas close to Town Centers and neighborhoods previously recognized as appropriate for affordable housing can provide walkability.

The amendments propose to modify the Bonus Unit Boundary as follows:

52.3.4.F. The housing project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family is an allowed or special use.

This change increases the boundary by approximately 15 percent. The existing and proposed boundaries are shown in Figures 1-4 below, and may be viewed on an interactive map, here:

https://trpa.shinyapps.io/bonus_unit_boundary_map/

Figure 1: Existing Bonus Unit Boundary (1/2 Mile Buffer of Existing Transit)

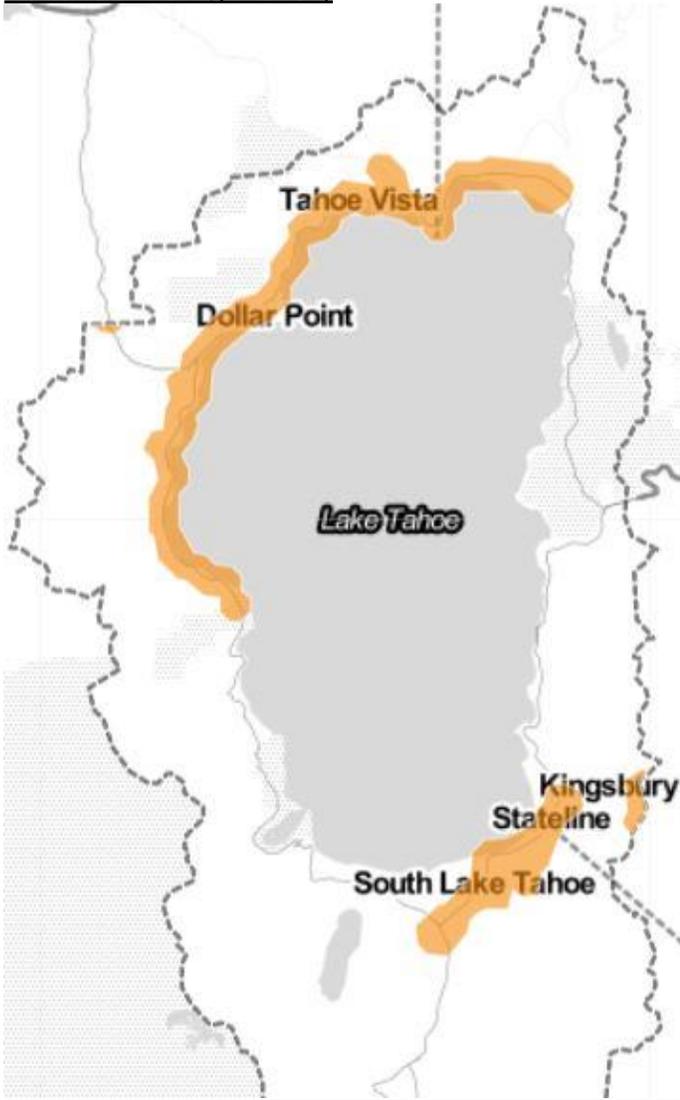


Figure 2: Existing Bonus Unit Boundary (yellow), plus 1/2 Mile Buffer of Town Centers (red)

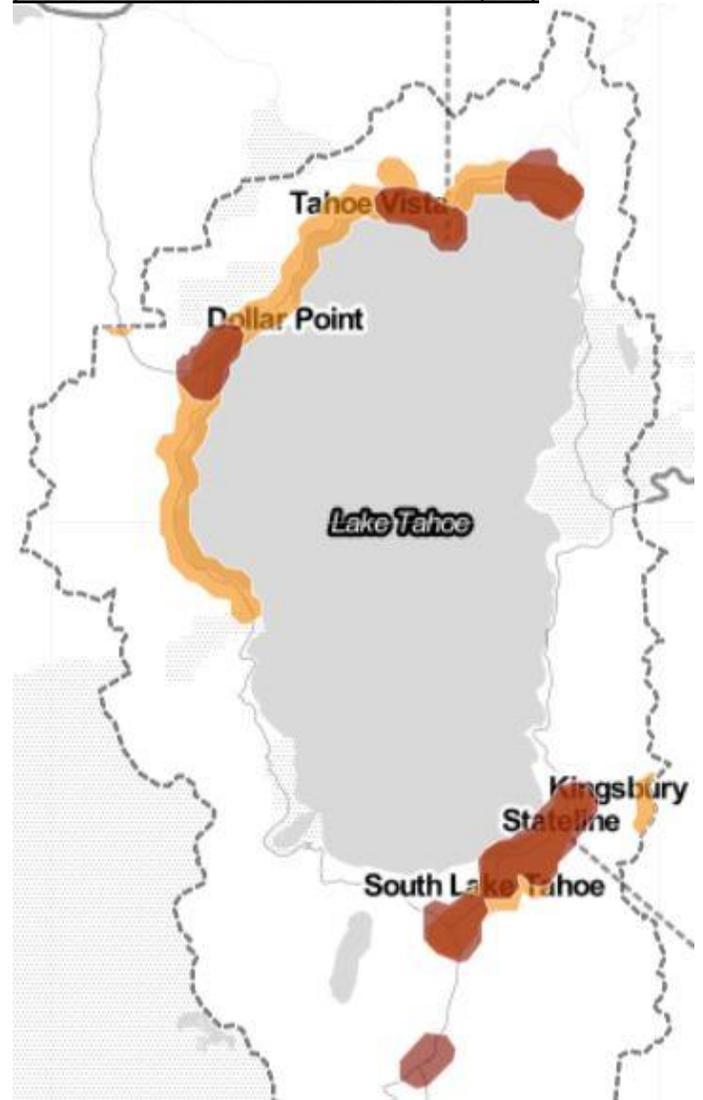


Figure 3: Existing Bonus Unit Boundary (yellow),
 ½ Mile Buffer of Town Centers (red),
 Neighborhoods Zoned Multi-Family (blue)

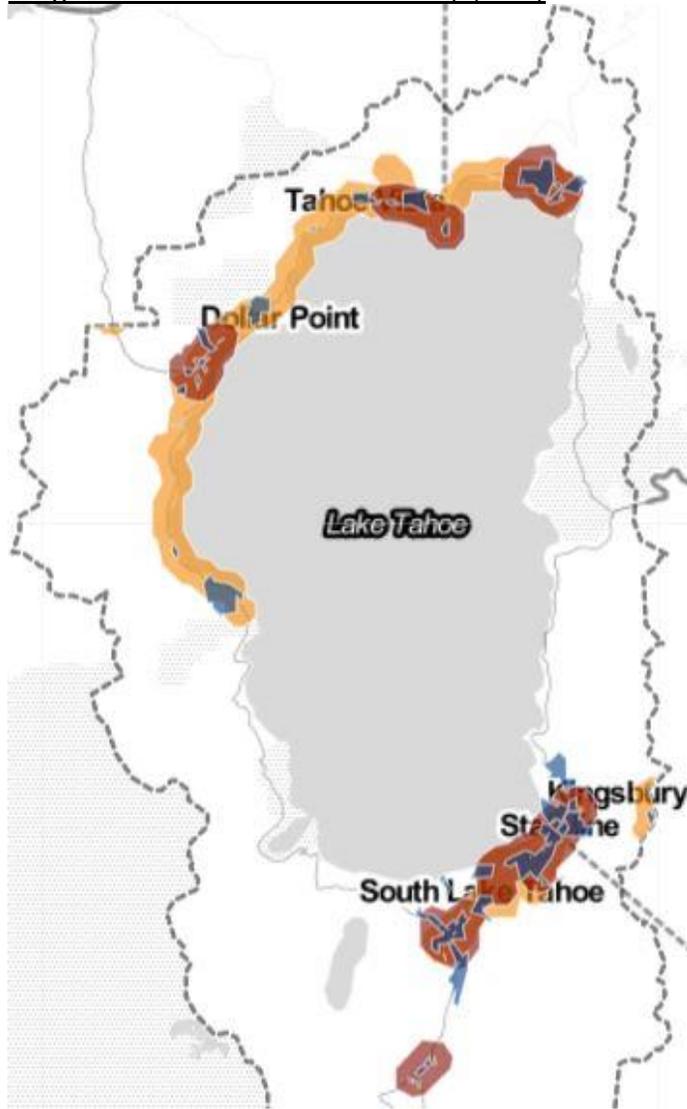
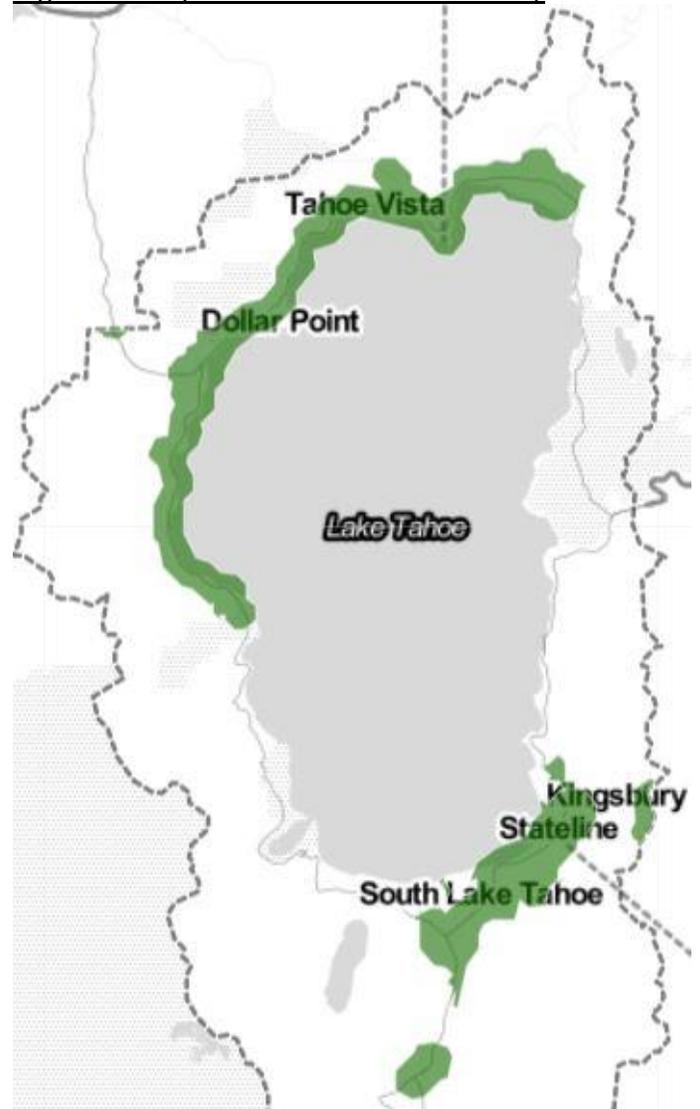


Figure 4: Proposed Bonus Unit Boundary



Recommendation #2 – Allow non-conforming tourist density to be used as residential density onsite
 The second recommended code change would allow motels to keep their original Tourist Accommodation Unit (TAU) density when converting to residential. Local jurisdictions have identified that aging motel properties are disincentivized from converting to residential or a mix of tourist and residential uses through redevelopment because existing, non-conforming tourist densities cannot be applied to residential densities. Many older motels on small lots have tourist densities exceeding the allowable 40 units per acre. Under the existing code, if these properties redevelop, they can keep the grandfathered density if the use does not change. However, when they redevelop and convert to residential, they lose a significant number of units since the maximum residential density allowed is only 25 units per acre and units above this must be banked and transferred off the property. The proposed revision would allow property owners to redevelop from tourist to residential and grandfather in the existing density. This code amendment would only apply to conversions between TAUs and multi-residential uses and would only be allowed where multi-residential is an allowable use. Because the 1:1.5 conversion rates from TAUs to multi-residential would result in additional multi-residential units, over and above the number that would be allowed based on the grandfathered tourist density, TRPA will require these units to be banked onsite.

As part of this code amendment, staff is also recommending adding clarifying language to the code regarding the grandfathering in of residential density and banked residential units for use during redevelopment to new residential uses. This new language codifies the existing practice of maintaining existing, non-conforming residential densities as part of onsite redevelopment, and that of allowing units that are banked onsite and which resulted from development that was legally established to count toward the existing density. However, if a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

A map of existing tourist units can be seen at: <https://tinyurl.com/y3mtwn6c>, and in Figures 5-7, below. Existing tourist units are shown in blue. The map also shows the Proposed Bonus Unit Boundary from Recommendation #1, above, for comparison (orange), as well as areas where multi-residential development is allowed (green), to demonstrate where this recommended code change could be implemented. Any existing tourist development outside of areas zoned multi-residential would not be eligible to carry over the non-conforming tourist densities. There are very few existing tourist developments that are in an area that would not be eligible.

Figure 5: Existing Tourist Units Compared to the Proposed Bonus Unit Boundary and Areas Zoned Multi-Residential, South Shore

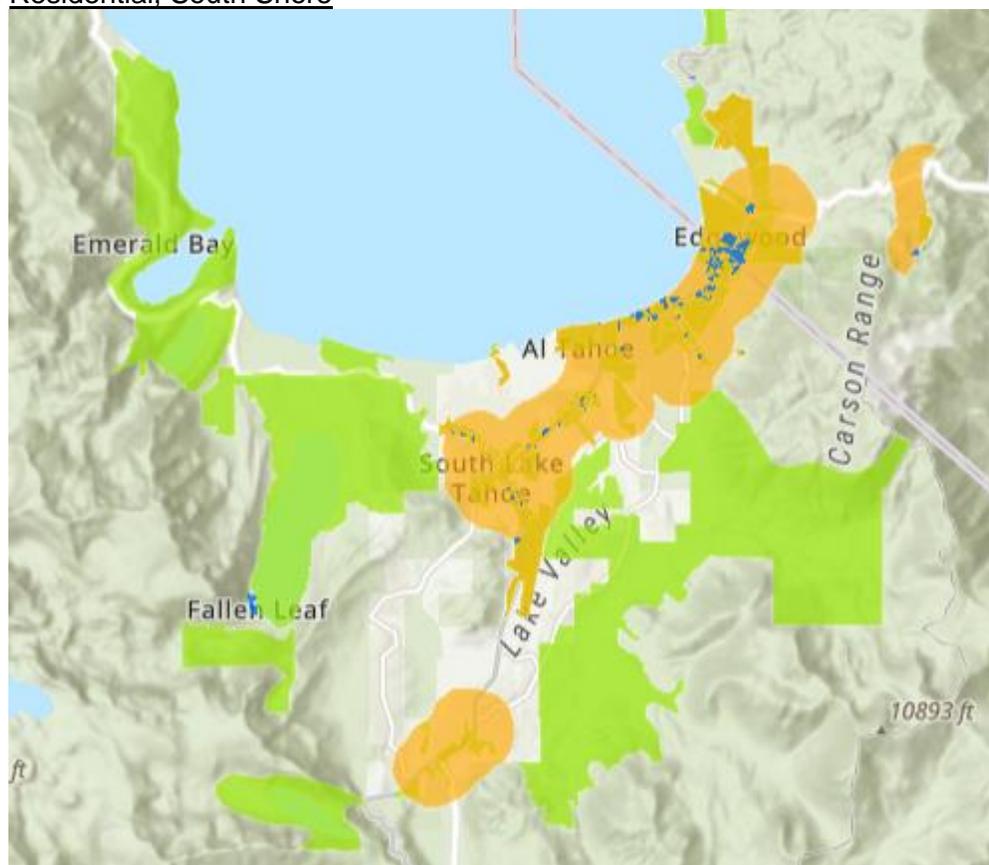
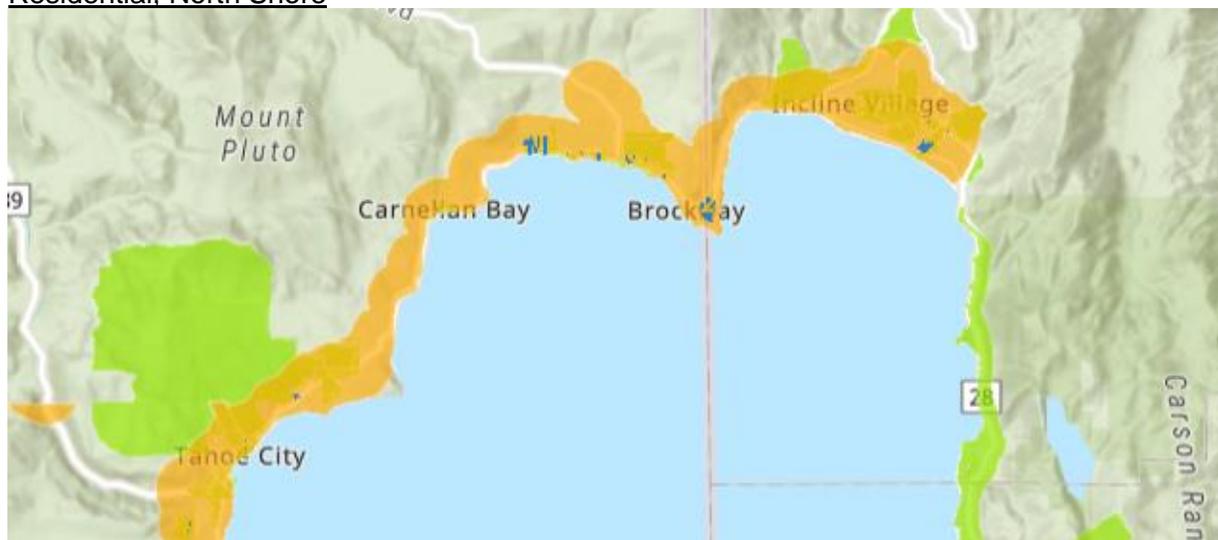


Figure 6: Existing Tourist Units Compared to the Proposed Bonus Unit Boundary and Areas Zoned Multi-Residential, West Shore



Figure 7: Existing Tourist Units Compared to the Proposed Bonus Unit Boundary and Areas Zoned Multi-Residential, North Shore



Recommendation #3 - Accessory Dwelling Units (ADUs)

Accessory Dwelling Units are attached or detached units that are accessory to the main house, and are generally between 400 and 1200 square feet, averaging around 640 square feet.¹

The proposed elements of the ADU recommendation include:

- 1. Remove 1-acre limit on ADUs basin-wide.** Currently TRPA regulations stipulate that secondary residences/ADUs are only allowed on parcels greater than one acre in size unless a jurisdiction has a TRPA-certified “Local Government Housing Program” (TRPA Code of Ordinances Section 21.3.2.B). Under the proposed code amendments, the 1-acre limit would be removed and local jurisdictions would have the authority to regulate ADU construction just as they regulate other single-family home construction through their area plans and their development and building codes. ADUs would still be required to comply with TRPA’s coverage, height, and growth management regulations. As part of this code amendment, TRPA is also recommending lifting the requirement of only one secondary residence/ADU per parcel. Since incentives for ADUs encourage them to locate in close proximity to transit and Town Centers, allowing two ADUs per parcel supports walkability goals. This would also help California jurisdictions comply with California law, as California law allows one ADU and one Junior ADU² per parcel.

There are several elements of California law and Douglas County and Washoe County plans and codes that place further restrictions on the construction or use of ADUs. Currently, California law requires that accessory dwelling units created pursuant to section 65852.22 of the California Government Code (which applies to all new ADUs) if rented, be rented for a term

¹ Sacramento Area Regional Council of Governments, “SACOG Regional Accessory Dwelling Unit Affordability Analysis,” March 2020, Sacramento Area Regional Council of Governments, accessed May 27, 2021 at: [adu_affordability_analysis_methodology_2020-3-31_0.pdf \(sacog.org\)](#); and Turner Center for Housing Innovation, “Jumpstarting the Market for Accessory Dwelling Units, Lessons Learned from Portland, Seattle, and Vancouver,” Chapple, Wegman et al., April 2018.

² California law provides the following specifications for a Junior Accessory Dwelling Unit (JADU): within the walls of the single-family house; no more than 500 square feet in size; must have an efficiency kitchen; separate entrance; may share a bathroom with the main house or have its own bathroom; requires owner-occupancy in the main house or the JADU.

longer than 30 days. Douglas County and Washoe County both currently have a 1-acre parcel size limit for ADUs in the Tahoe Basin in their codes. These 1-acre limits were based on the TRPA 1-acre limit but as they are already adopted they would remain in place until removed by these counties in a subsequent action.

ADUs would be eligible for bonus units, which require a deed-restriction for affordable to achievable income levels, and occupancy of the unit by a local resident. When a bonus unit is assigned in association with the construction of an accessory dwelling unit, the deed-restriction will require that either the accessory dwelling unit, or the main home must comply with the affordability and local residency requirements. This will allow for diversity in housing size and types through construction of ADUs and utilization of the bonus unit program. For example, an out-of-town homeowner might wish to reserve the ADU for their own, periodic use, but rent out the larger, main home to a local family.

- 2. Remove noticing requirement for ADUs.** Currently the Rules of Procedure require noticing for secondary residences as well as for affordable housing, employee housing and multi-family housing. Generally, noticing is not required for allowed uses, only for special uses. As accessory dwelling units would be allowed on all single-family parcels, the construction of an ADU would not be an exception to the rule; therefore, it would not require special notice. This change does not preclude a local government from requiring noticing for ADUs. In order to implement this change, both the words “affordable” and “secondary residence” will be struck from Section 12.14.2, *Noticing*, of the Rules of Procedure, as many ADUs will likely be deed-restricted affordable units. This amendment does not propose to remove the requirement for noticing of multi-family projects (note that because ADUs are an “accessory” use, they are considered a single-family, not a multi-family use in TRPA’s code).

Recommendation #4 - Code clean-up items related to the Development Rights Strategic Initiative

As more deed-restricted housing projects begin to make their way through TRPA’s permitting process, bonus units set aside in the “affordable” and “moderate/achievable” pools have begun to be drawn down. Significantly higher number of unit requests from the affordable pool has occurred, due in part to the lack of state and federal tax credit and other grant programs for homes other than those deed-restricted for affordable income levels, that is, less than 80 percent of Area Median Income. Based on bonus unit transactions that have already been completed, and projects that have submitted applications, the pool dedicated solely to “affordable” has run out of bonus units, while over 400 bonus units remain in the moderate/achievable pool.

Section 52.3.1 of the Residential Incentive Program section of the code identifies how residential bonus units from the TRPA pool will be used. Currently, this section identifies that half of the pool shall be used for affordable housing units, while the other half shall be used for moderate or achievable housing units.

Because both the South Shore Housing Needs Assessment and Placer County show a much higher need for homes in the affordable category than in the other two categories combined (a need of approximately three affordable units to every one moderate or achievable unit), TRPA proposes to update Section 52.3.1 of the code to make it clear that bonus units from the moderate/achievable pool can be used for affordable homes. This is consistent with the definitions of moderate and achievable, which allow use as long as the income levels of occupants are below the specified levels.

One additional Development Rights Strategic Initiative code clean-up item is included in this section – in Section 51.5.1.A the word “development right” will be changed to “potential unit of use.”

Tiering:

This Initial Environmental Checklist (IEC) tiers from and incorporates by reference the analysis within several key planning documents and their associated environmental analysis documents. These include:

- 2012 Regional Plan Environmental Impact Statement (EIS). This document can be accessed at: <https://www.trpa.gov/regional-plan/2012-regional-plan-update/>.
- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect. This initiative amended the Regional Plan Goals and Policies and the Code of Ordinances to allow for conversion of development rights and creation of the Bonus Unit Incentive Program, among other changes. The IEC can be found in the October 2018 Governing Board packet and also accessed here: https://www.trpa.gov/wp-content/uploads/documents/archive/3-Attachment-A1_DRIS-IEC_100318.pdf.
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed at: <https://www.trpa.gov/rtp/>.
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed here: <https://www.trpa.gov/wp-content/uploads/Attachment-I-IEC-for-VMT-Update.pdf>.

Because the amendment maintains nearly all provisions of the 2012 Regional Plan, as amended, without change, this IEC focuses only on those changes that deviate from the Regional Plan. Impacts arising from development under current policy were already evaluated in the Environmental Impact Statement prepared for the Regional Plan Update (RPU) and the other environmental analyses listed above.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

I. Environmental Impacts

1. Land

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The amendments do not change the requirements to comply with coverage allowances consistent with the Bailey land capability and Individual Parcel Evaluation systems. Recommendation #2, *Non-conforming tourist density*, may result in reductions to coverage in the basin as it could encourage redevelopment of older properties, many of which are significantly over-covered and could benefit by retiring and banking unneeded coverage. Regarding recommendation #3, ADUs, concerns have been raised that the low parking ratios for ADUs required by the State of California for California jurisdictions could lead to illegal, off-street parking that could contribute to soil compaction. The analysis shows that allowing ADUs is not expected to result in significant additional coverage or compaction for several reasons. Housing studies have shown that approximately 70% of second unit dwellers own only one car, while the remaining 30% are generally split evenly between no car ownership and ownership of at least

two vehicles.^{3,4} Further, allowing ADUs does not change the overall amount of living space that can be provided on a parcel, which is ultimately dictated by height and coverage restrictions. Under current regulations, many single-family homes are shared by multiple households, which can result in a varying number of vehicles parked at the house. While ADUs provide independent living space, it is not additional living space above what is currently allowed. Finally, because ADUs require a development right, they do not increase the overall amount of new units above what was analyzed in the 2012 Regional Plan. The 2012 Regional Plan emphasizes concentrating the remaining allowable development close to transit and town centers due in large part to the correlation between proximity to transit and reduction in overall vehicle miles traveled.⁵ Other research has shown that proximity to transit combined with low parking availability correlates to a reduction in vehicle ownership.⁶ Thus, strategies to locate housing in close proximity to transit can provide the environment that helps the region meet its goals – a reduced need for parking and a corresponding reduction in vehicle ownership and VMT.

The amendments are not expected to result in a change to incentives to bank and retire coverage from sensitive parcels. Although Recommendation #3, *Accessory Dwelling Units*, will provide an additional option for ways that homeowners can use allowable coverage on their property, the incentives for transferring coverage off of sensitive lands remain in place and are expected to impact the construction of ADUs the same way that they impact other construction. There are a variety of policies in place to incentivize the transfer of coverage from sensitive lands, such as assignment of market-rate bonus units in exchange for moving development out of sensitive areas. Given the current market trends that push single-family homes to maximize their coverage, ADUs are not anticipated to increase demand for coverage on sensitive lands over current levels.

Threshold Indicators – Soil Conservation

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

As indicated in the discussion, above, adverse impacts to soils due to increased coverage are not anticipated.

³ Chapple, Wegmann, Nemirow, Dentel-Post (2012). *Yes in My Backyard: Mobilizing the Market for Secondary Units*. Center for Community Innovation. Accessed July 5, 2021, at: https://communityinnovation.berkeley.edu/sites/default/files/yes_in_my_backyard_mobilizing_the_market_for_secondary_units.pdf?width=1200&height=800&iframe=true.

⁴ Portland State University (2018). *Accessory Dwelling Units in Portland, Oregon*. ISS Study, 1st Report. Accessed July 5, 2021, at: <https://static1.squarespace.com/static/570a958bab48de7164536ffe/t/5b510ced88251b908ec9e0f5/1532038403977/Portland+ADU+Survey+Report+June+2018.pdf>.

⁵ Tal, Handy, Boarnet (2013). *Policy Brief on the Impacts of Transit Access (Distance to Transit) Based on a Review of the Empirical Literature*; Policy Brief for the California Air Resources Board. Accessed at: https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Transit_Access_%28Distance_to_Transit%29_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf on June 28, 2021.

⁶ Chatman, Daniel (2015). *Does Transit-Oriented Development Need the Transit?* Access Magazine, Number 47, Fall 2015. Accessed at: <https://www.accessmagazine.org/fall-2015/does-transit-oriented-development-need-the-transit/> on June 28, 2021.

2. Air Quality

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-e.

The amendments are consistent with the existing growth management system and help to implement Regional Plan and Regional Transportation Plan goals of concentrating development close to transit and town centers, where it will have reduced air quality impacts. Thus, they do not result in substantial air emissions, deterioration of ambient air quality, the creation of objectionable odors, change in climate, or increased use of diesel fuel beyond what was analyzed in the Regional Plan.

On April 28, 2021, the TRPA Governing Board approved a new Transportation and Sustainable Communities threshold indicator to replace the previously existing air quality threshold standard intended to reduce nitrate deposition into the lake. The new indicator is a per capita VMT standard to reduce reliance on the automobile, reduce greenhouse gas emissions, and promote mobility. The new VMT standard is 11.63 VMT per capita by 2045. New plans that implement changes to land use must use the transportation model and its modeling factors to evaluate consistency with the threshold. Region-wide VMT per capita is estimated based on the amount of VMT each person is anticipated to generate per day. People and households that are located in traffic analysis zones (TAZs) that are closer to transit and services tend to generate lower vehicle miles traveled per person rates than those located in TAZs further away, where it is harder for people to get to their destinations by walking, bicycling, or transit. The transportation modeling effort for the 2020 Linking Tahoe Regional Transportation Plan identified which TAZs have residential VMT-per-capita at or below the new threshold. Households located in TAZs with VMT per capita below the threshold will be expected to contribute to lowering the region-wide VMT per capita, while TAZs with VMT per capita above the threshold would increase region-wide VMT per capita.

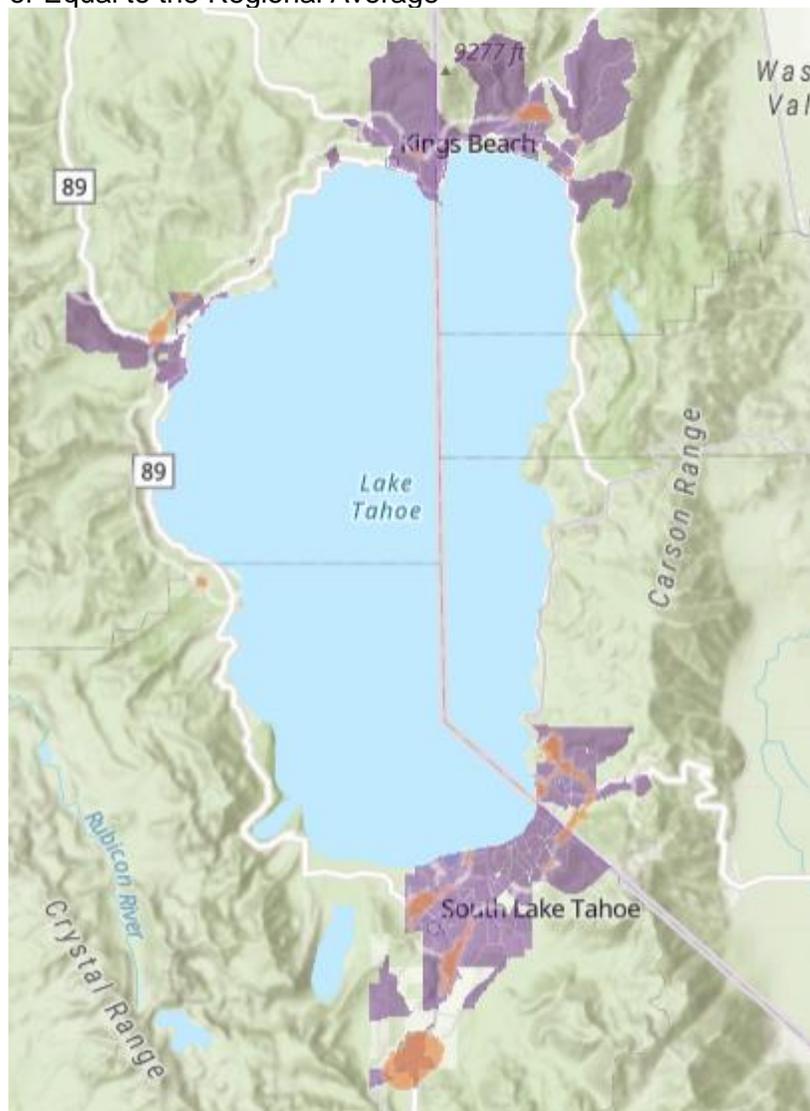
TRPA analyzed each of the recommended elements above using information from the model on trip length and trip rates, or by running the model itself. The analysis is described below.

Recommendation #1: Bonus Unit Boundary. The amendments would expand the Bonus Unit Boundary to add the ½ mile buffer of Town Centers and neighborhoods zoned multi-family to the existing buffer. TRPA determined that this change would have a less than significant impact as the new areas added correspond very closely to the TAZs that have trip lengths less than or equal to the regional average. Even if household trip rates stayed the same irrespective of location (and studies indicate that they are reduced with proximity

to transit and centers)⁷, the VMT per person⁸ would be expected to be lower in areas with lower trip lengths. Thus, incentivizing development within the Bonus Unit Boundary is expected to help achieve and maintain the Transportation and Sustainable Communities threshold.

The map in Figure 8 and at the link: <https://tinyurl.com/36djse75> shows the new area to be added to the Bonus Unit Boundary (orange) compared to TAZs with trip lengths less than or equal to the regional average (purple):

Figure 8: New Area to be added to Bonus Unit Boundary Compared to TAZs with Trip Lengths Less than or Equal to the Regional Average



While there is a small amount of area that does not correspond exactly to low-trip length TAZs, TRPA conducted a further analysis by running the transportation model and distributing all bonus units within the proposed Bonus Unit Boundary, and assuming that a conservatively high number of remaining

⁷ Handy, Shafizadeh, Schneider (2013), *California Smart Growth Trip-Generation Rates Study*, University of California Davis, Urban Land Institute and Transportation Center. Accessed at: <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca13-1940-finalreport-a11y.pdf>, on June 29, 2021.

⁸ Average VMT per person can be calculated by multiplying the average trip length by the average trip rate and divided by the total number of people.

development rights were distributed to areas zoned single-family only, as described further in Recommendation #3. The model run for this conservative scenario resulted in a VMT per capita of 11.64, nearly the same as was forecast for the 2045 RTP scenario and the VMT threshold: 11.63. Thus, the proposed Bonus Unit Boundary change can be considered a less than significant impact on the VMT threshold.

Recommendation #2: Non-Conforming Density. The non-conforming density recommendation allows legally existing tourist units that do not conform to current density standards to be used onsite as either tourist units or residential units. It also clarifies an existing interpretation of the code that allows existing legally existing residential units that either remain onsite or are banked onsite to be rebuilt as residential units. This change was already evaluated during the 2018 Development Rights Strategic Initiative through the conversion of development rights analysis, which developed conversion ratios for tourist to residential units based on comparable transportation and other environmental impacts. Thus, this change would not result in a significant air quality impact.

Further, TRPA's available data on existing tourist units do not show any tourist units outside of the proposed Bonus Unit Boundary where multi-residential development is also allowed. Thus, the redevelopment and higher allowed residential densities would occur in areas that would contribute to reducing VMT per capita and achieving and maintaining the Transportation and Sustainable Communities threshold. The map of existing tourist development compared to the Proposed Bonus Unit Boundary and areas where multi-residential development is an allowed use can be found here:

<https://tinyurl.com/y3mtnw6c>.

Recommendation #3: Accessory Dwelling Units. The recommendation would allow accessory dwelling units on any residential parcel. Under the existing Code of Ordinances, they are allowed only on parcels of greater than one acre, unless a jurisdiction has a Local Government and Housing Program in place. Placer County has had such a program in place for all residential parcels in the Tahoe Basin portion of the county since 2017. The City of South Lake Tahoe has had this program in place for one district in the Tahoe Valley Area Plan since 2015.

Under the recommendation, to construct an ADU, a residential development right is required. This can be a free bonus unit in exchange for deed-restricting the unit to affordable, moderate, or achievable housing within the Bonus Unit Boundary. If the property owner does not wish to deed-restrict the unit or is not eligible for a bonus unit, a full residential unit of use must be obtained. Residential units of use can be purchased on the open market (the most recent appraisal in 2019 by the California Tahoe Conservancy valued a full residential unit of use on the California side at \$27,500)⁹ or can be obtained by applying to a local jurisdiction for an allocation and pairing that allocation with a potential unit of use, which must also be obtained on the open market (the CTC report appraised these at \$7,500). Due to the time and cost constraints associated with obtaining a full residential use, TRPA expects that most ADUs will be built within the Bonus Unit Boundary. In analyzing the possible VMT impacts of the ADU ordinance, however, TRPA modeled a very conservative ADU distribution scenario. This scenario assumed that banked, converted and transferred development rights and remaining, unreserved Bonus Units would all be used as ADUs and would be distributed to parcels in neighborhoods zoned single-family only (i.e. where multi-family is not allowed) (1,846 units). Occupancy rates, persons per unit and income levels were assumed to be the same as those used in the 2045 RTP forecast for the underlying TAZs for these 1,846 units distributed to single-family only neighborhoods. These occupancy rates already assumed that many Bonus Units would be occupied, that there would be additional residential occupancy due to Measure T and additional residential occupancy due to success with other housing efforts. In addition, 706 Bonus Units were distributed to the parcels for which they have been reserved or requested and were assigned 100% occupancy and the income level that corresponded with the type of bonus unit to be used (affordable/low-income; moderate/medium-income or achievable/medium-income).

⁹ Barnett (2019). *Market Value of Development Rights Banked in the California Tahoe Conservancy's Land Bank; owned and appraised for the California Tahoe Conservancy.* June 7, 2019.

This scenario captured a “worst-case” scenario because it assumed that ADUs would only be built on parcels zoned single-family, thus capturing an outcome where development is intensified on parcels not previously anticipated to have more than one unit. In reality, nearly a third of parcels are zoned multi-family but have only one single-family home on them, and thus, would be likely candidates for ADU construction. It is reasonable to expect that most ADUs would be constructed within the Bonus Unit Boundary, where they are incentivized, however the scenario assumed that while all ADUs using Bonus Units would be constructed within the Bonus Unit Boundary (as is required), the remaining banked and transferred development rights would be randomly distributed throughout the region to parcels zoned single-family only. This distribution of units is also highly conservative in that, in addition to ADUs being disincentivized outside of the boundary, it is unlikely that all of the remaining banked, converted and transferred residential development rights units would be constructed on parcels zoned single-family only. In general banked and transferred development rights are sought after for market-rate multi-family and it is expected that this trend will continue.

The model results from this analysis showed a region-wide VMT per capita in 2045 of 11.64. As noted, given the very small deviation from the VMT threshold of 11.63 and the fact that this scenario encapsulated a distribution of ADUs only to areas that were previously assumed to have the lowest allowable densities, this is not considered a significant impact to VMT. Further, TRPA has embedded an adaptive management loop into the VMT per capita process that will pick up on any significant deviations from what has been modeled and will propose implementation changes if needed to bring the region back into a trajectory that attains the threshold.

Recommendation #4: Allowing Moderate/Achievable Bonus Units to be used for Affordable. This is not expected to cause a negative impact to VMT per capita as lower income units have been shown to generate lower trip rates than higher-income or market-rate units.¹⁰ The RTP 2045 forecast assumed occupancy levels that accounted for bonus units being utilized and occupied.

Threshold Indicators – Air Quality

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

As discussed above, no significant impacts on air quality are anticipated as a result of the proposed amendment.

¹⁰ Clifton, Currans, Schneider, Handy (2018). *Affordable Housing Trip Generation Strategies and Rates*, California Department of Transportation, Final Report. Accessed on July 5, 2021, at: <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca18-2465-finalreport-a11y.pdf>
TRPA--IEC 14 of 30 June 2021

3. Water Quality

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-yearflood waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- b. All projects that would be completed under these amendments would be required to complete temporary and permanent Best Management Practices to treat the 20 year, 1 hour storm runoff event onsite.
- c. All projects that would be completed under these amendments would be required to complete temporary and permanent Best Management Practices to prevent discharge into surface waters.
- g. There are no changes to grading regulations included in these amendments.
- h. The regional water demand at build-out would be less than the regional surface water allocation. Future projects must comply with TRPA Code Section 32.4, which addresses water supply and fire flow requirements.

Threshold Indicators – Water Quality

As discussed above, no significant water quality impacts are anticipated. The proposed plan would not alter or revise regulations pertaining to water quality. Future development under the amendments is not anticipated to result in water quality impacts, as all projects must demonstrate compliance with the Code of Ordinances.

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

4. Vegetation

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-h. The amendments do not introduce any changes to vegetation standards and all future projects must comply with Chapter 61, *Vegetation and Forest Health*, of the TRPA code.

Threshold Indicators – Vegetation Preservation

As discussed above, the proposed amendments do not alter or revise regulations pertaining to native vegetation protection during construction, vegetation removal, groundwater management, landscaping, sensitive plants, stream environment zones, or tree removal. As such, no effect on vegetation preservation indicators is anticipated.

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

5. Wildlife

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-d. The amendments do not introduce any changes to wildlife protections and all future projects must comply with Chapter 62, *Wildlife Resources*, of the TRPA code.

Threshold Indicators – Wildlife

As discussed above, the proposed amendments do not affect existing standards relating to wildlife. No impact to threshold indicators is anticipated.

Current and historic status of vegetation preservation standards can be found at the links below:

- [Special Interest Species](#)

Threshold Indicators – Fisheries

As discussed above, the proposed amendments do not affect existing standards relating to fisheries. No impact to threshold indicators is anticipated.

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

6. Noise

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-f. The proposed amendments do not introduce any new uses to Area Plans, Plan Area Statements, Community Plans or Master Plans where they are not already allowed. Accessory Dwelling Units are considered a single-family use and are appropriate where other single-family uses are allowed.

Threshold Indicators – Noise

As discussed above, no significant noise-related impacts are anticipated.

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

7. Light and Glare

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a-c. Future development with proposed new or modified sources of exterior lighting must follow TRPA requirements consistent with Code of Ordinances Section 36.8, *Exterior Lighting Standards*.
- d. Future development must be consistent with Code of Ordinances Section 36.6, *Building Design Standards*, including roofs that are constructed of non-glare finishes and earthtone colors that minimize reflectivity, and earthtone colors that meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines for projects visible from Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

8. Land Use

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- b. The analysis in the 2018 Development Rights Strategic Initiative (DRSI) demonstrated that the amendments will not expand or intensify existing non-conforming uses. Recommendation #2, *Non-conforming tourist density* would allow existing non-conforming tourist density to remain onsite and be used as residential density. The 2018 DRSI developed conversion ratios between tourist accommodation units and residential units that were shown in the IEC to be neutral with respect to environmental impacts. For instance, because multi-residential units have been shown to have lower average daily trip rates than tourist units,¹¹ the DRSI approved a conversion ratio of two TAUs to three multi-family units. While the DRSI allowed for tourist units to be converted to multi-family units at a

¹¹ Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017)

ratio of 2:3, Recommendation #2 of the Phase 1 Housing Amendments would simply say that a number of residential units equal to the number of verified, legally existing tourist units can be constructed on the same site, even if the density of those units exceeds the allowable residential densities. Because the impact of multi-family units is less than that of tourist units, this would not be considered an expansion or intensification.

8. Natural Resources

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-b. The amendments do not alter the amount of growth that was analyzed and planned for in the 2012 Regional Plan.

9. Risk of Upset

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

b. The amendments do not change the amount of overall development that was analyzed in the 2012 Regional Plan and the 2012 Regional Transportation Plan and Sustainable Communities Strategy and which found the buildout of these units to be consistent with evacuation planning capacity. The 2012 Regional Plan included new defensible space and fuel load reduction requirements, as well as requiring that new development in urban areas be adequately served by fire hydrants to the satisfaction of local fire districts and the adopted fire code. Hence, beginning April 14, 2008, all permit applications and qualified exempt declarations requiring TRPA review that involve construction must receive pre-approval from the appropriate fire protection district or department.

10. Population

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. No elements of the amendments alter the growth rate of the human population planned for the region beyond what was approved in the 2012 Regional Plan. Recommendation #1, *Bonus Unit Boundary*, would expand the boundary within which bonus units can be assigned in exchange for an affordable, moderate, or achievable deed-restriction by approximately 15 percent above the boundary that was approved through the 2018 Development Rights Strategic Initiative. The expansion, however, adds areas that have been identified as appropriate for affordable, workforce, and walkable development through multi-family zoning or the town center concept approved in the Regional Plan. The Bonus Unit Boundary recommendation does not increase densities within the boundary, however it does incentivize developers to place deed-restricted affordable, moderate, and achievable units within the boundary. Recommendation #2, *Non-conforming tourist density*, would allow increased residential densities above what was approved in the 2012 Regional Plan, but only in places where that density already exists in the form of tourist units. Thus, populations of tourists could be shifted to populations of local residents or other residential populations, such as second homeowners. As most motels and hotels are located within walking distance of transit and within the proposed Bonus Unit Boundary, this shift of the residential population is consistent with Regional Plan goals and the “Transportation and Sustainable Communities” threshold to reduce vehicle miles traveled and create walkable communities. Recommendation #3, *Accessory Dwelling Units*, expands this accessory residential use to parcels of less than one acre. Because ADUs are subject to the same development right requirements, costs, timelines, and location incentives as other residential development, the amendments are not expected to significantly shift the distribution of the population, but instead would provide further support and an additional option for using bonus units in areas close to transit and town centers.
- b. Recommendation #2, *Non-conforming tourist density*, would remove an existing barrier to redevelopment into residential use by allowing all tourist units on a parcel to be redeveloped into residential units, regardless of the allowable residential densities for that parcel. Many older motels that may want to take advantage of this amendment may be occupied by low-income residents who would need to find a new place to live while the property undergoes redevelopment, leading to temporary displacement while they search for new housing. Because the housing shortage in Lake Tahoe communities is acute, the loss of multiple units, even temporarily, could lead to relocation challenges for local residents. While overall the amendments are intended to break a cycle of low housing inventory leading to long-term residency in tourist units, for any individual redevelopment project it is unknown what the affordability level of new units would be compared to the income levels of the previous occupants. However, the loss will be addressed on a case-by-case basis through the environmental analysis of each individual project. The checklist will be used to identify and require mitigation for temporary or permanent displacement at the project level.

Under existing code, tourist properties have the option to redevelop their units into new tourist units or timeshares, which could also lead to displacement. The amendments provide an additional option for property owners to convert to residential development. Over the long-term, this should increase the supply of housing, while removing a restriction that tends to incentivize larger, more expensive

residential units. Where the redevelopment is within the Bonus Unit Boundary, property owners would be eligible for bonus unit incentives in exchange for deed-restricting the units. They could then sell off the existing development rights to offset development costs.

11. Housing

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
<p>Affect existing housing, or create a demand for additional housing?</p> <p>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</p>				
a. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Will the proposal result in the loss of housing for lower-income and very-low-income households?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. The amendments are anticipated to increase the supply of permanent housing.
- b. The amendments are anticipated to increase the amount of housing that is affordable by lower and very-low-income households by providing more options and incentives for small units.
- c. Many older motels are currently being used as de-facto housing by lower-income households because of the lack of available affordable housing units. While this de-facto housing could be lost through re-development, the loss will be addressed on a case-by-case basis through the environmental analysis of each individual project. The checklist will be used to identify and require mitigation for loss to housing at the project level.

12. Transportation / Circulation

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- d. Alterations to present patterns of circulation or movement of people and/or goods?
- e. Alterations to waterborne, rail or air traffic?
- f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Discussion

- a. The project does not change the overall amount of development that was analyzed in the 2012 Regional Plan. The location of new development is not anticipated to be substantially different than what was analyzed in the 2012 Regional Plan, thus no significant change to Daily Vehicle Trip Ends is anticipated.
- b. The amendments do not change existing parking facilities or create new demand for parking that was not analyzed in the Regional Plan. Because the amendments focus on lifting barriers to developing smaller, more affordable units, the expectation and one of the intended goals of the amendments is that the demand for parking overall will decrease, as smaller homes typically house smaller households with fewer vehicles per household,¹² particularly when close to transit and services; and because parking supply explains more of the variation in motorized trip rates than any other variable.¹³ Recommendation #2, *Non-conforming tourist density*, within the Bonus Unit Boundary, is consistent with Regional Plan goals to locate development in areas that reduce reliance on the automobile. Recommendation #3, *Accessory Dwelling Units*, allows accessory units on all residential parcels. ADUs are subject to local parking requirements just like other development, however the State of California has passed legislation that restricts local jurisdictions from requiring more than one parking space for new ADUs, or from requiring any new parking spaces when the ADU is within a half-mile from transit. Presumably this legislation is related to encouraging ADUs near transit in advancement of strategies for meeting greenhouse gas and vehicle miles traveled (VMT) reduction goals, and because requiring too much parking has been found to significantly increase the cost of housing, particularly smaller units.^{14, 15} Housing studies have shown approximately 70% of accessory unit dwellers own only one car, while the remaining 30% are generally split evenly between no car ownership and ownership of at least two vehicles.^{16,17}
- c. The amendments do not change the overall amount of growth anticipated for the region, thus a substantial impact on the overall transportation system is not expected. The amendments build on

¹² Bureau of Transportation Statistics (2011). *Household, Individual and Vehicle Characteristics*. Accessed July 5, 2021 at:

https://www.bts.gov/archive/publications/highlights_of_the_2001_national_household_travel_survey/section_01.

¹³ Clifton, Currans, Schneider, Handy (2018). *Affordable Housing Trip Generation Strategies and Rates*, California Department of Transportation, Final Report. Accessed on July 5, 2021, at: <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca18-2465-finalreport-a11y.pdf>

¹⁴ Ibid.

¹⁵ Litman, Todd (2014). *Parking Requirement Impacts on Housing Affordability*. Victoria Transport Policy Institute. Accessed July 5, 2021, at:

https://www.researchgate.net/publication/235360401_Parking_Requirement_Impacts_on_Housing_Affordability

¹⁶ Chapple, Wegmann, Nemirow, Dentel-Post (2012). *Yes in My Backyard: Mobilizing the Market for Secondary Units*. Center for Community Innovation. Accessed July 5, 2021, at:

https://communityinnovation.berkeley.edu/sites/default/files/yes_in_my_backyard_mobilizing_the_market_for_secondary_units.pdf?width=1200&height=800&iframe=true.

¹⁷ Portland State University (2018). *Accessory Dwelling Units in Portland, Oregon*. ISS Study, 1st Report. Accessed July 5, 2021, at:

<https://static1.squarespace.com/static/570a958bab48de7164536ffe/t/5b510ced88251b908ec9e0f5/1532038403977/Portland+ADU+Survey+Report+June+2018.pdf>.

existing incentives to locate new development close to transit and active transportation facilities, thus demand for these facilities may increase, in accordance with Regional Plan goals and in support of achieving and maintaining the Transportation and Sustainable Communities threshold.

- d. No significant change to patterns of circulation or movement of people and/or goods is anticipated. The amendments support and operate within the existing incentives to locate development in close proximity to transit and town centers.

13. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Projects shall be required to demonstrate and ensure adequate fire flow and protection services per Section 32.4.2.A, *Fire Flow Requirements*, of the TRPA Code of Ordinances, and in accordance with local ordinances. The proposal does not add additional growth beyond what was analyzed in the 2012 Regional Plan.
- b. The proposal does not add additional growth beyond what was analyzed related to police protection in the 2012 Regional Plan, and the anticipated location of any new growth is consistent with existing uses or supports the incentives to concentrate development close to centers and transit.
- c. The amendments do not make any changes to TRPA Regional Plan's growth rate and are not expected to exceed the existing capacity or result in changes to current facilities. New development pays fees to school districts to accommodate new growth which may lead to changes in student population.
- d. No changes to parks or other recreational facilities are proposed. The proposal does not add additional growth that could impact parks or other recreational facilities beyond what was analyzed in the 2012 Regional Plan.
- e. The amendments will not result in an unplanned effect on maintenance of public facilities, including roads. An increase in the local resident population could increase revenues available for maintenance of public facilities, through increased participation in taxes and fees.
- f. There are no other known governmental services that would be directly affected by the amendments.

14. Energy

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- Utility companies serving Lake Tahoe project that the available capacity would far exceed the demand generated at build-out of the Regional Plan (TRPA 2012. pg. 3.13).
- Energy demand created by implementation of the amendments would not exceed available capacity or require the development of new sources of energy.

15. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- Available capacity would far exceed the demand generated at build-out of the TRPA Regional Plan; demand would not result in new or altered systems.
- Development permitted through the amendments will all be located within existing service areas for communication systems providers.
- The amendments do not generate additional water demand beyond what has already been planned for, therefore there is no anticipated impact. On a Region-wide basis, surface water allocation to the Tahoe Region pursuant to the TROA is 34,000 acre-feet per year (afy), and current Region-wide water demand is approximately 28,079 afy (2012 Regional Plan EIS, Section 3.13, *Public Services and Utilities*).

- d. On a Region-wide basis, existing average wastewater flow rates are approximately half of the total export capacity; in addition, TRPA Code Section 32.5 requires that all projects be served by facilities that provide treatment and export of wastewater from the Tahoe Region; Code Section 50.4.1(C) prohibits distribution of allocations to jurisdictions with insufficient wastewater to support residential development; and TRPA Code Section 13.10.7 requires demonstration of adequate sewer capacity prior to occupancy of a transferred unit (2012 Regional Plan EIS Section 3.13, *Public Services and Utilities*). A need for new systems, or substantial alterations to utilize additional treatment capacity would not occur.
- e. The proposed amendments do not affect storm water drainage regulations and requirements.
- f. Generation rates for the 2012 Regional Plan were anticipated to increase to 115,200 tons per year under the maximum allowable growth that would be permitted. Existing capacity at the Lockwood Regional Landfill was 22 million tons, with a planned expansion that would allow for a total capacity of 204 million tons. Waste disposal needs are determined to be adequately filled in the future, and the Phase 1 Housing Amendments do not add additional growth beyond what was planned for in the 2012 Regional Plan (2012 Regional Plan EIS Section 3.13, *Public Services and Utilities*).

16. Human Health

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. Scenic Resources / Community Design

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a-c. The amendments are programmatic changes and it is unknown where future development will be located. Any new development must comply with TRPA Code of Ordinances Chapter 66, *Scenic Quality*. The amendments are anticipated to lead to improvements in scenic quality ratings as they encourage redevelopment along scenic corridors, particularly through Recommendation #2, *Non-Conforming Tourist Density*.
- d. The amendments do not make any changes to height and design standards.
- e. The amendments do not make any changes that would allow projects to be inconsistent with the SQIP or Design Review Guidelines. The amendments may lead to better scenic quality within neighborhoods by introducing variability in the types of housing that is constructed, reducing incentives to maximize allowable height and coverage on a parcel through large, boxy home types. Recommendation #3, *Accessory Dwelling Units*, encourages construction of ADUs, which must comply with Chapter 36, *Design Standards*.

Threshold Indicators – Scenic Resources

As discussed above, no significant scenic impacts are anticipated. Continued application of design standards and guidelines and maintenance of scenic quality numeric ratings will ensure improvement of overall scenic quality.

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

18. Recreation

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-d. The amendments do not change the overall amount of planned growth, but rather further incentivize growth patterns that support travel to recreation areas by transit, bicycle, and other low-impact means. By emphasizing a shift in housing occupancy from second/vacation home use to local resident/workforce use, the amendments may encourage a more dispersed recreation pattern throughout the week and year.

Threshold Indicators – Recreation

As discussed above, the amendments are not anticipated to result in significant recreational impacts.

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

19. Archaeological / Historical

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a-e. The amendments are a programmatic change. Future development must comply with federal and state regulations as well as TRPA Code (Chapter 67) to avoid adverse effects on archaeological or historic sites, or if any resources of cultural or historical significance are found on a specific project site.

20. Findings of Significance

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure YES NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures. YES NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures. YES NO

Signature of Evaluator

Date _____

Title of Evaluator

Attachment F
Compliance Measures

Attachment F - COMPLIANCE MEASURES PHASE 1 HOUSING AMENDMENTS

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The proposed amendments make no changes to BMP requirements and implementation programs.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
5	Capital Improvements Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	N	The proposed amendments make no changes to policies that would impact the Capital Improvement Program for Erosion and Runoff Control.
6	Excess land coverage mitigation program: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ	N	The proposed amendments do not change excess mitigation requirements.
7	Effluent (Discharge) limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The effluent limitations in Chapter 5 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	New subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances. There is no change to limitations on new subdivisions.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	Y	The Phase 1 Housing Amendments amend Chapter 21 to change “secondary residence” to “accessory dwelling unit (ADU),” and to allow up to two ADUs per parcel when they are accessory to residential uses.
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	WQ, Soils/SEZ	N	TRPA's residential growth management provisions and Individual Parcel Evaluation System (IPES) will remain in effect and unchanged.
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	WQ, Soils/SEZ, Scenic	N	No changes to limits on land coverage are proposed with the amendments.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	N	The Phase 1 Housing Amendments are consistent with the Regional Plan strategies to focus development near transit and near town centers. The amendments do not make any changes to incentives to transfer coverage or development out of sensitive areas and onto higher-capability lands and into town centers. The amendments continue to incentivize development near transit and near town centers by supporting higher residential densities in these areas through ADU incentives (Bonus Units, Mobility Mitigation Fees), and allowing non-conforming tourist density to be used as residential density.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances Chapters 30 and 61</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The amendments do not change policies and provisions that require the protection and restoration of SEZs.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, Individual Parcel Evaluation System, Section 53.9, will not be altered by the amendments.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will stay in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The Phase 1 Housing Amendments do not change the rate of allocation distribution or add any new development potential.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	Y	See response to Compliance Measures 1 through 4. The amendments may lead to increased BMP implementation as there will be additional project applications coming in for ADUs, under which BMPs will need to be completed for the entire parcel. Incentives to convert older motels to residential may also lead to implementation of BMPs on these properties.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	N	The amendments will not directly increase funding for EIP projects for erosion and runoff control.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	There are no changes to the artificial wetlands/runoff treatment program proposed.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The amendments do not affect existing provisions regarding the transfer of development from SEZs.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
23	Improved mass transportation	WQ, Trans, Noise	Y	The amendments do not directly improve mass transportation, however they may indirectly support mass transportation systems by facilitating and better incentivizing new residential development in districts that are in close proximity to transit, providing additional ridership.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	Y	The Phase 1 Housing Amendments specifically encourage the redirection of residential land uses to areas well-served by transit and services by allowing higher residential densities for redeveloped tourist sites, expanding the bonus unit boundary to areas recognized as walkable based on previous planning efforts, and allowing ADUs, which are smaller homes with reduced parking requirements, and which are incentivized through bonus units and fees to be close to transit and town centers.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not alter existing TRPA Code of Ordinance provisions concerning combustion heaters, stationary source controls, sewage transport, treatment, or release, garbage or hazardous materials and waste.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
28	Effluent limitations	WQ, Soils/SEZ	N	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The amendments will not change BMP requirements. See response to Compliance Measures 1 through 4.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N	
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	There are no changes to outdoor recreation requirements or permissibility as part of this proposal.
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	There are no changes to off-road vehicle use as part of this proposal.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes to coverage regulations or regulations related to encroachment into sensitive areas are included in the amendments.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	No changes are being proposed that would modify existing code provisions related to the shorezone or impact these compliance measures.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	The TBAP does not alter the list of exempt activities. No changes are proposed.
WATER QUALITY/SEZ – SUPPLEMENTAL				
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The amendments do not include any provisions that would impact Compliance Measures 52 through 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	
AIR QUALITY/TRANSPORTATION - IN PLACE				

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
62	Fixed Route Transit - South Shore	Trans, Rec	N	As noted in Compliance Measure 23, above, the amendments to not change plans or goals and policies related to transit or active transportation, but they will support transit indirectly by directing new residential development to areas served by transit and active transportation facilities.
63	Fixed Route Transit - North Shore: TART	Trans, Rec	N	
64	Demand Responsive Transit - South Shore	Trans	N	
65	Seasonal Trolley Services - North and South Shores: South Shore TMA and Truckee-North Tahoe TMA	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans	N	
68	Ski shuttle services	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities: South Y Transit Center	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N	
72	Pedestrian facilities	Trans, Rec, Scenic	N	
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not make any changes to wood or gas heater controls, or stationary source controls.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
76	U.S. Postal Service Mail Delivery	Trans	N	The amendments do not include any provisions that would impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not make any changes to indirect source review/air quality mitigation requirements, or idling restrictions.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
79	Vehicle Emission Limitations (State/Federal)	WQ, AQ	N	The amendments do not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	The amendments do not make any changes to open burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	N	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	The amendments do not make any changes to the employer-based trip reduction programs or vehicle rental programs described in Chapter 65.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The amendments do not make any changes related to parking management areas, parking fees, or parking facilities.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	The amendments do not make any changes that would impact traffic management, signal synchronization, aviation, waterborne transit or excursions, air quality monitoring, alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola.
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	
92	Waterborne transit services	WQ, Trans, Scenic	N	
93	Air Quality Studies and Monitoring	WQ, AQ	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	N	
95	Demand Responsive Transit - North Shore	Trans	N	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	
AIR QUALITY/TRANSPORTATION – SUPPLEMENTAL				
98	Demand Responsive Transit - North Shore	Trans	N	See response to Compliance Measures 23, 62 through 97, and 1-4 (Road improvements, BMPs).
99	Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities--South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities--North Shore	Trans, Rec	N	
109	Parking Inventories and Studies Standards	Trans	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
110	Parking Management Areas	Trans	N	
111	Parking Fees	Trans	N	
112	Establishment of Parking Task Force	Trans	N	
113	Construct parking facilities	Trans	N	
114	Intersection improvements--South Shore	Trans, Scenic	N	
115	Intersection improvements--North Shore	Trans, Scenic	N	
116	Roadway Improvements - South Shore	Trans, Scenic	N	
117	Roadway Improvements - North Shore	Trans, Scenic	N	
118	Loop Road - South Shore	Trans, Scenic	N	
119	Montreal Road Extension	Trans	N	
120	Kingsbury Connector	Trans	N	
121	Commercial Air Service: Part 132 commercial air service	Trans	N	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	N	
123	Expansion of waterborne excursion service	WQ, Trans	N	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
VEGETATION - IN PLACE				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The amendments will not alter the provisions of Chapter 33 in the TRPA Code of Ordinances.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The amendments do not alter tree removal, prescribed burning, vegetation management or plant protection and fire hazard reduction provisions of Chapter 61 of the Code.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	N	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	N	See response to Compliance Measures 43 through 50.
136	Project Review	WQ, Veg	N	The amendments do not make any changes to the project review process or compliance inspections.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	See response to Compliance Measures 43 through 50.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	N	See response to Compliance Measure 11.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	The amendments are consistent with the 2012 Regional Plan, including the Conservation Element and Vegetation Subelement Goals and Policies.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	The amendments do not make any changes to provisions of Lake Successional Old Growth and Stream Environment Zone Vegetation.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	N	
144	Tahoe Yellow Cress Conservation Strategy	Veg	N	The amendments do not impact efforts to conserve the Tahoe Yellow Cress.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	The amendments will not impact efforts to control or eliminate noxious weeks.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
VEGETATION – SUPPLEMENTAL				
147	Deepwater Plant Protection	WQ, Veg	N	See response to Compliance Measures 16 and 17 and 43 through 50.
WILDLIFE - IN PLACE				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	See response to Compliance Measures 16 and 17.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments do not include any changes to the Stream Restoration Program.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	The amendments do not include any changes to existing BMP and revegetation requirements.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	The amendments do not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	See response to Compliance Measure 133.
153	Project Review	Wildlife	N	See response to Compliance Measure 136 and 137.
FISHERIES - IN PLACE				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	See response to Compliance Measures 16 and 17.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The amendments do not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measure 14.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	
166	BMP and revegetation practices	WQ, Fish	N	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	See response to Compliance Measures 16 and 17.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	The mitigation fee requirements formerly in Chapter 86 of the TRPA Code of Ordinances (now in the Rules of Procedure) are not being modified.
170	Compliance inspection	Fish	N	The amendments are not modifying existing compliance or inspection programs or provisions.
171	Public Education Program	Wildlife, Fish	N	The amendments do not make any changes to education and outreach efforts for wildlife and fish.
NOISE - IN PLACE				
172	Airport noise enforcement program	Wildlife, Fish	N	The amendments are not modifying existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	The amendments are not modifying existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	See response to Compliance Measure 9. There are no changes to allowed uses.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
178	Vehicle trip reduction programs	Trans, Noise	N	The amendments do not make any changes to vehicle trip reduction programs.
179	Transportation corridor design criteria	Trans, Noise	N	The amendments do not make any changes to transportation corridor design criteria.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	The amendments are not modifying loudspeaker restrictions.
182	Project Review	Noise	N	See response to Compliance Measures 136 and 137.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing complaint systems are not being modified by the amendments.
184	Transportation corridor compliance program	Trans, Noise	N	None of these compliance measures will be modified with the proposal.
185	Exemptions to noise limitations	Noise	N	
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	
187	Personal watercraft noise controls	Wildlife, Noise	N	
NOISE – SUPPLEMENTAL				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of this set of amendments.
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measures 10 and 18. There are no changes to the allocation of development.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	No changes to master plans requirements are included as part of this amendment.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The amendments are not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The amendments are not altering where hiking and riding facilities are permissible. See also Compliance Measure 40.
194	Scenic quality of recreation facilities	Rec, Scenic	N	The amendments do not include any changes to provisions related to scenic quality of recreation facilities.
195	Density standards	Rec	Y	The amendments allow non-conforming tourist density to be used as residential density for onsite redevelopment. They remove the restriction from Table 31.3.2, "Table of Maximum Densities" that previously limited accessory dwelling units only to parcels of greater than one acre, and that limited them to only one ADU per parcel.
196	Bonus incentive program	Rec	Y	The amendments expand the Bonus Unit Boundary by approximately 15% to add a ½ mile buffer of Town Centers, and neighborhoods where multi-family development is an allowed or special use.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	The amendments do not affect required findings.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	The amendments will not impact the Lake Tahoe Recreation Sign Guidelines.
199	Annual user surveys	Rec	N	The amendments will not affect user surveys.
RECREATION – SUPPLEMENTAL				
200	Regional recreational plan	Rec	N	The amendments do not modify any portion of the Goals and Policies in the Regional Recreation Plan, which is the Recreation Element in the Regional Plan.
201	Establish fairshare resource capacity estimates	Rec	N	The amendments do not establish or alter fair share resource capacity estimates, alter

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
202	Reserve additional resource capacity	Rec	N	reservations of additional resource capacity, or include economic modeling.
203	Economic Modeling	Rec	N	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	Y	See response to Compliance Measure 11.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	The amendments do not affect height standards.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	The proposal does not make any changes to the Driveway and Parking Standards in Chapter 34.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	The amendments do not make changes to design standards and guidelines relating to signage.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	N	The amendments do not make any changes to the Design Standards in Chapter 36. The amendments could lead to accelerated implementation of design standards as more projects are incentivized to undergo redevelopment or construct new ADUs that must comply with the standards.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See response to Compliance Measures 43 through 50.
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to meet the

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
214	Vegetation Protection During Construction: Code of Ordinances Chapter 33	AQ, Veg, Scenic	N	provisions of the TRPA Code of Ordinances, Chapter 33, Grading and Construction.
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	See response to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	N	The amendments do not make any changes to the Design Review Guidelines.
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	The amendments do not conflict with the SQIP and are not anticipated to impact scenic ratings. The recommendations could improve scenic quality ratings as new projects undergoing redevelopment along scenic resource areas will provide an opportunity to improve scenic quality ratings.
218	Project Review Information Packet	Scenic	N	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
SCENIC – SUPPLEMENTAL				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed.
222	Integrate project identified in SQIP	Scenic	N	The amendment does not include projects identified in the SQIP.

Attachment G
Area Plan Compliance Checklist

Area Plan Finding of Conformance Checklist

Area Plan Name: Tahoe Valley Area Plan (TVAP), Tourist Core Area Plan (TCAP), Meyers Area Plan

Lead Agency: City of South Lake Tahoe, El Dorado County

Submitted to TRPA: N/A

TRPA File No: N/A

Lead Agency Area Plan Amendment Approval Date: TBD

APC Hearing Date: July 14, 2021

Governing Board Hearing Date: July 29, 2021

Appeal Deadline: N/A

MOU Approval Deadline: N/A

Geographic Area and Description: All residentially zoned parcels in the Tahoe Valley Area Plan, Tourist Core Area Plan, and Meyers Area Plan

Land Use Classifications Included in the Area Plan: N/A

Alternative Development Specific Standards: N/A

Contents of Area Plans	Code	Conformance
<p>General</p> <p>An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA’s Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.</p>	13.5.1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Notes: The TVAP, TCAP, and Meyers Area Plan consists of applicable policies, maps, ordinances, and related materials that conform to the Regional Plan.</p>		

<p>Relationship to Other Sections of the Code</p> <p>This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.</p>	13.5.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Notes: The TVAP, TCAP include existing substitute design standards that emphasize requirements for pedestrian open space, landscaping, signage, and parking. The Development and Design Standards of the Area Plans supplement and are equal to or superior to TRPA's standards set forth in Chapter 36. The Phase 1 Housing Amendments do not propose any changes to these standards.</p>		

Development and Community Design Standards for Area Plans		
Area Plans shall have development standards that are consistent with those in Table 13.5.3-1.		
Maximum Building Height	Code	Conformance
Area Plans shall have development standards that are consistent with those in Table 13.5.3-1.		
Outside of Centers building height standards consistent with Code Section 37.4	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments do not propose any changes to maximum height outside of the Centers.		
Within Town Centers up to 4 stories (56 ft.) maximum	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments do not propose any changes to the maximum height within Centers.		
Within the Regional Center up to 6 stories (95 ft.) maximum	13.5.3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments does not propose any changes to height within a Regional Center.		
Within the High-Density Tourist District up to 197 feet maximum	13.5.3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments does not propose any changes to height within a high-density tourist district.		
Density	Code	Conformance

Single Family Dwelling consistent with Code Section 31.3	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Area Plan Amendments included as part of the Phase 1 Housing Amendment Package will allow the TVAP, TCAP and Meyers Area Plan to be consistent with proposed changes to the Table of Maximum Densities in Code Section 31.3 to accommodate Accessory Dwelling Units (ADUs).		
Multiple-Family Dwelling outside of Centers consistent with Code Section 31.3	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments do not propose any changes to Multi-Family Dwelling density outside town centers.		
Within Centers Multi-Family Dwelling Residential 25 units/acre maximum Tourist (other than bed & breakfast) 40 units/acre maximum	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments do not propose any changes to multi-family or tourist use densities within centers.		
Land Coverage		
Land coverage consistent with Section 30.4 of the TRPA Code	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments do not propose to change land coverage standards.		
Alternative Comprehensive Coverage Management System (see below)	13.5.3.B.1	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: N/A		
Complete Streets		
Area Plan conforms to Section 36.5 of the Code of Ordinances.	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments is consistent with Section 36.5, Site Design Standards such as traffic circulation, screening, snow storage, setbacks, bicycle and pedestrian facility maintenance. The amendment does not propose any changes to these standards.		
Within Centers plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporation the Regional Bike and Pedestrian Plan	13.5.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Phase 1 Housing Amendments doe not include any changes to planned sidewalks, trails, or pedestrian amenities.		
Alternative Development Standards and Guidelines Authorized in Area Plans		
Comprehensive Coverage Management Systems		
An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the	13.5.3.B.1	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone). For purposes of this provision, "total" coverage is the greater of existing or allowed coverage.		
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Notes: N/A

Alternative Parking Strategies	Code	Conformance
<p>Area Plan includes shared or area-wide parking strategies to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following.</p> <ul style="list-style-type: none"> ○ Reduction or relaxation of minimum parking standards; ○ Creation of maximum parking standards; ○ Shared parking; ○ In-lieu payment to meet parking requirements; ○ On-street parking; ○ Parking along major regional travel routes; ○ Creation of bicycle parking standards; ○ Free or discounted transit; ○ Deeply discounted transit passes for community residents; and ○ Paid parking management 	13.5.3.B.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The Phase 1 Housing Amendments do not propose any changes to shared or area-wide parking strategies in the Area Plans.

Area-wide Water Quality Treatments and Funding Mechanisms	Code	Conformance
<p>Area Plan includes water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements.</p> <ul style="list-style-type: none"> ○ Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm; ○ Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements; ○ Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing 	13.5.3.B.3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

<p>maintenance;</p> <ul style="list-style-type: none"> ○ Strong consideration shall be given to areas connected to surface waters; ○ Area-wide BMP plans shall consider area-wide and parcel level BMP requirements as an integrated system; ○ Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components or area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards. ○ Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements. 		
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Notes: The Phase 1 Housing Amendments do not make any changes to previously conforming sections of the Area Plans that conformed with area-wide water quality treatments and funding mechanisms.

Alternative Transfer Ratios for Development Rights	Code	Conformance
<p>Within a Stream Restoration Plan Area as depicted in Map 1 in the Regional Plan, an Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environment gain compared to the TRPA transfer ratios set forth in Chapter 51: Transfer of Development.</p>	13.5.3.B.4	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Notes: The Phase 1 Housing Amendments do not make any changes to previously established alternative transfer ratios for development rights.

Development Standards and Guidelines Encouraged in Area Plans	Code	Conformance
<p>Urban Bear Strategy</p> <p>In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.</p>	13.5.3.C.1	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<p>Notes: The Phase 1 Housing Amendments do not make any changes to urban bear strategies already determined to be in conformance in the Area Plans.</p>		
<p>Urban Forestry</p> <p>In Area Plans, lead agencies are encouraged to develop</p>	13.5.3.C.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

and enforce urban forestry strategies that seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.		
Notes: The Phase 1 Housing Amendments do not make any changes to previously developed urban forestry strategies already determined to be in conformance in the Area Plans.		

Development on Resort Recreation Parcels	Code	Conformance
<p>In addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions:</p> <ul style="list-style-type: none"> ○ The parcels must become part of an approved Area Plan; ○ Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions allowed; ○ Development shall be transferred from outside the area designated as Resort Recreation; and ○ Transfers shall result in the retirement of existing development. 	13.5.3.D	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Notes: The Phase 1 Housing Amendments do not make any changes related to Resort Recreation District parcels depicted on Map 1.

Greenhouse Gas Reduction Strategy	Code	Conformance
<p>To be found in conformance with the Regional Plan, Area Plans shall include a strategy to reduce emissions of Greenhouse Gases from the operation or construction of buildings. The strategy shall include elements in addition to those included to satisfy other state requirements or requirements of this code. Additional elements included in the strategy may include but are not limited to the following:</p> <ul style="list-style-type: none"> ○ A local green building incentive program to reduce the energy consumption of new or remodeled buildings; ○ A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits; ○ Modifications to the applicable building code or design standards to reduce energy consumption; or ○ Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities. 	13.5.3.E	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The Area Plans have conforming Greenhouse Gas Reduction Strategies. The Phase 1 Housing Amendments do not make any changes to these strategies.

Community Design Standards

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

Site Design	Code	Conformance
<p>Development in All Areas</p> <p>All new development shall consider, at minimum, the following site design standards:</p> <ul style="list-style-type: none"> ○ Existing natural features retained and incorporated into the site design; ○ Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy; ○ Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards, and ○ Access, parking, and circulation that are logical, sage, and meet the requirements of the transportation element. 	13.5.3.F.1.a	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Notes: The Phase 1 Housing Amendments do not propose any changes to these standards.</p>		
<p>Development in Regional Center or Town Center</p> <p>In addition to the standards above, development in Town Centers or the Regional Center shall address the following design standards:</p> <ul style="list-style-type: none"> ○ Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network. ○ Area Plans shall encourage the protection of views of Lake Tahoe. ○ Building height and density should be varied with some buildings smaller and less dense than others. ○ Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways. 	13.5.3.F.1.b	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<ul style="list-style-type: none"> ○ Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers. 		
<p>Notes: The Area Plans comply with these standards, and the housing amendments do not propose any changes to these standards.</p>		
<p>Building Height</p> <ul style="list-style-type: none"> ○ Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 of the Code of Ordinances ○ Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed. ○ Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height. 	<p>13.5.3.F.2</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Notes: The housing amendments do not propose any changes to maximum building height limits.</p>		
<p>Building Design</p> <p>Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:</p> <ul style="list-style-type: none"> ○ Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes. ○ The scale of structures should be compatible with existing and planned land uses in the area. ○ Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors. ○ Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity. 	<p>13.5.3.F.3</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Notes: The housing amendments do not propose any changes to these standards.</p>		
<p>Landscaping</p> <p>The following should be considered with respect to this design component of a project:</p> <ul style="list-style-type: none"> ○ Native vegetation should be utilized whenever 	<p>13.5.3.F.4</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

<p>possible, consistent with Fire Defensible Space Requirements.</p> <ul style="list-style-type: none"> ○ Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible. ○ Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible. 		
<p>Notes: The housing amendment does not propose any changes to these standards.</p>		
<p>Lighting</p> <p>Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:</p> <ul style="list-style-type: none"> ○ Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design. ○ Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light. ○ Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights. ○ Lights should not blink, flash, or change intensity except for temporary public safety signs. 	<p>13.5.3.D.5</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Notes: The housing amendment does not propose any changes to these standards.</p>		
<p>Signing</p> <p>Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.</p>	<p>13.5.3.F.6</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
<p>Notes: The housing amendments do not proposed any changes to alternative sign standards previously found to be conforming.</p>		

<p>Signing</p> <p>In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:</p> <ul style="list-style-type: none"> ○ Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated. ○ Signs should be incorporated into building design; ○ When possible, signs should be consolidated into clusters to avoid clutter. ○ Signage should be attached to buildings when possible; and ○ Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district. 	13.5.3.F.6	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<p>Notes: The housing amendments do not propose any changes to sign policies and standards.</p>		
<p>Modification to Centers (Town Center, Regional Center and High Density Tourist District Boundary)</p> <p>When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:</p> <ul style="list-style-type: none"> ○ Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard. ○ Properties included in a Center shall be less than ¼ mile from existing Commercial and Public Service uses. ○ Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems. 	13.5.3.G	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<p>Notes: The housing amendments do not propose modifications to the boundaries of designated Centers.</p>		

Conformity Review Procedures For Area Plans		
<p>Initiation of Area Planning Process by Lead Agency</p> <p>The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.</p>	13.6.1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Notes: The Phase 1 Housing Area Plan amendments were requested and initiated by El Dorado County and the City of South Lake Tahoe.</p>		
<p>Initial Approval of Area Plan by Lead Agency</p> <p>When TRPA is Not the Lead Agency If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA’s review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.</p> <p>When TRPA is the Lead Agency If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.</p>	13.6.2	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<p>Notes: The Area Plan amendments have had informational hearings at the TRPA’s Advisory Planning Commission (APC) and Local Government and Housing Committee (LGHC) on June 9, 2021 and Regional Plan Implementation Committee (RPIC) on June 23, 2021. Final Governing Board approval will not be requested until the local jurisdictions’ City Council and Board of Supervisors have approved the amendments. Amendments to the City of South Lake Tahoe’s ADU ordinances for the non-Area Plan geographies of the City have been heard and approved by the City Council, and are in the process of being heard and reviewed for El Dorado County.</p>		
<p>Review by Advisory Planning Commission</p> <p>The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable; jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.</p>	13.6.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The amendments are scheduled to be reviewed by the APC on July 14, 2021.		
Approval of Area Plan by TRPA For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.	13.6.4	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The amendments will come back to the Governing Board for final approval after approvals are complete at the local level.		
Findings of Conformance with the Regional Plan In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:		
General Review Standards For All Area Plans	Code	Conformance
The submitted Area Plan shall:		
Identify zoning designations, allowed land uses and development standards throughout the plan area.	13.6.5.A.1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The TVAP, TCAP, and Meyers Area Plan identify zoning designations, allowed land uses, and development standards throughout the plan area. The amendments propose minor changes to the descriptions of single-family and multi-family land uses to accommodate accessory dwelling units.		
Be consistent with all applicable Regional Plan policies, including but not limited to the regional growth management system, development allocations and coverage requirements.	13.6.5.A.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The TVAP, TCAP and Meyers Area Plan comply with all Regional Plan policies, including the regional growth management system and coverage requirements. The amendments do not propose changes that would result in inconsistency with applicable Regional Plan policies.		
Either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with	13.6.5.A.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Regional Plan policies and provide threshold gain.		
Notes: The amendments do not propose any modifications to the Land Use Map.		
Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide threshold gain.	13.6.5.A.4	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The amendments do not propose any changes to these policies or planned, new, or enhanced EIP projects.		
Promote environmentally beneficial redevelopment and revitalization within town centers, regional centers and the High Density Tourist District.	13.6.5.A.5	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The amendments encourage construction of ADUs on parcels of less than one acre. Smaller parcels are more likely to be found closer to town centers and areas where environmentally beneficial redevelopment and revitalization is encouraged.		
Preserve the character of established residential areas outside of town centers, regional centers and the High Density Tourist District, while seeking opportunities for environmental improvements within residential areas.	13.6.5.A.6	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The proposed amendments would provide additional opportunities for compliance with BMP requirements as all project seeking a permit for an ADU would be required to implement BMPs as a condition of the permit. ADUs are required to comply with area plan design standards, which would preserve and improve the character of established residential areas.		
Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in disturbed Stream Environment zones within town centers, regional centers and the High Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone.	13.6.5.A.7	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The proposed amendments would not alter existing natural resource protections that direct future development away from sensitive areas and seek opportunities for environmental improvement.		
Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.	13.6.5.A.8	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The amendments do not propose any changes to the proposed transportation network but the are anticipated to facilitate local resident and workforce housing in close proximity to existing		

transit networks, and existing and planned bicycle and pedestrian facilities, further reducing automobile dependency.

TRPA Utilization of Load Reduction Plans	Code	Conformance
TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.	13.6.5.B	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: Pollutant load reduction targets are established in the Lake Tahoe TMDL. Load reduction targets are being achieved with Water Quality Improvement Projects in high priority catchments, pollutant control management measures in road maintenance operations, and the completion of private parcel Best Management Practices (BMPs). The amendments do not propose any changes to established load reduction plans.

Additional Review Standards for Town Centers and the Regional Center	Code	Conformance
Include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.	13.6.5.C.1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The TVAP, TCAP and Meyers Area Plan include development and design standards that are appropriate and reflect the unique character of each area. The Phase 1 Housing amendments do not propose any changes to these standards.

Promote walking, bicycling, transit use and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers.	13.6.5.C.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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Notes: See existing TVAP, TCAP and Meyers Area Plan recreation and transportation policies and projects that promote enhanced pedestrian and bicycle facilities and expanded transit opportunities.

Use standards within town centers and regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use.	13.6.5.C.3	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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Notes: Existing TVAP, TCAP and Meyers Area Plan policies encourage walking, bicycling, transit use. The amendments do not propose any changes to these policies. Encouragement of ADUs as local and resident housing should promote pedestrian activity and transit use as they are incentivized to be in walkable areas, and over 70 percent of ADU households are shown to have one or fewer vehicles (Yes in My Backyard: Mobilizing the Market for Secondary Units [2011]; ADUs in Portland, Oregon ISS Survey Report [2018]).

Ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers.	13.6.5.C.4	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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Notes: The existing TVAP, TCAP and Meyers Area Plan height and density allowances are in conformance with the Regional Plan. The proposed height and density allowances provide adequate capacity for redevelopment and transfers. The amendments does not propose any changes to these allowances. Allowing ADUs provides an additional opportunity for transfer of development rights into centers.		
Identify an integrated community strategy for coverage reduction and enhanced stormwater management.	13.6.5.C.5	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The amendments do not propose changes to community strategies for land coverage reduction and enhanced stormwater management.		
Demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.	13.6.5.C.6	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Notes: The Initial Environmental Checklist prepared for the Phase 1 Housing amendments, as well as the Threshold Indicators checklist demonstrate that the proposed amendments would not interfere with threshold gain, and in fact should provide for threshold gain by encouraging redevelopment in centers that supports biking, walking, and transit use, and water quality improvements.		
Additional Review Standards for the High Density Tourist District		
Include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.	13.6.5.D.1	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The TVAP, TCAP and Meyers Area Plan do not have any areas designated as High-Density Tourist District.		
Provide pedestrian, bicycle and transit facilities connecting the High Density Tourist District with other regional attractions.	13.6.5.D.2	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The TVAP, TCAP and Meyers Area Plan do not have any areas designated as High-Density Tourist District.		
Demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.	13.6.5.D.3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Notes: The TVAP, TCAP and Meyers Area Plan do not have any areas designated as High-Density Tourist District.		
Conformity Review for Amendments to Area Plans		
	Code	Conformance

<p>Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board’s review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.</p>	<p>13.6.6</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
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Notes: The proposed amendment will be reviewed by the APC on July 14, 2021.

Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan	Code	Conformance
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<p>TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.</p>	<p>13.6.7.A</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
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Notes: These amendments are being brought forward in response to communication between TRPA and lead agencies of changes that could affect the Area Plan, and with the intention of utilizing new code amendments as soon as possible.

<p>If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board’s review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.</p>	<p>13.6.7.B</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>
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Notes: This amendment was initiated by the City of South Lake Tahoe and El Dorado County to provide additional opportunities for construction of ADUs and to support more opportunities

for affordable and workforce housing, not to incorporate changes necessitated by amendments that affect the Area Plan.

Effect of Finding of Conformance of Area Plan	Code	Conformance
By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.	13.6.8	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The TVAP, TCAP and Meyers Area Plan serve as the standards and procedures for implementation of the Regional Plan in the respective area plan geographies.

Procedures for Adoption of Memorandum of Understanding	Code	Conformance
Area Plan is consistent with Procedures for Adoption of Memorandum of Understanding	13.7	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The amendments do not propose any changes that would make the area plans inconsistent with the procedure for adopting a Memorandum of Understanding.

Monitoring, Certification, and Enforcement of Area Plan	Code	Conformance
Area Plan includes Notification, Monitoring, Annual Review, and Recertification procedures consistent Code Section 13.8	13.8	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The amendments do not make any changes that would change previous conformance with notification, monitoring, annual review, and recertification procedures.

Appeals	Code	Conformance
Area Plan Appeal Procedure is consistent with Code Section 13.9	13.9	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Notes: The amendments do not make any changes that would change previous conformance with Area Plan Appeal Procedure.

Attachment H
Public Comments Received for APC July 14, 2021 Hearing

Good morning Advisory Planning Commissioners, I'm Chase Janvrin, Program Manager for the Tahoe Prosperity Center, and active member of the TRPA's Housing Work Group. I want to start by thanking you and TRPA staff for staying so focused on addressing the housing crisis in the basin.

There has been some great progress out of the workgroup that I want to acknowledge. Allowing tourist density to grandfather in to residential density should allow developers to pencil hotel/motel conversions. We have so many old, dilapidated hotels and motels that are already serving as defacto affordable housing because we have such limited housing stock, I hope this spurs a new wave of redevelopment in the coming years. However, most of these type of projects could be years away.

That said, I don't think we've done enough to incentivize ADUs, which is one of the easiest, cheapest, and fastest types of housing that could be provided. Expanding the bonus unit boundaries is a step in the right direction for the City of South Lake, but it doesn't go far enough for residents of Meyers as it omits most of the area due to lack of transit.

But the biggest issue is with development rights. Requiring a full development right to permit an ADU serves as a deterrent to affordable by design development. I understand that coverage is a core tenant of the TRPA, so when the existing footprint of an already constructed home can include an ADU, why should a development right be required? Attached ADUs, junior ADUs, and existing construction shouldn't require a second development right, period. I've submitted a couple pictures of examples where this could apply.

There is a critical need for workforce housing here. It's truly become a crisis, and we need to find ways to allow new, affordable by design housing as quickly as possible so the local workforce can afford to stay here. Simply allowing already constructed space to become legal ADUs is the ***fastest path to increasing housing that has no impact on coverage, requires no government subsidies, allows our community to participate in the solution, and the net result is simply increased density, which is exactly what the other recommendations are already incentivizing.*** We should be doing all that we can to not just allow, but to incentivize affordable by design housing, and not depend solely on affordable by government subsidy housing.

As one of the regional conveners on housing in Lake Tahoe, the Tahoe Prosperity Center strongly supports the recommendations made by TRPA staff, but we encourage an amendment to allow for ADUs in already constructed space to not require a development right.

Thank you for your time today and keep up the great work.

Chase Janvrin
Program Manager, Tahoe Prosperity Center



From: kathie julian
Sent: Wednesday, July 14, 2021 12:33 AM
To: Tracy Campbell <tcampbell@trpa.gov>
Subject: Comment on TRPA Code Change for ADUs

On the subject of Accessory Dwelling Units (ADUs), I remain concerned that, after the proposed TRPA code recommendation passes to allow ADUs on parcels less than 1 acre, we will see Washoe County moving (as they did earlier this year) to make Washoe County code in IV/CB consistent with TRPA's code. Washoe County would do this through the Tahoe Area Plan, right? **But I am highly doubtful Washoe County will insert the California provision that restricts ADU's from being rented for less than 30 days.** The California provision prevents these ADUs (intended for workforce housing) from being used as Short-Term Rentals (STRs).

But, Nevada tends not to place such restrictions on private property, especially if it is perceived to follow the example of California. Further, there is for Washoe County a strong financial interest in Incline Village and Crystal Bay generating maximum tourism taxes from STRs.

As such, we may end up with these new ADUs being allowed in Incline Village and Crystal Bay on lots smaller than 1 acre **AND** being allowed as STRs. **This will exacerbate the "hotelification" of Incline Village and Crystal Bay, and do nothing to increase the inventory of affordable housing units for our working community, which is the rationale for this code change by TRPA.**

I support the concept of ADU development on smaller parcels for long-term workforce housing. I do not support building ADUs to provide more STRs in the Incline Village and Crystal Bay.

I suspect this is what may happen when put in the hands of the Washoe County Commission. TRPA should make a strong statement to discourage the misuse of this code change to bolster tourism and STRs at the expense of residential neighborhoods and our local workers.

Kathie M. Julian