TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on **Wednesday, April 12, 2023,** commencing at **9:30 a.m., on Zoom and at the Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

To participate in any TRPA Advisory Planning Commission meeting please go to the Calendar on the www.trpa.gov homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website.

April 5, 2023

Julie W. Regan

Julie W. Regan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA and Zoom

April 12, 2023
9:30 a.m.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Members of the public may email written public comments to the Clerk to the APC, tcampbell@trpa.gov. All public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. All written comments will be included as part of the public record.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to participate in the meeting. Please contact Tracy Campbell at (775) 589-5257 if you would like to participate in the meeting and are in need of assistance.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A.	Proposed amendments to the "Achievable" deed deed restriction category definition, including changes to Sections 52.3.4 and 90.2, and an amendment to Section 34.3.3 regarding driveways for accessory dwelling units	**Discussion and Possible Action (Recommendation)**	**Page 30**
B.	Informational Briefing on the Transportation Performance and Recommendations Report Framework	**Informational Only**	**Page 103**
C.	Briefing on the Lake Tahoe Region Vision Zero Strategy	**Informational Only**	**Page 105**

VI. REPORTS

A. Executive Director **Informational Only**

1) Tahoe in Brief – Governing Board Monthly Report **Informational Only** **Page 107**

2) Upcoming Topics **Informational Only**

B. General Counsel **Informational Only**

C. APC Members **Informational Only**

VII. PUBLIC COMMENT

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency March 8, 2023
Zoom

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:42 a.m.

Members present:, Ms. Carr, Ms. Chandler, Mr. Drake (arr. 9:46 a.m.), Mr. Ferry, Ms. Ferris, Mr. Hill, Ms. Jacobsen, Mr. Letton, Ms. Moroles-O'Neil, Mr. Hitchcock (for Ms. Roverud), Ms. Simon, Ms. Stahler, Mr. Teshara, Mr. Young

Members absent: Mr. Alling, Mr. Drew, Mr. Guevin, Mr. Hill, Mr. Smokey

TRPA Executive Director Julie Reagan welcomed APC members and introduced Kimberly Chevallier in her new position as TRPA Deputy Director and Chief Partnerships Officer. She said that Kim is a great talent and TRPA are lucky to have her in this new executive role. Prior to joining the agency, Ms. Chevallier worked for a decade in Arizona with the U.S Institute for Environmental Conflict Resolution, where she honed her exceptional facilitation and mediation skills. Ms. Chevallier has been with TRPA for 8 years in her former capacity as the EIP Department Manager.

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Teshara provided correction to page 16: "Ms. Sharla Hales has been ~~appointed~~ elected"

Mr. Teshara moved approval of the January 11, 2023 minutes as amended.
Ms. Chandler seconded the motion

Motion passed.

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V. PUBLIC HEARINGS

Agenda Item No. V.A. Washoe County Tahoe Area Plan Amendments

TRPA Senior Long-Range Planner, Mr. Jacob Stock introduced the item.

Mr. Stock said that the Tahoe Area Plan, approved in 2021, encompasses the entirety of Washoe County's jurisdiction in the Tahoe Basin, including town centers in Incline Village and Crystal Bay.

The proposed amendment aims to allow single family housing, limited to condominiums, in Special Area 1 of the Incline Village commercial town center. This zoning change will allow for the option to subdivide multi-family rentals into owner-occupied condos, which is currently not allowed by the zoning. The amendment also codifies a policy requiring that condominiums are only allowed in the zone when part of a mixed-use or affordable housing development. Washoe County will provide additional justification for the amendment in the upcoming presentation. The Washoe County Board approved the development code amendment on January 17, 2023.

The Regional Plan Implementation Committee (RPIC) heard an information briefing for this item on February 22, 2023, where staff received a lot of public comment, and a recommendation from RPIC to look at the creation of a more robust definition for mixed-use development regionwide. Mr. Stock advised that is currently being reviewed through a separate process.

Mr. Stock said Governing Board approval is still required for this amendment to go into effect. He said that TRPA staff have reviewed both first and second drafts of the IEC to this amendment, and do not anticipate any conformance issues with the Regional Plan. Mr. Stock said that based on the comments received from APC today, Washoe County will work with TRPA staff to complete any revisions, and bring an amendment proposal back to RPIC, and to the Governing Board next month. Mr. Stock handed over to Washoe County Senior Planner Courtney Weiche to share more information on the proposed amendment.

Ms. Weiche said that the request is to amend the Tahoe Area Plan, Appendix A, Development Code Standards Article 220 Tahoe Area; to add single family dwellings limited to airspace condominiums, as an allowed use in the Incline Village Commercial Regulatory Zone, Special Area 1, and to amend Article 220.15 to add reference to an existing Tahoe Area Plan, Land Use Policy 2-9, which states “single family dwellings shall only be allowed in the Incline Village Commercial Regulatory Zone, when they are part of a mixed use development, or when they are affordable housing units”.

Ms. Weiche explained that in January of 2021, the Washoe Board of County Commissioners adopted the Master Plan amendment, incorporating the Tahoe Area Plan, and adopted an amendment to the Development Code, incorporating Article 220 Tahoe Area Plan, and Article 220.1 Tahoe Area Design Standards. In May of 2021, the TRPA Governing Board adopted the Washoe County Tahoe Area Plan and amendments as necessary to the TRPA Code of Ordinances. In late 2021, Washoe County received an application for a special use permit to develop a 40-unit multi-family project on two properties in the Incline Village Commercial Special Area 1 regulatory zone. It was later determined a special use permit was not required for multi-family dwellings in Special Area 1 of the Incline Village Commercial Regulatory Zone, as it was an allowed use outright.

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Subsequently, the applicant submitted a tentative map to subdivide the proposed multi-family dwelling project into single-family dwellings, as condominiums. It was at this time that both TRPA and County staff discovered that single-family dwellings, even limited as condominiums, were not an allowed use in the Special Area 1, even though it is allowed in the broader regulatory zone of the Incline Village Commercial Zone. As a result, in July 2022, the same applicant submitted a development Code Amendment Application to the County (WDCA22-0002) to add single family dwellings, limited to condominiums, as an allowable use in the Incline Village Commercial Special Area 1 regulatory zone.

For the County, the requested amendment only impacts the development code, as the County adopted Appendix A: Development Code Standards of the Tahoe Area Plan, separately from the master plan into the Development Code. Since TRPA adopts the whole document as the Area Plan, the same request for TRPA purposes is for an Area Plan amendment.

In November of 2022, the Washoe County Planning Commission reviewed the proposed amendments to the County Code, Chapter 110, Development Code, and voted unanimously to recommend approval of the amendment to the Board of County Commissioners. In December 2022, the Board of County Commissioners introduced, and conducted a first reading for Bill 1888 and an Ordinance amending applicable sections of the Development Code. In January 2023, the Board of County Commissioners held a public hearing, conducted a second reading, and adopted Ordinance Number 1696, amending Washoe County Code Chapter 110, Article 220 Tahoe Area. Washoe County staff also presented the requested amendment as an informational item to the Regional Plan Implementation Committee on February 22, 2023. All of these meetings were open to the public, and were appropriately noticed.

Ms. Weiche added that the County did require that the applicant host a neighborhood or community meeting prior to any of these public hearings. A total of approximately 3,300 individual email recipients received the meeting invitation. There were 34 people in attendance. Public comment throughout the entirety of this process includes a mix of both support and opposition for the proposed amendment. Many of the comments have focused on the specific residential project, known as Nine 47 Tahoe.

Referring to the map on slide 6, Ms. Weiche said that Special Area 1 (outlined in red) is within the Incline Village Commercial Regulatory Zone. Special Area 1 parallels Tahoe Boulevard, and begins on the east side at Southwood Boulevard, and extends to the west boundary at 836 Tahoe Boulevard. It encompasses roughly one to 2 parcels deep, or adjacent from Tahoe Boulevard.

Ms. Weiche said that if the Area Plan amendment where to be approved, the text amendment would add single-family dwellings, limited to airspace condominiums, and when associated with an approved tentative subdivision map of multi-family, and limited to one unit per parcel - essentially saying no detached single-family structures. The second portion of the request would add reference to existing land use policy that is located in the master plan – Land Use 2-9 of the Tahoe Area Plan, clarifying that this policy will apply to all of Incline Village Commercial, including Special Area 1. And that states that single family dwellings will only be allowed in this regulatory zone when they are part of a mixed-use development, or when they are affordable housing units.

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Ms. Weiche handed over to the project applicant to provide additional information. Ms. Kara Thiel spoke on behalf of the Nine 47 project applicant. Ms. Thiel said that the developer was pretty deep into the process of getting the multi-family dwelling project approved, and submitting a subdivision map to the County to subdivide into single-family dwellings, when the County, TRPA, and the developer realized that single-family dwellings were not permissible in Special Area 1, which is kind of an anomaly. In most Community Plans and Area Plans throughout the Basin, if multi-family is allowed, subdividing into single-family dwellings is almost always permissible. It was a surprise to see that single-family dwellings as condominiums were not permissible in this area, so that is what initiated the proposed amendment.

Ms. Thiel said that in Tahoe, subdivisions are limited to airspace condominiums. So a project first has to be approved as a multi-family project, and then it could be subdivided into single-family dwellings. So the purpose of this amendment is to allow for that second step of subdividing an approved multi-family project into single-family dwelling airspace condominiums, and just to be clear, there is no difference between multi-family and single-family condominiums, except for the form of ownership. She added that when the project is approved as a multi-family dwelling, the environmental impacts are reviewed at that time, and upon finding that there will be no significant impact in this case, the project was approved. The next step of sub-dividing into single-family dwellings has no physical consequence.

Ms. Thiel said she encouraged the APC to recommend approval to the TRPA Governing Board, as the amendment will encourage redevelopment, and promote walkability and bikeability, which are all goals of the area plan amendment. Finally, Ms. Thiel said that the APC may hear some comments about what this amendment is likely to do, and wanted to point out that the amendment does not prohibit multi-family dwellings in Special Area 1 – that is still a permissible use. The amendment does not preclude workforce housing in Special Area 1, and it does not preclude commercial development in Special Area 1. It does not impact density, height, or any other development standard. Nor does it impact traffic, or generate environmental impacts. Finally it will not result in the proliferation of condominiums throughout Special Area 1, which you may hear from some people in opposition of the project.

<u>APC Comments/Questions</u>

Chair Ferry asked TRPA Legal Counsel Mr. John Marshall, if he could validate Ms. Thiel's comment that this is just a common step, and that in order to subdivide multi-family airspace condos into single-family, this step needs to occur. Mr. Marshall responded that there are two levels. One level is the project itself, and the other level is the zoning change. Mr. Marshall said that if there is a zoning change, then yes, it becomes a very simple process for a two-step subdivision. First, it's approved as a multi-family, then it's subdivided into airspace condo units. That assumes that the planning decision has already been made to allow that subdivision to occur.

Mr. Marshall added that this is a little different. This is whether or not to allow that to happen in this entire zone. So it's not just limited to this building. It's a zone change for the Special Area, and the question before the APC is, should this change be made in the zoning, to allow the second step of a two-step subdivision to happen? Mr. Marshall said that Ms. Thiel may be correct if you look at it from the aspect of this particular building, but the question for APC recommendation is a bit broader, and that's whether to allow this to occur within this zone. Mr.

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Ferry said he was thinking the same thing. He added that typically this zoning would have been allowed first, and the subdivision would have taken place secondarily.

Vice Chair Carr asked for the definition of an airspace condominium. Mr. Marshall responded that an airspace condominium is basically the unit in space. So if you have a condominium unit, instead of it being a land subdivision, it's a subdivision of the space that is occupied by the condominium unit. Ms. Carr asked if the condominium may be a building with multiple units within the building? Mr. Marshall clarified that you have a building, with individual condominiums in it, and the subdivision is going from the building as one multi-family lot/APN, to individual condos being owned separately and as separate Assessor Parcel Numbers (APNs). So they are the airspace unit within that one building, or multiple buildings. It allows for the sale and transfer of individual units within a larger building.

Referring to this particular project, Mr. Ferry asked if prior to this approval, when it was approved as a multi-family building, it would not have been separate APNs. Mr. Marshall said yes, it would be limited to the physical parcel/s on the ground, as opposed to the airspace above the ground.

Mr. Teshara said there are environmental analyses and documents in the packet, and said it seems that before we move to APC questions and public comment, it might be good to have the appropriate County or TRPA staff review those documents. He said he is particularly interested in the environmental checklist. He thinks that's an important part of the APC's decision today, and based on the public comments received, the public also has questions related to that.

Mr. Stock said that the purpose of the Area Plans in 2012, was to give greater local land use autonomy to the Counties and the City of South Lake Tahoe. So when TRPA reviews an IEC (Initial Environmental Checklist) or Conformance Checklist, they are reviewing strictly for conformance with the Regional Plan. The purpose is to give some autonomy to the local government, while maintaining compliance with the larger Regional Plan. Mr. Stock asked Mr. Teshara if there were any particular sections he was interested in.

Mr. Ferry asked Ms. Weiche if Washoe County had performed any environmental review outside of TRPA's Initial Environmental Checklist process. Ms. Weiche replied that the State of Nevada does not have any specific environmental review processes for something like this, other than consistency and performance with Washoe County plans and the master plan. So the review and environmental analysis was specific to the requirements of TRPA. She added that certain findings of the IEC were more pertinent to the request, such as land use, population, housing, and transportation, which were the areas of most substance for this particular request. Mr. Stock confirmed that the IEC was completed by Washoe County staff, and then submitted to TRPA. Mr. Stock reviewed and provided comments to Washoe County, who then provided a final draft.

Mr. Stock said that the most pertinent piece would be land use, which includes the questions: Does this include uses which are not listed as permissible uses in the application area plan, plan area statement, or adopted community or master plan. Mr. Stock said the answer there is yes - they're adding a new use to this zone. The second question is, does it expand or intensify an existing non-conforming use, and the answer there is no - this wouldn't apply to existing non-conforming condominium uses in the zone. The justification that the County gave for this

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section is highlighting the similarities between multi-family rental and ownership condos as uses. The County argued that adding this this additional use will allow another option to facilitate the type of walkable communities and town centers that the area plan is trying to accomplish. Mr. Stock said that when you look at it in combination with the activation of that policy around requiring mixed-use for condominium subdivisions, he thinks that is largely correct from a policy standpoint.

Ms. Stahler asked if there was a reason why the Tahoe Area Plan did not specifically include single-family and condominiums to begin with. Was that intentional, with reasons behind it, or was it simply an oversight? Mr. Eric Young, APC member and lead planner in the original area plan adoption, responded that the reasons that the original Washoe County Plan Area Statements were developed this way have been lost. He said that they committed to not changing what was there when they adopted the new master plan, and used status quo as much as possible. He said they needed to make some changes to come into conformance, and so forth, but in terms of allowed uses, when they looked across the landscape of Incline and Crystal Bay, it had been divided up into plan area statements, and many of those plan area statements had special areas. They tried really diligently to track down the meaning of those, how they were developed, why they were slightly different, why they weren't just included on their own. Unfortunately, that history and knowledge has been lost, and so they don't really know why Special Area 1 said no single-family. They do have some hypotheses, and he thinks the best hypotheses is that the concept of condominiums and condominium subdivisions was not as important 30 some years ago. It's possible that they were trying to literally prevent single-family houses, and the spread of single-family development as we would normally think of it, and not to limit condominium development. But nobody can say that for sure. He added that they have similar questions about some other special areas - why are they like this, why did they do that? They want to assume that it was a good idea and thought through, but unfortunately they just can't say what the original reasoning was.

Mr. Hitchcock offered some history on the original community plan. He said that when TRPA was adopting the original community plans for Incline Village, and others around the basin, the focus was really on concentrating commercial uses within town centers, and at that time, residential development within town centers wasn't really thought of. That's kind of a new land use trend over the last 10-15 years, where we're looking at promoting mixed-use projects, and walkable communities. But back in the early-mid eighties and early nineties, residential uses weren’t really a concept for inclusion in those community plan areas.

Mr. Hitchcock asked Ms. Weiche if in terms of the mixed-use definition, is it mixed-use with commercial, or is it any type of mixed-use? Ms. Weiche responded that both Washoe County and TRPA regulations do not specify or define what mixed-use is, nor does it direct what those uses can or should be. So they are fairly limited on what they can hold applicants or projects to at this time. However, that is a top priority for the county-initiated area plan amendment that Washoe plan to begin within the next couple of months. Working with TRPA, they intend to look at it from a regional approach, so that there's a regional standard of mixed-use. She added that this is a high priority for Washoe County, specifically in relation to the referenced project, not the area plan amendment.

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Mr. Hitchcock said that if TRPA is interested in looking at the definition of mixed-use from a regional perspective, he would encourage TRPA staff to reach out to local agencies in the process for shared understanding and agreement on the definition.

Ms. Chandler said the table refers to land use permit as either an A or an S. She asked for clarification on those designations. Mr. Stock responded that A is an allowed use, so that is a permit that's processed at the staff level. An S is a special use permit, so that's a permit that is more discretionary and would go before the Hearings Officer. Mr. Marshall added that for TRPA purposes, the key difference is whether or not there is a public hearing. So with allowed use, there is no public hearing, and for anything that's a special use, it has a public hearing that is noticed.

Ms. Weiche added that from the county perspective, and this is the complicated part of having, two jurisdictions, if indicated and asked for special use permit, the applicant would also have to obtain a special use permit from the county, and that would likely be heard by the Board of Adjustment. So there would be two permits required from both the county and TRPA.

Moving on to population, Mr. Stock said there are two questions in the population section of the IEC. The first asks whether the proposal will alter the location, distribution, density, or growth rate of the human population planned for the region. This one they felt was relatively easy. There is no change to the density or development standards in this proposal. There's also no change to the residential unit distribution system. So no impact was found there. The next question asked whether this would include a result in the temporary or permanent displacement of residents. The county argues that this proposal will result in more options for residential development, so that would actually increase the amount of residential development in Special Area 1.

Mr. Ferry asked a clarifying question on number 2. He said this is a little convoluted because we're talking about a zone change, but we're also talking about the immediate effect of this Nine 47 Tahoe Project. The question asks will the proposal decrease the amount of housing in the Tahoe region, historically or currently being rented at rates affordable by lower, or very low-income households. As he understands it, the project would have been multi-family rental units, and this zone change would allow single-family ownership, which could then be rented, but doesn't necessarily have to. To him, multi-family rental is geared more towards a lower, more affordable income type use, than a single-family ownership model. He asked how staff analyzed this question, and checked 'no' given that?

Mr. Stock replied that in the case of the Nine 47 Tahoe project, there are no existing multi-family units. So staff interpreted this question as referring to the displacement of existing residential units. He said the possibility of airspace subdivisions could result in the subdivision of other multi-family units, so that complicates it a little bit. Mr. Ferry asked if there are any existing multi-family rental units in Special Area 1. He said it could be a complicating factor if there was some incentive to remove that multi-family housing to subdivide into airspace condominiums for single unit ownership.

Mr. Young said these are really good questions, and questions that the County have had along the way. He said that we have to be very cautious about what we know and what we assume.

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It's easy to make assumptions about the difference between multi-family and condo ownership, and what the market segment they are targeted to will be, and what people will pay, and who will live there. But the data, science, and academic analysis is really not there. He said we have a great environmental analysis and so forth, but it's very difficult to do the socio-economic analysis of the real difference between these two. He has done some research on his own and the literature shows no consensus. He said it would be nice to have that data, but unfortunately, this is one of those cases where you can just trip and fall into making assumptions about what you think the impact might be, and we are not presented here with any of the data that's tells us that. Mr. Young acknowledged the idea that approving this may somehow cause a neighbor to pursue a similar idea, but he is not willing to use that stretch of logic to decide. He will base his vote on the actual data and knowledge that's presented.

Ms. Weiche said that County staff were not looking at this specific project as part of their analysis. Obviously, they know that the project is the impetus, however they are looking at the analysis Special Area 1 wide. She said she believes there may be some multi-family in the area, and if somebody wanted to do that on an existing development, or maybe develop a vacant parcel to do something similar, Policy Land Use 2-9 will require that it is either part of a mixed-use development (which as discussed needs some clarification), or they have to be affordable housing units. This is the only use that would have that requirement tied to it.

Ms. Simon said we have a parcel here that has been vacant for some time. It was a restaurant and parking lot before that, and if this is approved, we're talking about 40 dwellings, so that's quite an increase in population for that particular parcel. She added that she thinks there could be a conflict with some of the transportation studies, because it's one of the worst intersections in Incline Village, and when you add that many people, and cars, and dwellings whether it's single-family or multi-family, you do create a bottleneck. Ms. Simon said she is concerned that approving this amendment would set a precedent for development within the commercial zone, and the real issue is, is this far-reaching amendment really what's really best for this commercial zone? She said that the impact will be far beyond the two parcels in the proposal, and she is questioning why that is necessary, because it will then impact over 35 other parcels in the area.

Mr. Marshall advised that the project itself has already been approved. So the scope of the environmental analysis here is based on the zone change to go from multi-family to airspace condominiums, to allow that to happen. Therefore, APC members shouldn't take the impact associated with the Nine 47 multi-family building into account for this decision. With that said, they can take into account the reasonable, foreseeable impacts associated with moving from just single-family to allowing the two step subdivision, and whether or not that might have some impact on increased development beyond what would happen with just multi-family allowed. That is where you may want to focus your attention, not on the specifics of the already approved Nine 47 Tahoe project.

Ms. Simon asked for clarification on the amendment. Mr. Marshall said the amendment is not whether to allow multi-family, or not to allow multi-family; it's whether to allow single-family use as aerospace condominiums. The Nine 47 Tahoe project was already approved as a multi-family project. So it meets all requirements, was approved by the Governing Board, and can move forward as a multi-family project. The question before the APC is, do you want to change the applicable zoning to allow that multi-family unit to be subdivided into airspace condominiums? That would be the second step of how TRPA looks at the subdivision of existing

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structures, which is a topic in and of itself. So the IEC is prepared to look at the zone change. or the adding of this airspace single-family use, not whether or not you can build a multi-family building.

Mr. Ferry asked, given that the project has been approved, if the APC and the Governing Board approve this zone change, is there a subsequent action on that project approval that is required, or is that project allowed to just go forth with single-family ownership. Is there some technical or other approval of that project that will then be subsequently required. Mr. Marshall said yes, the project applicants would then have to get a subdivision permit from TRPA as the second step following any zoning change.

Mr. Ferry said that is a fairly routine process, if the zoning allows it. He asked if there were any other conditions on the project that would require it to be analyzed differently. Mr. Marshall said that in general the impacts of the building are analyzed at the approval of the multi-family dwelling stage. So at the second step, they're looking at just the impacts associated with the subdivision, not the presence of the building itself. So, for example, Ms. Simon's comments about increased traffic would be analyzed during the initial stage, unless there is something unique about the site that would cause additional impacts because you're going to an airspace condominium versus a high-end rental project.

Ms. Weiche said that Washoe County have not reviewed or approved the multi-family project. That is TRPA permit that is required. Because multi-family is an allowable use, the County would be reviewing the project at the building permit stage. If this was to be approved, and the applicant pursues a change to single-family condominiums, the tentative sub-division map would also be required by the County, and at that time the County will have an opportunity to also look at the impacts as just described. Additional traffic studies may be required, consistency with the area plan will be considered - all of that will occur as part of the tentative map process at the County, and conditions of approval would be appropriately applied.

Ms. Jacobsen expressed concerns about potential displacement, and how this amendment might affect existing multi-family uses in the zone. Placer County are currently working on some Tahoe Basin Area Plan amendments, and they have single-family allowed. Ms. Jacobsen said she recognizes switching an existing facility to condominiums can help to help finance a project, but Placer County are looking at putting some parameters around that. She asked if there could be additional caveats, perhaps limit to no single-family on ground floors, to protect ground floor commercial uses in the district. Also, perhaps requiring that a certain percentage of any mixed-use project be set aside as workforce, affordable, or achievable – to ensure it doesn't just become luxury units with short term rentals.

Mr. Ferry asked if there was any opportunity for modification to the table. He said that frankly, the mixed-use definition is fairly weak and ambiguous, and wondered if there is an opportunity to reevaluate that.

Mr. Hitchcock said that a lot of the opposition comments related to the potential loss of workforce housing/affordable units. He assumes that within the Area Plan there are other strategies and policies that encourage workforce housing and multi-family housing within the town center. Ms. Weiche affirmed, and said this area, along with five other regulatory zones are identified as preferred affordable housing areas. Right now, the Area Plan has some policies that

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encourage affordable housing, recognizing the need to develop workforce and affordable housing, especially in areas like town centers. However, the County also recognizes that there is a need to further implement and strategize how the Area Plan can be improved. The County is looking at this as a whole - across Washoe County there is a need for affordable housing. Specifically, in the Tahoe area of Washoe County, they are working with the Tahoe Prosperity Center on the Washoe Tahoe Housing Plan Action Roadmap, with policies and recommendations to be incorporated into the future amendment. But at this time, the County do not have any mandates, or inclusionary zoning. There is nothing that mandates that affordable housing has to happen anywhere in the Area Plan. It just states preferred affordable housing. Ms. Weiche repeated that this amendment does not take away the opportunity or option to have affordable housing in this special area.

Mr. Ferry asked if short-term rentals (STRs) would be allowed in the multi-family configuration as approved, versus an airspace single-family condominium development. Ms. Weiche responded that the County's STR Ordinance, which was approved around the same time that the area plan was adopted, does allow for one short-term rental per parcel. So when looking at a multi-family development, it is one parcel with many multi-family units. So in this project example, one of the 40 units could be short-term rented. Once subdivided, those are considered their own unique parcels, and short-term rental could be applied for each of those newly created parcels. There is nothing at this time that would prohibit that, although for this specific project it has been publicly stated, albeit it's not in the proposed amendment, that the developer plans to use CC&R's to restrict/prohibit the user of short term rentals. Ms. Weiche added that part of the effort with the Prosperity Center, is looking at some amendments to short term rental regulations as part of those recommendations.

Mr. Ferry said that Special Area 1 includes around 35 parcels that this zone change would affect. He asked how County staff had thought about analyzing the environmental impacts of going from potentially one STR per parcel, to up to 40 strs on this one parcel. Ms. Weiche said she cannot say whether staff were looking at every possible allowable use of those parcels. She said that one thing that could occur is that, rather than explicitly banning them in a regulatory zone, or prohibiting them for certain types of regulatory zones, STRs could be prohibited as a condition of approval of tentative maps. So it wouldn't necessarily be as a part of this amendment, it would be something that as part of the tentative map approval, future single-family condominiums would not be able to pursue a STR. Mr. Ferry summarized that it sounds like it was not considered in the environmental analysis, and that they would be relying on some potential future exclusion of STRs, which the APC would not have any control over.

Ms. Simon said it's her understanding that while the initial CC&Rs might permit or prohibit short-term rentals, the owners and association could change the CC&Rs. So whatever the developer envisions might be one circumstance, but over time that could change. Mr. Marshall confirmed her understanding was correct.

Mr. Teshara said he heard that a representative of the developer was in the room and suggested they may wish to address that under Public Comment. He said he knows the sensitivity around STRs throughout the Basin, and the developer may have an intent of what they want to do. He acknowledged that could be changed, but also heard Ms. Weiche's comments that the County may say there won't be any STRs in those types of developments in the future. He added that

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the APC have to consider what they know today, while he appreciates people thinking about other possibilities, they have a pretty narrow scope here.

Mr. Ferry agreed with Mr. Teshara's comments and said that what they have to go on today is that STRs would be allowed, so they cannot rely on any subsequent action that they have no control over.

Mr. Chuck Butler introduced himself as one of the co-developers of the Nine 47 Tahoe Project. He said their focus for this project has always been people who want to live there long term, and for the majority of the year. He said most of the reservations are people who have expressed opposition to having STRs, they don't want neighbors who are going to be transient, in and out, causing problems. The condo documents currently prohibit STRs. It is the developer's belief that the project would be compliant with the County. As to how they want to handle STR's, they believe that it should be owned and managed by the County with a cohesive strategy for the Basin in general.

Mr. Ferry asked if the developers plan to prohibit STRs in the CC&Rs. Mr. Butler said yes, in the draft documents currently being shared with prospective residents, there is a prohibition STRs. Mr. Ferry said that Mr. Butler's previous statement sounded a little counter to that when Mr. Butler said they plan to follow what Washoe County would allow. Mr. Butler clarified that within their condo documents, they prohibit the use of STRs, but ultimately they will be in compliance with whatever the County says. Mr. Ferry asked what if Washoe County says STRs will be allowed? Mr. Butler responded that their documents will say that STRs are not allowed, because that is what the residents of the community want.

Ms. Carr said, with all due respect to the developer, that she knows CC&Rs can be changed with a majority vote of the residents. She asked if the condo documents were similar in that regard. Mr. Butler said that if in 10 years from now, the property owners want to get together and modify the documents, that will be their decision as property owners. They will be bound by all the rules in existence at the County at that time. Mr. Teshara asked if that meant the original CC&Rs would be in place for at least 10 years before they could be modified? Mr. Butler said that was an illustrative example – he could have used 20 years or 5 years.

Moving on to the housing section of the IEC, Mr. Stock said the first question asked will the proposal decrease the amount of housing in the Tahoe region. The County said no, and TRPA staff agreed. Adding an additional residential use is not going to decrease the amount of housing if anything it will increase or have no effect on the amount of housing in the region.

The second question is, 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. So the county had two points to justify no on that question. The first point was the codification of Land Use Policy 2-9, which requires that single-family condominiums shall only be allowed in the zone if they are part of mixed-use or affordable housing units. So the County says that this is the codification of a policy that could have the effect of increasing the amount of affordable housing. Otherwise the County said that the proposed amendment does not impact a property owner's ability to develop affordable housing. TRPA's staff analysis of compliance found that was in conformance with the Regional Plan.

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Mr. Ferry asked for clarification on question 1 about the decrease in the amount of housing. He said they can't make assumptions, but a multi-family building will definitely house more people than single-family. Mr. Stock responded that the single-family housing would be limited to condominiums. As Mr. Marshall explained, you can only get condominium uses through a two-step subdivision. First the approval of multi-family, and then the subdivision of that multi-family into condominiums. Detached single-family housing is still prohibited in this zone.

Moving to transportation, Mr. Stock said that this case is looking strictly at the addition of the single-family condominium use to this zone. Washoe County the Institute of Transportation Engineers (ITE) Trip Generation Manual for their transportation analysis, which is pretty standard in an IEC. According to that analysis, single-family condominiums have a very similar, and even slightly trip generation than multi-family units, which are already allowed. So tiering off the previous environmental analysis, which included multifamily, this project would not have a significant impact on traffic.

Mr. Teshara said he believes they have had a good robust discussion, and appreciated that they were able to go through this in more detail before public comment, and before APC deliberation.

Public Comments & Questions

Mr. Tim Kane, owner of Integrity Properties in Incline Village, thanked the APC and TRPA for the work they have done. He has been a full-time resident for almost 11 years, and has been part of the Incline community since he was born. His parents have retired to Incline, and his siblings have all lived in Incline over the years.

Mr. Kane said he was here to voice strong support for this development. Being in Incline for so long, he has seen many businesses come and go on the lot - it has been vacant for many years, and is an eyesore. He said it is the start of the town center and the retail area. Mr. Kane said is friends with many business owners, whether business or restaurant or shop owners. He said they have very limited parking through that area for people to support our local businesses. Mr. Kane said they have all said for a long time that Incline Village needs beautification and ease of access, and a development like this would provide that. It would be within walking distance to all the shops, and they need that for their long-term success. He is in strong favor of it.

Ms. Rhonda Tyser said she has been an Incline Village resident for the past 38 years. She said the APC Committee Meeting Packet includes a detailed description from several Incline residents and a former lawyer, giving reasons why the proposed policy change to the Washoe Tahoe Area Plan should not be approved. She offered a summary to those pages by saying that doing so undermines the incentive for future developers to build truly affordable, achievable housing in any of the Special Area 1, or other commercial zones, The precedent will be set. She said this is not an assumption, this is a fact. She said that that those who do not want the policy change believe, based on past experience, that it will open the opportunity for more short-term rentals in expensive condos in Incline. Real estate investors can afford two to five million dollars, given their expected return on investment. She said 95% of the other buyers cannot. She said we all know that short term rentals take away from achievable, affordable housing, we all know that STRs have the best return on investment for absentee ownership, and we know that Washoe County allows unlimited STRs in Incline. We also know that CCRs can be changed.

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Ms. Tyser said that even if many of us, including herself, want to see a beautiful development at Nine 47 Tahoe Boulevard, they are against the Washoe Tahoe Area Plan amendment, because of its wide-ranging and long-term negative effects. She wanted to emphasize that a decision to change the area plan is not favored by most residents who actually understand the repercussions, and live and vote in Incline Village. She said that in December, the developer sent out a form letter and received 49 responses that he included in the January Washoe Commissioners meeting, but 31 of those 49 respondents did not live in Incline Village or Crystal Bay. In fact, of the 70 supporting letters he cited, which are in the APC Packet, more than half of the respondents live outside of Incline. So her question is, when will the voices of ordinary Incline residents, who live in the village, be given priority in TRPA's decision-making?

Ms. Tyser said that Incline residents resist unregulated short-term rentals throughout their neighborhoods, which TRPA allowed in 2004. They resist increasing height, density, and coverage, which decreases the possibility of wildfire evacuation, and they resist changing the Washoe Area Plan in a way that will reduce the opportunity for future affordable, achievable housing.

Ms. Christina Hill asked “is this a mixed-use proposal? No, it's just condominiums”. She said it showed in Ms. Weiche’s presentation, that if you're changing the permissible uses to allow single-family dwelling, it doesn't differentiate between attached or detached. Ms. Hill said she is a long-time planner in the Basin, and worked at TRPA in 1981 when the Thresholds were drafted and adopted. She said that when you do a Regional Plan amendment, such as being proposed by this action, you have to make findings relative to the Thresholds. One of the Thresholds is land use, and a sub-element of that land use Threshold is housing. She said there are three goals in that sub-element. The first goal is for housing for workers employed in the region, like workforce, affordable housing. She said this is not that. She said goal number two reads that, affordable housing for moderate income is encouraged for residents of the region. She does not see that being discussed or that being an option with million-dollar condos. She said that goal number three is to remove barriers preventing affordable housing - using this vacant parcel for million-dollar condos would put up a barrier to affordable housing.

Ms. Hill said she does not see how anyone could logically make the finding that they are complying with the Thresholds, and she is offended by that. She said she was active in the original adoption of the Area Plan. She said Eric Young states that he doesn't remember what was decided, but she remembers that they decided to leave this multi-family so it would be for workforce housing apartments that people who live and work in our community could afford.

Ms. Hill said she strongly asks the Commission to vote no on this amendment. She thinks it's bad for the community, and it's horrible for Incline Village to allow more single-family dwellings.

Ms. Kathie Julian said she would like to support what the last two speakers have said, and that she sent comments by email today. She said she would urge the APC to reconsider this proposed code change, not because she does not think it is reasonable to have a nice development at the corner of Tahoe Boulevard and Northwood. She is not against that project per se, but she is against the extension of the code change to the other 30+ parcels in the commercial area. She said it will inevitably have an impact on the incentives to build affordable housing, and to even develop small business commercial establishments. Once you establish a precedent for building

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luxury condos at 2.5 to 5 million dollars, you will have investors coming in to do that. As people have mentioned, there is no guarantee that those won't end up as STRs, but that's really a side issue.

Ms. Julian said she is more concerned about having a Tahoe Area Plan that had been discussed and approved in 2021, which really did encourage workforce housing, affordable housing, and true mixed-use housing - this extension of the code change to those 30+ parcels outside this two-parcel area, will simply gut what was already discussed with the community back in 2020/2021, and there has not been those conversations to date. She said conversations on this have really focused on Nine 47 Tahoe, and that's not the point. She thinks many community members are concerned about the impact of this code change on the other 30+ parcels. She implored the APC to reconsider this, and to ask the County to go back and have broader consultations with the community on their vision for those other areas of Special Area 1. She said it should not be portrayed as a minority of residents who are somehow against Nine 47 Tahoe.

Ms. Kara Thiel, on behalf of the Nine 47 Tahoe developer said she wanted to respond to a couple of questions from APC members. She said there are approximately 46 parcels in Special Area 1. She said that 7 of those are vacant, and two of those 7 are publicly owned, and therefore not eligible for development. Three of the remaining five parcels are owned by the developer, who has no intention to do any further single-family dwelling or condo development. So that leaves two vacant parcels that could potentially be developed with multi-family and then subdivided into single-family. One of those is 0.3 acres of SEZ (Stream Environment Zone), and the remaining acreage is 1.2 acres. At most, another 20 or 30 single-family condominiums could be developed within all of Special Area 1. So the outcry that this could have far-reaching impacts, and that single-family dwelling condos would just proliferate throughout Special Area 1 is just unfounded.

Ms. Thiel said that they had originally proposed this Area Plan amendment just for the Nine 47 Tahoe parcels, but TRPA and County staff suggested that would be spot zoning, so let's do it to all of Special Area 1. To Mr. Ferry’s comments about existing development being subdivided into condos, Ms. Thiel said there is not one single multi-family development in Special Area 1. She said there is no residential development in Special Area 1, except for one or two units, one of which is above a gas station, and the other is part of another mixed-use. So they don't have residential development in Special Area 1. There have not been multi-family dwelling projects constructed in all of Incline Village in over 20 years, so to suggest that this amendment will hurt multi-family, or affordable, or workforce housing projects is also unfounded. This amendment doesn't prohibit any other property from doing workforce housing. Workforce housing is not going to be built on Nine 47 property, whether this amendment is approved or not. Finally, in regard to the Nine 47 CC&R, they do prohibit short-term rentals, and there is a provision that would require unanimous approval for that provision to be changed. Ms. Thiel submits that unanimous approval is almost impossible.

Ms. Helen Neff, Incline Village resident, said it is not her intention to hamper any needed development for the village or for any financial gains. She is not opposed to the Nine 47 Tahoe project, but she asks that a solution is found for two major issues. Before she addressed those issues she wanted to respond to two comments. The earlier referenced TRPA approval for this project was approval of a consent item, not a hearing, during the June Governing Board

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meeting. Also to the fact that there are only a limited number of vacant parcels, Ms. Neff said that there is nothing that prohibits a landowner from knocking down their aging commercial development in the town center to build a luxury condominium.

Ms. Neff said her first big issue is 'safe streets'. The east intersection of the Inline Village commercial zone is an F-rated intersection – dangerous to pedestrians, cyclists, and vehicles. Per the TRPA Threshold Standards and Regional Plan, amended in 2021, Section 4.1 says that level of service criteria should not be below C on a recreational or scenic road, and SR 28 is designated as a scenic road. Ms. Neff said she is pleading with TRPA to address the needs of the community for transportation safety, rather than just issuing a lengthy and very professionally produced report, and then not implementing and enforcing it. She said this 'simple to solve' transportation issue needs to be addressed before this code change. Ms. Neff said they will never have a pedestrian-friendly town center without safe streets.

Ms. Neff said her second issue pertains to the definition of mixed-use development. She said that at the November 1, 2022, Washoe County Planning Commission meeting (about 3.5 hours into the recording), the commissioners inquired about the definition of mixed-use, and County Planner, Ms. Weiche replied that the county has an interest in exploring this definition, and that it will be included in any proposed amendment to the code, and Ms. Neff said she has not seen it. She said that the project in question has a tiny percentage of footage, 925 square feet, located on the same level as below ground parking, to be designated as office, and thus the project is considered mixed-use. She asked the APC if 925 square feet of commercial space located in the basement of a project with over 100,000 square feet of residential space defined the project as mixed-use. Ms. Neff said she has reviewed the definitions of mixed-use development in the American Planning Association Publication of Planning and Urban Design Standards, and a basement office of 925 square feet does not fulfill the definition. Ms. Neff said she appreciates that the TRPA Governing Board has acknowledged that.

Mr. Royal Kuckhoff said he is a local businessman and homeowner. He arrived in Incline Village in 1970, attended school through high school, and raised three daughters there. He said he has seen many changes to the town over the years, some good, some bad, but Nine 47 Tahoe most definitely lands on the good side of the ledger. He expressed thanks for the environmental review of the Nine 47 Project and the development code amendment. He voiced his strong support for the amendment to move forward - Incline Village needs this investment to help the lake, economy.

Mr. Kuckhoff said that for too long, more than 20 years, this site has been dormant, stagnant. He grew up with the respective families on these two sites - the Parsons Family, Stanley's Restaurant, and the Parks Family, Chevron Gas Station. He said that environmental wins and investment benefits are upgraded stormwater management controls, reduced trip generation by 1,500 daily vehicle trips and vehicle miles travelled, reduced dependence on automobiles and parking demand. It has direct access to bike and walking trails, and 10-minute walks to everything in town, from the beaches to all of the local businesses. It implements the goals of the Tahoe Area Plan to concentrate development in the town center, and to create walkable communities.

Mr. Kuckhoff said the project is already approved for 40 rental apartments, but the amendment is needed to update the old development code to allow single-family dwellings and ownership.

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He said that for economy wins, the project will contribute 45 million dollars across two years to the local economy from annual taxes, jobs created, new economic activity, increased property values, and investment attraction. It will help to address the housing shortage by adding 40 new living units in the town center. He said that research shows that housing is needed at all income levels.

Mr. Kuckhoff said this is what is true. Dozens of people have taken time to send letters of support. He said he was able to come today, but many others could not due to job and family responsibilities. Yes, you'll also hear from a vocal group that seems to attend and protest everything for the town, but they do not represent. He hopes you will listen to those who are working to improve the community as they raise families and have full-time jobs.

Mr. Kuckhoff said that Randy Fleisher, the developer, lives in Incline Village, and is an active community member. He consistently supports their nonprofits and more. He is planning an affordable housing project in another location, and there are minimum properties available where there will be any negative impact. For all of these reasons and more, Mr. Kuckhoff voiced his strong support for the Nine 47 Tahoe Project and amendment to allow for a condominium form of ownership.

Ms. Ann Nichols said she has been here for here for 50 years, followed TRPA since the beginning, and this is one of the best APC meetings she has heard. She said she is against this project because of the overall zoning change. She said she is a vocal minority, but has been here as long as Mr. Kuckhoff. She said that suppressing valid criticism shouldn't be the go-to when the community has concerns. She has been a realtor, a California and Nevada broker, the whole time she has been here. She said you get more money when you have a deeded condo, than when you have multi-family - that's the reason they want to do this. This two-step process that TRPA endorses is a real problem, it's why they don't have more affordable and workforce housing.

Ms. Nichols said this does create a barrier in this whole section of town. There are duplexes and some units here, it's not the case to say there aren't. As far as the Prosperity Center, justifying all these things, a lot of us are very concerned. It's a self-anointed nonprofit that is now touting themselves as the agency for development - she has real concerns and would like to know more about their Envision Plan that was developed by a PR firm in Sacramento.

Mr. Vic Castello said he lives at 1700 Pine Cone Circle. This is his second winter here following retirement but, they have had a home here since 2009. They are permanent residents, and love Incline. They think that the Nine 47 Tahoe project is exactly what is needed on the Tahoe Boulevard corridor. The downtown needs a little “oomph”, and he thinks this could kickstart some other developments that would greatly enhance the downtown. Mr. Castello said that anything Mr. Randy Fleisher builds will be first class, and I think this might encourage other people to do the same. Mr. Castello said these types of investments are very risky. There are a lot of uncertainties. He knows people think that developing is just a money machine, but that's not quite how things work, there is a lot of risk, and for a developer to come in and propose such a first class project, is something that should be embraced. He and his family strongly support this project.

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Mr. Lawrence Wardowski said he was appearing on behalf of his company to support the plan amendment to allow the Nine 47 Project to be a condominium ownership development. He is the owner of a property management company that has been serving the village community for 43 years, providing commercial and residential property management and maintenance. They maintain and assist in the management of the three largest shopping centers in town, consequently he is in constant communication with the tenants of these centers. All of the tenants, except one, are locally owned small businesses. In addition, he sits on various committees within the Incline Village/Crystal Bay Business Association, including the newly formed Main Street Beautification Committee.

Mr. Wardowski said the feedback they receive most frequently from our small business tenants is the need for an increase in residents who have a stake in the community. When the tourist season ends, these businesses have only local residents to support their businesses. The Nine 47 Tahoe Project is the type of development that would serve the community. The parcels proposed have been vacant eyesores in the community for many years, as everyone knows. As previously stated, this developer has a future project in Special Area 1, that would include workforce housing, and Mr. Wardowski believes that this is precisely the kind of private sector leadership that the community needs. The project fits within the Tahoe Area Plan, it would bring another level of economic vitality into the community, it would increase population density in the town center. As previously said, it would reduce auto dependency, and upgrade storm management and erosion control provisions on these vacant parcels.

Mr. Wardowski said that in his experience, it has been a rare occasion for a community resident to invest the time and resources necessary to upgrade the community with sorely needed housing. When that occurs they are committed to assist that in any way they can. He has been an active member of the Incline Village community for 22 years, and he encourages the APC to recommend the proposed amendments. He added that his company will not take on a property when the interest is in short-term rentals. Lastly, he offered thanks to the APC for the work they do on behalf of the Lake and all of its communities.

Mr. Randy Fleischer said he wanted to thank the APC for all the great work they do for the Lake. As one of the co-developers of Nine 47 Tahoe, he wanted to state that when they were in the process of developing and designing Nine 47 Tahoe they did it with the view of the Tahoe Area Plan. They wanted to provide access to the walk and bike path, they wanted to clean the site and reduce the stormwater, they wanted to improve the area in the site. Mr. Fleisher said he is also working on another project in the area which will provide workforce housing.

In regard to Nine 47 and the Area Plan. He thinks that the Area Plan does not preclude workforce housing, it does not preclude multi-family. In their CC&Rs they will preclude short term rentals – there will be a requirement unanimous consent to all overturn the restrictions on short-term rentals.

Mr. Dale Smith said he wanted to speak in favor and ask the APC to recommend in favor of the item to amend the County Development code to allow airspace condominiums in Special Area 1 of the Incline Village Commercial Regulatory Zone. He is a 45-year resident of Incline Village, an Architect, and an office owner for 34 years. He was elected to three terms on the Board of Directors to the local fire district, a member of the Incline Village/Crystal Bay Business Association, and past president of the Tahoe Incline Rotary Club.

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Mr. Smith said he strongly supports amending the County Development Code to allow airspace condominiums in Special Area 1 - the Plan Area amendment is similar to other Tahoe Basin area plans, allowing multi-family dwellings alongside airspace condominium single-family. The amendment is consistent with the Washoe County Master Plan, and will allow for more desirable development of land within this regulatory zone, and will help the plan area deliver on its goal to concentrate development, identify town centers, and create walkable communities The amendment will allow the Nine 47 Project to move forward, and it is exactly the kind of development Incline Village needs at the gateway to its commercial core. The project will provide a positive economic benefit to the local economy, jumpstart redevelopment, and further creation of community. Mr. Smith urged the APC to approve this amendment to the Washoe County Development Code.

Mr. Butler, on behalf of himself and his partners, thanked the APC and TRPA staff. He said he wanted to go back to the issues raised. In regard to traffic, that was a really big issue for them upfront. They engaged with the community and talked to the Nevada Department of Transportation (NDOT). They want to ensure that is a safe intersection, and will do everything they can with the community and NDOT to do that. He pointed out that it will have the same impact as multi-family would, and will have less of an impact in terms of the previous uses which was a gas station in a restaurant, or if retail or commercial were developed there.

With regards to the STRs, Mr. Butler said they know it's a passionate issue. As you've heard a lot, it requires a 100% vote to overturn the initial CC&Rs and he hopes that speaks to their tone and goals. When someone calls and asks about that as their primary intent, we tell them that is not an option here and dissuade those types of people from looking at the project. For the longer-term impact in terms of what could happen, there are really only 7 parcels, five of which are privately owned, and three of which they own and control. That leaves a little over an acre. He hears the concerns of this widespread trend of things that could happen, but believes it’s really an unfounded concern. Within this area, there are really only two small parcels.

Mr. Butler said this amendment does not suppress affordable housing in any way. There has not been material development in this area in 20+ years. To truly encourage affordable housing you have to have a public/private partnership. You have to have funds available in order to supplement and offset the cost if you're really to do it. Incline Village has one of the highest costs to build in any place in the country. It's remote, all the subcontractors have to come in, you have snow load, the codes are extremely expensive to maintain – it’s expensive to build there. So in order to do that, you have to have funds set aside in a public/private partnership. Doing our project, or any of these other projects will have zero impact on the success of affordable housing, and they want to do affordable housing. They have taken the steps on a parcel they own to engage in discussions with a lot of people like St. John's Land Trust, and others who are trying to take this issue on. They have reached the conclusion that in order to do this, a public/private partnership with funding offset funding resources is needed. In order to do this you have to make the project look attractive, with incentive tax credits to finance the project. They have gone to their own cost of looking at this, and come to conclusion that modular is the only way to make it cost effective in this market. Mr. Butler concluded that it is a real issue, and they are putting their money where their mouth is.

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APC Member Questions, Comments & Deliberation

Ms. Simon directed a question to Mr. Marshall regarding the requirement for CC&Rs, where there has to be a 100% agreement to change the CC&Rs. She asked if that could be in conflict with Nevada law. Mr. Marshall said he does not know, but believes that is the choice of the developer. He could not say whether or not Nevada law precludes a 100%, but thinks he can say with confidence that it is up to the developer to set what those voting requirements are in the first place. He assumes that if they are including it, they have to have a pretty good reason.

Ms. Stahler said she appreciated the discussion and public comments. She was definitely of one mindset before the discussion, but has since changed her mind. To Mr. Marshall's point, Ms. Stahler said the question before them is an ordinance change to allow single-family residential airspace condos, as well as multi-family developments. Before the discussion, she was thinking that the environmental impacts of the ordinance change would be minimal - no increase in the number of units, no increase in density, and therefore no increase in traffic or other significant environmental impacts. But through the short-term rental conversation, she learned that this ordinance could potentially allow one short-term rental per airspace condo versus one STR per multi-family development within Special Area 1. While she has no issue with the project itself, and believes the project proponents have very thoughtfully addressed STRs under their own steam, she believes the APC are obligated to evaluate the potential environmental impacts and make a finding of no significant effect for the most intensive use allowed by Washoe County's proposed ordinance change. From what she has heard about the environmental checklist, and how it was put together, she does not think that has been completed. For that reason she will vote ‘no’ on these items. She does not think it's quite ready, and would encourage Washoe County to come back to the APC with a revised IEC that contemplates the maximum STRs that could be allowed within Special Area 1 as a result of the proposed code change.

Ms. Jacobson said she appreciated both sides of the dialogue presented. She agreed with Ms. Stahler, and understands that the subdividing of these units can be a tool to get the type of town center reinvestment that they look for in revitalization, but she is not prepared to move this forward to the Governing Board today. She thinks it needs more thought, and would like to see some consideration of parameters that would safeguard workforce housing and commercial space on the ground floor.

Mr. Teshara said he appreciates the thoughtful comments from Ms. Stahler and Ms. Jacobson. He said he is familiar with this property, and it's been a blight in the community for a long time. Much of his work is with businesses in the Basin, and he is very sensitive to the business community because he knows how much the businesses need people and activity in the downtown area. He said that the principal barrier to affordable housing is zoning to some extent, but subsidies are necessary. He is glad to hear that Mr. Fleischer and his associates are looking at partnerships to build affordable workforce housing in the Incline Village area, where the study shows it is seriously needed, as it is in most of our communities.

However, he believes the APC has a narrow band before them. He appreciates that there is concern about the STRs, but believes that Washoe County Board of Commissioners and staff will do everything they can to ensure there is no proliferation of STRs in the Incline Village area. Certainly the community has expressed that on many occasions. Mr. Teshara said that he is concerned about an overreach of what is being presented today. As the Chairman pointed out,

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the APC has a narrow scope, He is prepared to support the motions to move this on to the Governing board, with the understanding that the Governing Board is looking at the definition of mixed-use, and may have additional information that they don't have today. Based on what they have in the record, and what's been heard in public testimony, he is prepared to support both motions.

Mr. Young said it may be rare to see both sides having such valid input, and to be in a position of trying to really understand the scope of the decision, and the context of what both sides are saying. He will support this, and one of his reasons, perhaps ironically, is what's happening with the Prosperity Center – the value of it, and the dedication of the people involved. It is not a minority of activists; it is a large and growing group of community members who have very valid concerns and have decided it's time for them to do something about it. He would encourage everybody in Incline Village to learn more about what they're doing, more about the housing study that they produced, and how they intend to go about implementing it. For the first time, he has an enormous amount of confidence, and where the County and the community is going to be able to go with some affordable housing and workforce housing progress. It has been a difficult barrier forever in Incline Village, and the ongoing effort at the Prosperity Center is the most serious, comprehensive, and dedicated effort that has occurred to date.

Mr. Young said he believes it will pay off, in a much more comprehensive analysis and review of how to look at the entire area. His view, and Washoe County's view, is that this amendment - even if it did require workforce or affordable housing – is that it is not what the community needs. It's not the solution to the housing issue in Incline Village. He said a 'no' vote against this is not a vote for eventual multi-family housing, or for eventual workforce housing, it is a vote for an empty parcel. He said that both sides have commented today – and they're both right. This investment in this area is likely to do some very positive things. The environmental redevelopment alone is exactly what they are trying to achieve. He said those positives are worth moving forward on, and he believes its worth being positive and supportive of what the Prosperity Center is trying to accomplish in their more comprehensive and widespread efforts to tackle the issue in Incline Village. He does not see a 'yes' vote as a barrier to affordable or workforce housing. He sees them as two separate things that are getting them conflated. He said that as they sit here today, it is an extreme assumption that all of these will become STRs, and even if they did, they don't have any scientific data to show how that would impact things differently. He recognizes the problem and respects where people are coming from but does not believe he can base his vote on an amorphous potential of what might happen with STRs. He will support the vote to move forward.

Ms. Simon said she does not think she can support the motion, but thanked Mr. Young for his analysis. She does track the Prosperity Center and they have done some good analytical work, but it has not resulted in any increase in workforce housing to date. She thinks the 947 Tahoe Project would stand on its merits, but the proposal before the APC today is much more far reaching than she is able to go at this time.

Mr. Drake said this is a very difficult decision for him. He owns a business in Incline Village, he is very knowledgeable of the site, and has talked to a lot of people on both sides of the issue. He knows they are not evaluating this project today. It is not his ideal project for the parcel, but believes it has more potentially positive aspects than negative. When he zooms out, and considers if it sets a precedent for 'condo-izing' multi-family properties, and thereby potentially

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disincentivizing employee, affordable, or achievable housing, yes, potentially. But the proposed code amendment before APC today is only about Special Area 1, where there are very few properties that could actually become condos. So the risk is very limited. He agrees with Ms. Ann Nichols that the currently allowed two step process for 'condo-izing' is a problem that should be addressed, but they cannot fault this proposed amendment because that is currently allowed. This lot has been vacant for a very long time, and vacant lots on our main streets do no good. At the end of the day, building any sort of higher density residential, whether it's truly mixed-use or condos near our town centers is a good thing.

He is not terribly concerned about the STR potential in the future. It is certainly there, but he thinks that all can agree that STRs really belong concentrated near town centers, and not in residential neighborhoods, so to him that's not a big of a concern. All that being said, he is leaning towards supporting this today, and strongly encourages Washoe County to go back and take a hard look at the definition of mixed-use in the Tahoe Area Community Plan, as well as taking a hard look at what incentives and structures are in place to encourage affordable, achievable housing. Mr. Drake said he knows that this project proponent is looking at some lots, has a project moving forward, and is looking for more support. He said this is not a perfect project, and if he could wave a magic wand he would wish they were making an amendment to the code to enable it, but he thinks it's the right decision today.

Ms. Moroles O-Neil said it was very interesting to hear both sides. When she read the packet, she knew which way she would go. She really empathized with both sides, but deferred what is in front of them today. As a planner, the hardest thing is to not project into the future, especially in regard to STRs. But when she looks at what is presented today, she is in support of this item. It's a difficult one for sure, and she empathizes with all the things that have been brought up today. It definitely made it a harder decision for her.

Mr. Ferry said he wanted to speak to a concern brought up by Ms. Hill in public comment. Since the first motion requires APC to approve the required findings as described in Attachment D, he has some concerns about the Chapter 4 Findings - Finding number one, that the proposed plan area amendment is consistent with and will not adversely affect implementation of the regional plan, including all applicable goals, policies, etc. Ms. Hill read out the land use Regional Plan goals, focused around affordable, moderate housing, etc. He asked if staff could speak to how their analysis is affirmative that the proposed amendments to the area plan, not focused on the project, are consistent with all the Regional Plan goals, knowing that there is an extreme focus on affordable, and moderately affordable housing in the Basin.

Mr. Stock said he would also like to review in light of the comments, but said that when TRPA staff are reviewing IEC conformance documents and findings that are submitted by an applicant, they have a narrow mandate to look at compliance with the Regional Plan. In the case of the IEC and Conformance Checklists, there are limited enforcement mechanisms that they have for affordable housing. So he would like to go back and review the findings, but they are relatively limited in what is enforceable in making findings of conformance or non-conformance. Mr. Ferry asked if even though they may have goals and policies, maybe the implementation of those has a pretty narrow enforceability. Mr. Stock agreed.

Mr. Marshall asked Ms. Weiche to respond and add some context. Ms. Weiche reiterated that the proposed amendment would add one additional use, and not take away any ability for

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affordable housing. From the position of Washoe County this is not taking away the option of developing affordable housing, it's just providing another option for a different type of residential use in Special Area 1. Mr. Marshall said he would not argue for a particular finding, but the way in which those findings are presented to you is whether or not this particular code amendment achieves and maintains thresholds, and whether or not it's consistent with the Regional Plan policies. They need to have substantial evidence, in the record, that they believe supports the findings. For example, they can have a legitimate disagreement on whether or not there's evidence in the record to support a plan amendment that will allow Condo use that allows more STRs, than if it was just multi-family.

The question they must ask is whether or not that issue precludes them from making a finding that it's consistent with, for example, policies to encourage affordable housing. Is there something about adding the gloss over this Special Area that you can subdivide into airspace - does that have an effect that would be inconsistent with encouraging affordable housing? He also highlighted that the policy would only apply to vacant lots. There are very few vacant lots, therefore, the reach of this policy is not particularly wide. As he understands it, it applies to all lots. So if there were a tear down & rebuild, or similar, it could move through the two-step subdivision process that would be allowed by this. So it's broader than just the vacant parcels, but you still have to be able to justify the findings that there is something that would either not interfere with, or actively discourage affordable housing. You need to look at the record, and affirmatively make these findings, and if the record is not there to support it, in your opinion, then that would support a 'no' vote. If the record is there to support it, as I think you've heard both sides are articulate, then you can also make the findings to add this policy to the Special Plan area.

Mr. Ferry thanked Mr. Marshall for his clarification and said he was struggling to make the finding allowing subdivision to single-family for 46 parcels, even knowing that two of those are publicly owned. Making this amendment does not support affordable housing goals and other Regional Plan housing goals.

Ms. Stahler said she shared the same struggles. For her it has not been demonstrated that even impacts to traffic and transportation have been fully evaluated with the notion that each airspace condo could potentially be converted to an STR within the Special Area 1 plan.

Mr. Teshara said that he would be prepared to make the first motion and the vote will fall where it may. But otherwise they're getting into a circular discussion. Mr. Ferry agreed that they need to make a decision - they could either postpone the vote and ask for more information, or could proceed with the vote and see where it falls.

Ms. Chandler said she was thinking outside the box, because it really seems that the whole conversation is based on one project, which is two parcels in Special Area 1. It seems to her that in the past they have been able to take parcels and reassign them to other areas where they might be more appropriate. Looking at the map, the two parcels are at the intersection of Southwood and Tahoe Boulevard. It seems that they could very easily be incorporated into the Incline Village Commercial, or the Incline Village residential, which would maybe have different specifications of zoning requirements, and therefore maybe you don't have to change the zoning for all of Special Area 1 for that one particular project. Mr. Stock said that idea was proposed early on in the process, and discussions with TRPA and Washoe County determined it

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would be considered spot zoning - changing the zone of specific parcels for for an intended use without changing a further zone, which is considered illegal in some cases.

Mr. Marshall said that while he did not have the map to hand, maybe Ms. Chandler was asking if it was possible to make a map change that would bring it into another Plan Area Statement or zone that would allow single-family zoning. He added that there may be density allowances in its current town center location that allow it to go to 40 units, and if it was moved it that may be lost. So there's other consequences associated with that. If it's on a boundary, shifting it from one boundary to another might solve the larger concern about changing the zoning for Special Area 1, but there may be other impacts associated to the particular project.

Mr. Teshara said he would make a motion with the understanding that they don't know how the vote will come, but what they do need is some clear direction from the APC, either to staff or to the Governing Board. But he finds nothing about keeping these parcels blighted that is consistent with the Regional Plan.

Mr. Teshara made a motion to recommend approval of the required findings, as described in Attachment D, including a finding of no significant effect, for adoption of the Area Plan amendment as described in the Staff Report and the subject of discussion today

Ms. Chandler seconded the motion.

Ayes: Mr. Drake, Ms. Ferris, Mr. Hitchcock, Ms. Moroles-O'Neil, Mr. Teshara, Mr. Young,

Nayes: Ms. Jacobsen, Ms. Simon, Ms. Stahler, Mr. Ferry

Abstain: Ms. Chandler, Mr. Letton

Absent: Mr. Alling, Ms. Carr, Mr. Drew, Mr. Hill, Mr. Guevin, Mr. Smokey

Motion Failed.

Mr. Ferry said he was trying to stay in his lane as an APC member. As much as he thinks it is bad policy to adjust zoning after a project is proposed, he is not making a no vote based on that. He is really struggling with the findings in Chapter 4 for the Regional Plan affordable housing goals, and agrees with Miss Stahler's analysis of STRs and traffic impacts that this opens up to all of Special Area 1.

Mr. Teshara and Mr. Ferry said that the given the failure of the first motion, they would not proceed with the second motion. Mr. Ferry said they would provide staff with constructive feedback on how this project to amend the area plan could come back to APC, and be successful. Mr. Ferry said he has voiced his points of weakness, and asked other no voters to elaborate. Ms. Jacobsen said she would like to see some parameters, for example if a certain percentage of the single-family condos where deed restricted for workforce housing, it would also play into the STR piece by limiting the number that could be used for STRs. She would ask staff and the County to look at further defining what the mixed-use piece looks like. She

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understands this is really being proposed for a project, but it is a change to the entire district. It may not be a lot of sites, but she believes there should be more consideration around what makes the most sense for the district and for the community as a whole. She is not opposed to making a change to encourage that kind of revitalization to happen, she just thinks it needs a little bit more work.

Ms. Stahler suggested that staff and the County take another crack at completing the Initial Environmental Checklist, but with the viewpoint of evaluating potential environmental impacts from the perspective of allowing one STR per APN, as is consistent with Washoe County's current rules.

Mr. Hitchcock encouraged staff and the County to take a look at the mixed-use definition. Maybe take a harder look at requiring ground floor retail, only residential above the commercial space, or requiring a certain gross floor area be dedicated to commercial space.

Building on Mr. Hitchcock's point, Mr. Teshara said they have heard that the definition of mixed-use came up at RPIC, and is planned for Governing Board discussion. He asked staff about the timing of this discussion, and when there might be a resolution on the issue. Mr. Teshara said he appreciated all the points of view expressed today, and that this development team has invested a lot of money into this project. They shouldn't have to wait for an extended period of time to get answers. Mr. Stock said staff do not currently have a timeline for the regional level discussion. He said that will require working with all of the local governments and working with a stakeholder group. He believes it is something that could be addressed more expeditiously through the Tahoe Area Plan, at least for the purposes of this project. Mr. Teshara said he appreciated the candor, and encouraged Ms. Weiche and the County to think about that in the Washoe County context.

Mr. Marshall summarized that the APC have made a recommendation on the first motion. In coordination with Washoe County, TRPA staff will determine the best course forward. It may be taken to the Governing Board as is, with the APC failure to make recommendation, or Washoe County may want to make some policy amendments. Mr. Ferry asked for clarification that even though the APC failed to pass motion one, this item could still go to the Governing Board and be approved. Mr. Marshall confirmed that was correct.

Ms. Weiche asked, so there isn't necessarily a recommendation of denial, there is just not a recommendation because the motion did not pass, and it will be up to the County on whether or not to proceed to the Governing Board with no recommendation? Mr. Marshall agreed with the first part of Ms. Weiche's comment, but not the second part. The motion was to get a recommendation to approve, and that failed. Mr. Marshall said that if they were to move forward to the Governing Board, the distribution of votes would be included in the staff report. Mr. Teshara pointed out that that they did not get to the approval motion, it was only the approval of the findings, that is an important distinction.

Ms. Simon said that this is a blighted area and would be improved by the 947 Tahoe project. But it could also be improved by making it an open space, or a park.

Due to time considerations, Mr. Ferry proposed that informational agenda items V.B. and V.C. be continued.

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VI. REPORTS

A. Executive Director

TRPA Deputy Director and Chief Partnerships Officer, Ms. Chevallier said that TRPA have just released the 2022 Annual Report, which includes many of the accomplishments since the 2012 Regional Plan update, along with accomplishments for the past year. Ms. Chevallier's EIP Briefing presentation (now continued to a future meeting) was going to cover a lot of the Environmental Improvement accomplishments over the last year, particularly the work that the partnership is doing around the prioritization of projects for Lake Tahoe Restoration Act funding. They are in the process of submitting the request for FY 2024 to the congressional delegation on March 15, 2023. She said they are really excited about new legislation introduced last week, to extend the Lake Tahoe Restoration Act to 2034.

B. General Counsel

Mr. Marshall said TRPA recently received a positive opinion from the District Court in a non-littoral buoy litigation, that essentially said that a grandfathering letter is not adequate to establish both pre-1972, and governmental approval.

C. APC Member Reports

Mr. Hitchcock said the City had issued a press release, urging residents to take the threat of roof collapse seriously, and to prepare for the pending storm. Sandbags are available behind Fire Station Number 3, which is accessible from James Avenue. The City Manager also issued a local emergency proclamation for the City of South Lake Tahoe, due to the pending severe winter storm.

Miss Jacobsen said Placer County have also issued an emergency proclamation. They are dealing with heavy impacts of the storm in the foothills and an avalanche in Tahoe. Information on the storm situation and the resources can be found on the Ready Placer website page.
In reference to the Tahoe Basin Area Plan amendments that Placer County has been working on, Ms. Jacobsen said that a workshop scheduled for tomorrow night, has been rescheduled to March 23, 2024 at the North Tahoe Event Center in King's Beach from 5:00 to 7:00 p.m.

Mr. Young thanked everyone for a great discussion, he really appreciated the sincere engagement. He especially liked the discussion on findings. It's so important to focus on finding, the housing findings in particular do seem maybe a little subjective. He watched people look at exactly the same thing and see two different things, and that's perfectly legitimate. But it's not helpful to us as a commission, so he would love to see a future agenda item where they can talk about the housing findings in particular, to maybe make them a little bit less subjective for all.

Mr. Ferry said the El Dorado County Board had also declared a declaration of emergency. A lot of people are really struggling and scared out there. Roof collapses are a very serious issue, and flood concerns are coming.

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Mr. Ferry added that the El Dorado County CAO Donna Ashton retired on March 3, 2023. The new interim CAO is Tiffany Schmidt.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Mr. Alling moved to adjourn.

Chair Ferry adjourned the meeting at 12:53 p.m.

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review

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TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: April 5, 2023

To: Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendments to the "Achievable" deed restriction category definition, including changes to Sections 52.3.4 and 90.2; proposed amendment to Section 34.3.3 regarding driveways for accessory dwelling units.

Summary and Staff Recommendation:
Staff requests a recommendation for approval on proposed code amendments to the "Achievable" deed restriction category definition, including changes to Sections 52.3.4 and 90.2, and an amendment to Section 34.3.3 regarding driveways for accessory dwelling units.

Required Motions:
To approve the recommendation, the Advisory Planning Commission should make the following motion, based on the staff report:

1) A motion to recommend adoption of the required findings (Attachment E), including a finding of no significant effect, for the adoption of Amendments to the TRPA Code of Ordinances related to: 1) the "achievable" deed restriction category definition, including changes to Sections 52.3.4 and 90.2, and 2) driveways for accessory dwelling units, including changes to Section 34.3.3 as described in this staff report.

2) A motion to recommend adoption of Ordinance 23-__ (Attachment A) amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 34, 52, and 90.

In order for the motion(s) to pass, an affirmative vote of the majority of the quorum is required.

Background
Since 1987, TRPA has incentivized development of affordable and multi-family housing through its "Bonus Unit Incentive Pool." As pressure on the housing market has intensified in recent years, the shortage of available housing has shifted from a shortage of housing for the lowest-income residents to a shortage of housing for residents, including working households, across all income brackets. Over time, TRPA has adapted both its growth management system and its "Bonus Unit Incentive Pool" to keep up with these changing needs.

Bonus Units
In the 1987 Regional Plan, TRPA recognized that there was a critical need for affordable housing, and that special development rights for deed-restricted affordable and non-deed-restricted multi-family

housing should be created. Thus, in 1987 TRPA established the "Bonus Unit Incentive Pool." The Bonus Unit Incentive Pool comprised 1400 potential residential units of use and could be used for deed-restricted affordable housing or non-deed-restricted multi-family housing that provided additional environmental benefits. It could also be used to incentivize transfers out of sensitive areas. In 2004 the TRPA added deed-restricted "moderate" income housing to the Bonus Pool uses, and in 2018, added deed-restricted "achievable."

The Creation of the "Achievable" Bonus Unit Category in 2018
In 2018, TRPA created the "achievable" [1] income category as part of its Development Rights Strategic Initiative. The achievable category was meant to provide housing for the "missing middle," those households whose incomes exceeded the "affordable" (<80 percent of Area Median Income (AMI)) and "moderate" income (<120 percent AMI) categories, but who were priced out of the ownership housing market. "Achievable" income limits were set at the income level needed to afford the median-priced home. Since the median home price varies by county, the "achievable" income limits vary. Currently they vary from a low of 125 percent of AMI in the El Dorado County portion of the Tahoe Region, to a high of 230 percent of AMI in Washoe County for multi-family achievable. As home prices rise, so does the income cap for the "achievable" category.

Discussion
Utilization of "achievable" bonus units is ramping up (TRPA has issued permits for 30 achievable units to date). In past meetings the Tahoe Living Working Group has discussed needed amendments to the "achievable" housing definition to ensure that this housing is primarily occupied by local workers or by those below a certain income level. The existing wording of the achievable definition allows remote workers to be eligible for deed-restricted achievable housing, and members of the Working Group and the public have identified that housing remote workers is not aligned with the intent of the achievable program.

Proposed Updates to the "Achievable" Definition and Other Minor Code Updates
Summary of proposed changes to the Achievable Housing Definition and Deed-Restriction Compliance Program:

- Update "achievable" definition to limit the achievable category to include single or multi-family residential development to be used exclusively as a primary residence by a household that meets one or more of the following criteria:

    1. Has a household income not in excess of 120 percent of the respective county's area median income (AMI) area median income (AMI) (moderate income households and below); or

    2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District. Full-time equivalency may be confirmed by employer; or

[1] The definition of "achievable" was based on the "Achievable Local Housing Policy Brief," released by the Tahoe Truckee Community Foundation's Mountain Housing Council, February 20, 2018, available at: https://www.mountainhousingcouncil.org/achievable-local-housing/.

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

- Update compliance requirements in the deed-restriction template to alert homeowner that TRPA may conduct an audit whereby owners of deed-restricted properties will be required to furnish documentation that the unit is being utilized in accordance with the deed-restriction.

The achievable definition would maintain provisions that the unit cannot be used as a second home or short-term rental. It would also include a notation that TRPA can set asset limits for those purchasing the home, and that for ADUs the employment requirement may be waived when the unit is permanently occupied by a family member of the owner of the primary dwelling.

The code amendment package would also include minor code updates. Currently the only minor code update proposed is to allow a separate driveway for an ADU.

See Attachment A for proposed amendments to the Code of Ordinances in "track changes."

Committee Recommendations

TRPA's Local Government and Housing Committee considered the proposed changes to the "achievable" definition in May of 2022 and recommended advancing them to the full Governing Board for consideration. The Regional Plan Implementation Committee (RPIC) made a recommendation for approval to the Governing Board on March 22, 2023 for both the "achievable" definition and ADU driveway updates. The RPIC also noted that increases to the penalties for violations of the deed-restriction and funding for enforcement should be included with the next large housing incentive amendment package to come forward.

Next Steps

After incorporating input received from the Advisory Planning Commission, TRPA will bring these proposed code amendments forward to the Governing Board for consideration in April 2023.

Contact Information:

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

Attachments:

Attachment A: Ordinance 23-__ with Proposed Code Amendments (in track changes)
Attachment B: Employment Area for Achievable definition – Greater Tahoe-Truckee area
Attachment C: Affordable, Moderate and Achievable Deed Restriction template and Compliance Form in track changes
Attachment D: Public comment received
Attachment E: Findings and Finding of No Significant Effect
Attachment F: Initial Environmental Checklist and Threshold Indicators
Attachment G: Compliance Measures

Attachment A

Ordinance 23-__ with Proposed Code Amendments (in track changes)

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2023-___

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

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 2023-__, An Ordinance to modify the "achievable" deed restriction category definition to require a local employment component, including changes to Sections 52.3.4 and 90.2; and to allow a second driveway for accessory dwelling units, including changes to Section 34.3.3.

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 Exhibit 1

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:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

Exhibit 1 – "Achievable" Code Amendments and Minor Code Amendments – draft code changes

Item #1 - Clarification of the Achievable Housing Definition and updates to the Deed-Restriction Compliance Program

Code of Ordinances

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 52.3.4.A-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 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~~deed-restriction type 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 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 a~~n~~ ~~income~~ qualified renter if no longer the occupant, or sell the unit only to a~~n income~~ qualified buyer as defined in Section 90.2 of the Code of Ordinances.

F. A renter household which has had an increase in income or change in circumstances such that they no longer meet the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.

~~F~~G. The 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 dwellings are an allowed or special use.

90.2. OTHER TERMS DEFINED

Achievable Housing
Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household~~with an~~ income not in~~s~~ excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below); or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District. Full-time equivalency may be confirmed by employer; or

~~n household achievable area median income (AMI) percentage, using the following methodology:~~

~~1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.~~

~~2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.~~

~~3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.~~

~~4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.~~

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

~~**Example:**~~

- ~~Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed~~

~~Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage~~

- ~~El Dorado Median Multi-family home price of $330,000 / 3.79 = $87,071 Annual Income Needed~~

~~87,071 Annual Income Needed / $65,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit~~

~~This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA.~~ Achievable housing units shall meet the criteria and restrictions in accordance with~~to~~ Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before [the date this code amendment goes into effect] may utilize this definition or the definition of "achievable" in effect from December 20, 2018 to [the date this code amendment goes into effect].

Item #2 – Number of Driveways for ADUs

34.3.3. Numbers of Driveways

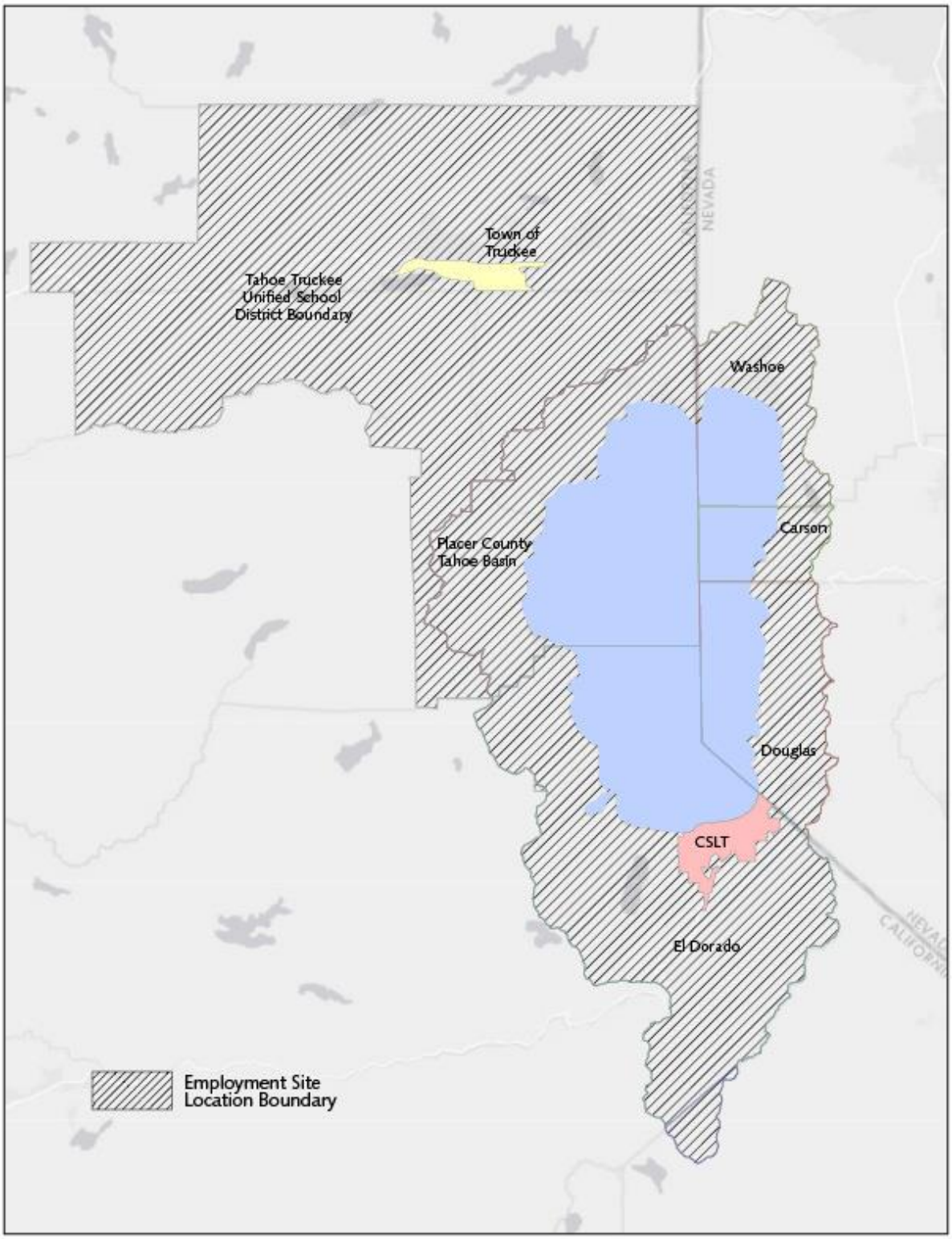
Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road, except as provided for in subparagraph A, below. Additional or transferred development that generates more than 1,300 vehicle miles travelled shall conform to the ingress/egress provisions necessary to mitigate all transportation and air quality impacts under subsection 65.2.4.

A. ~~A.~~ One accessory dwelling unit may be served by a separate driveway only when doing so would result in less environmental disturbance than a single driveway (e.g. sensitive land disturbance, land coverage, tree removal, grading, etc.).

Attachment B

Employment Area for Achievable definition – Greater Tahoe-Truckee area

Attachment B - Map of Proposed Boundary for Employment Location Eligibility



Attachment C

Affordable, Moderate and Achievable Deed Restriction template and Compliance Form in track changes

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Attn:
P.O. Box 5310
Stateline, NV 89449

TRPA File No. _____

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ACHIEVABLE AREA MEDIAN INCOME HOUSING ("DEED RESTRICTION")
RECITALS

A. Declarants are the owners of that certain real property located at _____, _____ County, State of _____, commonly known as Assessor's Parcel No. _____, and more particularly described in the attached Exhibit A (the "Property").

The Grant Deed conveying the Property to Declarant was recorded on _____, as Document No. _____, in the _____ County Recorder's Office.

B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Tahoe Regional Planning Compact.

C. Declarants received approval from TRPA on _____ (TRPA File No. _____), to _____ (on that certain real property formerly known as Assessor's Parcel No. _____), subject to a special condition that _____ of the _____ residential units be deed restricted as Achievable ~~Area Median Income~~ housing units.

D. For purposes of this deed restriction Achievable ~~Area Median Income~~ Housing is defined as:

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household~~with an~~ income not in excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below) and, if purchasing the home, whose household assets do not exceed two times the annual household income for the respective AMI category and household size; the county's area median income will be determined according to the income limits published annually by the Department of Housing and Urban Development; or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe

region or Tahoe-Truckee Unified School District. Full-time equivalency may be confirmed by employer; or

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

Such housing shall be occupied, rented and sold to households that meet one or more of the above criteria, and shall be rented and sold at prices affordable to households who meet one or more of the above criteria. The employment requirement for occupants with incomes over 120 percent of AMI may be waived for accessory dwelling units when the unit is occupied by a family member.

E. **Household Assets.** Household Assets include the sum of all real and personal property, money, and other items of value owned or controlled by all persons in the household at the time of initial purchase of a unit, including stocks, bonds, precious metals, rare collectibles and bank accounts, but not including clothing, furniture and household appliances. Certain other assets are exempt, including retirement accounts, health savings and college savings accounts.

F. **Primary Residence.** Primary Residence shall mean the occupation and use of a residence as the primary residence, which shall be determined by TRPA taking into account the following circumstances:

i. Voter Registration.

ii. Stated address on Nevada or California Driver's License or Identification Card;

iii. Stated address on motor vehicle registration;

iv. Stated residence for income and tax purposes;

v. Such other circumstances as well as such processes for verification and investigation deemed appropriate by TRPA in determining the applicant is continuously occupying and using the residence as a primary residence; and

vi. Primary residence status may be maintained if circumstances that are unforeseen or beyond the control of the resident arise that requires the household to temporarily leave the residence for a period not to exceed six (6) months with the intent to return, and the residence is leased to another household that meets the "achievable housing" qualifications.

~~achievable area median income (AMI) percentage, using the following methodology:~~

~~1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.~~

~~2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.~~

~~3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.~~

~~4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.~~

~~**Please note that the AMI percentages will be rounded to increments of 5%, so the percentages generated using the above methodology may differ slightly from those reported TRPA documentation.~~

DECLARATION

1. Declarants hereby declare that, for the purpose of partially satisfying TRPA's (DATE)_____ conditions of approval, the (#)_____ residential unit(s) on the Property shall be permanently restricted to Achievable ~~Area Median Income~~ Housing and shall not be used as a second home or a vacation rental.

2. The restrictions associated with the Property shall be disclosed to the buyer at the time of sale of the Property, through a Real Estate Disclosure form, a copy of which shall also be filed with the Tahoe Regional Planning Agency.

3. The owner of the Property shall submit an annual compliance report to TRPA. Failure to submit the required report, or failure to comply with the requirements of this deed-restriction may result in an annual fine of up to 1/10 of the current cost of a residential unit of use. TRPA may conduct an audit at any time requesting additional documentation to verify the responses submitted in the compliance report.

4. It shall not be deemed a violation of Section 3 above if:

   i. The head of household or individual relied upon for qualification becomes disabled and is no longer able to work as determined by TRPA in its sole discretion; or

   ii. The head of household or individual relied upon for qualification has lost full-time employment and is actively seeking reemployment in the Tahoe region or Tahoe-Truckee Unified School District as determined by TRPA in its sole discretion; or

   iii. The Property is unoccupied, and the owner of the property is actively seeking to

sell or lease the Property to a qualifying household as determined by TRPA in its sole discretion.

4. An owner-occupant of a Property who has provided all required annual compliance reports and who has had an increase in income so that they no longer meet the income eligibility requirements for Achievable Housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to an income qualified buyer.

5. A renter household which has had an increase in income or change in circumstances such that they no longer meet the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.

56. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interests in the Property.

76. The owner of the parcel shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.

87. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency or its successor agency, if any. TRPA is deemed and agreed to be a third-party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

_____ Dated: _____

Name, Title
Ownership Entity

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

AGENDA ITEM NO. V.A.

APPROVED AS TO FORM:

_____ Dated: _____
Tahoe Regional Planning Agency

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____

(typed or printed)

TAHOE REGIONAL PLANNING AGENCY

AFFORDABLE, MODERATE, OR ACHIEVABLE DEED-RESTRICTION

COMPLIANCE FORM

Per Chapter 52, Bonus Unit Incentive Program of the Tahoe Regional Planning Agency Code of Ordinances, property owners in the Tahoe Region have the option to deed-restrict their parcel to different affordability levels in exchange for a bonus unit. On these parcels, through a deed restriction running with the land, occupants' household income or employment location is restricted to affordable, moderate, or achievable housing limits set forth in Chapter 90, depending on the applicable ~~income level~~ deed-restriction type for which the bonus unit was awarded, and the unit may not be used as a second home or a vacation rental. Deed-restrictions issued per Chapter 52 also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, and the **requirement to submit an annual compliance report to TRPA.**

This form must be submitted by April 15 each year following the year in which the home was purchased.

- **This form can be digitally signed and submitted electronically by clicking below**

or

- **Print, sign and submit via**: **EMAIL** to **info@trpa.org**, **FAX** to 775-588-4527, **MAIL** to PO Box 5310, Stateline NV 89449 or **IN PERSON** at the TRPA front counter located at 128 Market Street, Stateline

Property owners may be subject to a fine of up to 1/10 of the current cost of a residential unit of use (RUU) annually for failure to submit the compliance report, deed-restriction disclosure form, or otherwise comply with the requirements of Chapter 52.

Property Information:

Check one:

□ Single-Family Residence/Main House □ Single-Family Residence/Accessory Dwelling Unit (secondary residence). For Single-Family residences, if both the main house and the accessory dwelling unit(s) are deed-restricted, one compliance form may be submitted for all units.

□ Multi-Family Residence. For Multi-Family Residences, one compliance form may be submitted for multiple units on one parcel.

Physical Address: _____
City: _____ State: _____ County: _____ Zip: _____
Assessor's Parcel Number (APN): _____

AGENDA ITEM NO. V.A.

1. Deed-restriction affordability level:

□ Affordable, number of units: ___ □ Moderate, number of units: ___ □ Achievable, number of units: ____

2. Units by number of bedrooms:

The deed-restriction covers these units:

Number of studio units: ____ Number of 2-br units: ____ Number of 4-br units:___

Number of 1-br units: ____ Number of 3-br units: ____ Number of units with 5 or more bedrooms: _____

Total number of units: _____

3. The unit was occupied by the owner throughout the last year: □ Yes □ No

3a. If yes, the owner meets the income, employment and/or rent limits established by the deed-restriction, ~~and~~ as noted in #1, above.

□ Yes □ No

4. The unit or units was/were rented: □ Yes □ No.

4a. If yes, the renter(s) meet(s) the income, employment and/or rent limits established by the deed-restriction, ~~and~~as noted in #1, above.

□ Yes □ No

5. ~~The~~ Has the unit ~~HAS NOT~~ been used as a second home or vacation rental throughout the course of the last year?~~:~~

□ Yes □ No

6. The unit has been used exclusively by a permanent resident or seasonal worker throughout the course of the last year:

□ Yes □ No

If you are not able to answer yes to either of 3a. or 4a. above, please contact TRPA.

DECLARATION: I hereby declare under penalty of perjury that all information submitted as part of this compliance form is true and accurate to the best of my knowledge and I understand that should any information submitted be inaccurate, erroneous, or incomplete, TRPA may take appropriate action.

Deed Holder(s)/Property Owner(s):

Printed Name(s)_____ _____ Date: _____
Signature(s): _____ _____

AGENDA ITEM NO. V.A.

Attachment D

Public comment received

From: Amanda Adams <amanda@tahoeadams.com>
Sent: Saturday, February 18, 2023 8:38 PM
To: Duane Wallace <duane_wallace@hotmail.com>; Karen Fink <kfink@trpa.gov>
Cc: Joe irvin <jirvin@cityofslt.us>; Hilary Roverud <hroverud@cityofslt.us>; John Friedrich <jfriedrich@cityofslt.us>; ccreegan@cityofslt.us; srobbins@cityofslt.us; cbass@cityofslt.us; Heather Stroud <hstroud@cityofslt.us>
Subject: Re: Tahoe Housing Updates and Events

I agree. Remote workers are a huge boom for us in some ways. They bring outside money into our town to spend. It's like tourists but without the negatives. And brings famili3s into our community which means more year round folks to support local businesses.

Amanda Adams

President - South Tahoe Chamber of Commerce
CA & NV REALTOR® - Paradise Real Estate | Compass

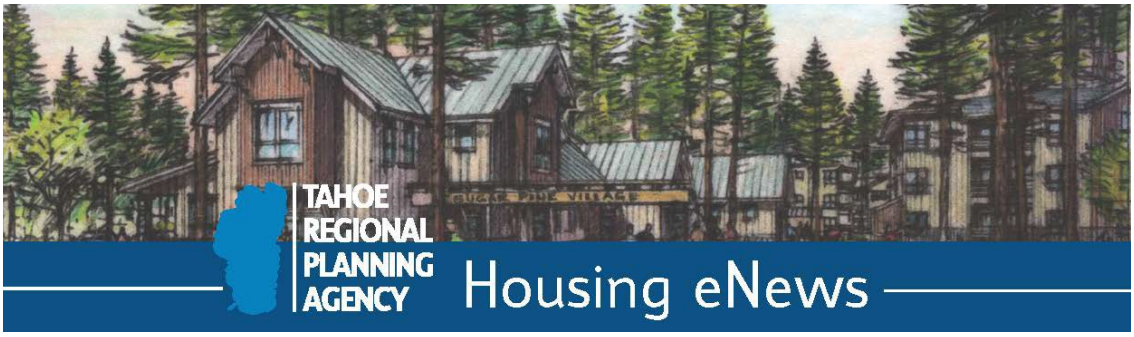
From: Duane Wallace <duane_wallace@hotmail.com>
Sent: Saturday, February 18, 2023 5:28:01 PM
To: Karen Fink <kfink@trpa.gov>
Cc: Joseph Irvin <jirvin@cityofslt.us>; 'Hilary Roverud' <hroverud@cityofslt.us>; jfriedrich@cityofslt.us <jfriedrich@cityofslt.us>; Amanda Adams <amanda@tahoeadams.com>; ccreegan@cityofslt.us <ccreegan@cityofslt.us>; srobbins@cityofslt.us <srobbins@cityofslt.us>; cbass@cityofslt.us <cbass@cityofslt.us>; Heather Stroud <hstroud@cityofslt.us>
Subject: Re: Tahoe Housing Updates and Events

Karen,

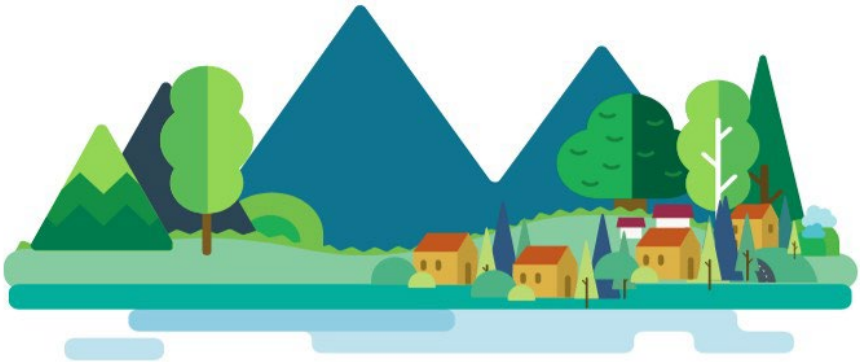
I personally am OK with remote workers being able to get equal treatment. Their pay check comes here, they spend their money here and their children go to school here. In some ways they may create less traffic if they work from home. If they are here full time but working remotely from home, I don't see the distinction.

Duane

From: Karen Fink <kfink@trpa.gov>
Sent: Friday, February 17, 2023 3:18 PM
To: Duane Wallace <duane_wallace@hotmail.com>
Subject: Tahoe Housing Updates and Events



Tahoe Affordable Housing Updates and Events



"Achievable" Definition Updates

On **February 22**, TRPA will hold an informational hearing with its Regional Plan Implementation Committee on updates to the definition of "achievable" housing to include a local employment component, closing a loophole that allowed achievable units to be used by remote workers. In 2022, the Tahoe Living Working Group and Local Government and Housing Committee recommended advancing these

updates for approval to the Governing Board. This item will also include a short briefing on how TRPA incentivizes local resident housing within its growth management system. The RPIC meeting will start no earlier than **1:30 PM**.

February 22 Meeting Materials

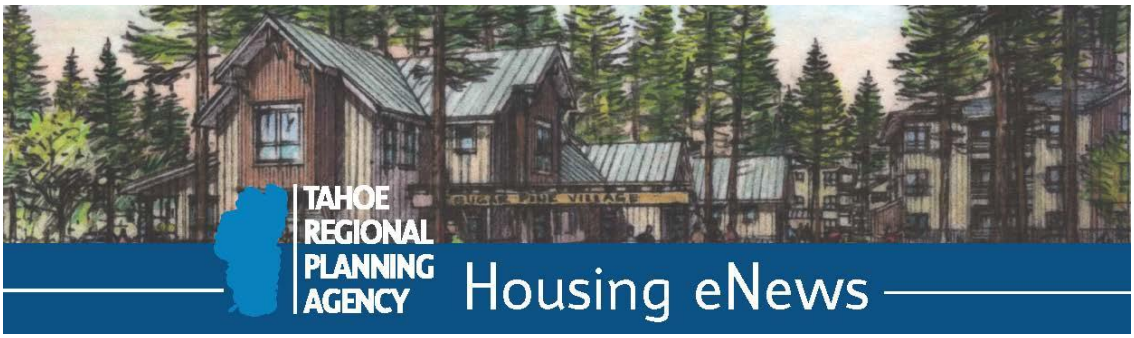
From: Duane Wallace <duane_wallace@hotmail.com>
Sent: Saturday, February 18, 2023 5:28 PM
To: Karen Fink <kfink@trpa.gov>
Cc: Joe irvin <jirvin@cityofslt.us>; Hilary Roverud <hroverud@cityofslt.us>; John Friedrich <jfriedrich@cityofslt.us>; Amanda Adams <amanda@tahoeadams.com>; ccreegan@cityofslt.us; srobbins@cityofslt.us; cbass@cityofslt.us; Heather Stroud <hstroud@cityofslt.us>
Subject: Re: Tahoe Housing Updates and Events

Karen,

I personally am OK with remote workers being able to get equal treatment. Their pay check comes here, they spend their money here and their children go to school here. In some ways they may create less traffic if they work from home. If they are here full time but working remotely from home, I don't see the distinction.

Duane

From: Karen Fink <kfink@trpa.gov>
Sent: Friday, February 17, 2023 3:18 PM
To: Duane Wallace <duane_wallace@hotmail.com>
Subject: Tahoe Housing Updates and Events



Tahoe Affordable Housing Updates and Events

"Achievable" Definition Updates

On **February 22**, TRPA will hold an informational hearing with its Regional Plan Implementation Committee on updates to the definition of "achievable" housing to include a local employment component, closing a loophole that allowed achievable units to be used by remote workers. In 2022, the Tahoe Living Working Group and Local Government and Housing Committee recommended advancing these updates for approval to the Governing Board. This item will also include a short briefing on how TRPA incentivizes local resident housing within its growth management system. The RPIC meeting will start no earlier than **1:30 PM**.

February 22 Meeting Materials

Attachment E

Findings and Finding of No Significant Effect

REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT FOR "ACHIEVABLE" DEFINITION AMENDMENTS; ACCESSORY DWELLING UNIT DRIVEWAY AMENDMENT TO THE TRPA CODE OF ORDINANCES

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Sections 52.3.4 and 90.2 ("achievable" definition amendments); and Section 34.3.3 (driveways for accessory dwelling units).

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 amendments.

   These amendments, as described in the staff report packet, will become part of the Code of Ordinances. Proposed changes are programmatic and not specific to any site location nor any development project, and they do not change any code requirements that affect project evaluation with respect to achieving and maintaining environmental thresholds. Future projects will still be subject to environmental review and analysis in accordance with the TRPA Regional Plan.

   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.

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 encourage residential bonus units to be used to provide housing for local workers. They also may contribute a small reduction in costs for building accessory dwelling units by removing a requirement that could have led to additional driveway length.

They support the following goals and policies in the Regional Plan:

- GOAL HS-1 Promote housing opportunities for full-time and seasonal residents as well as workers employed within the region.
- GOAL HS-3 Regularly evaluate housing needs in the region and update policies and ordinances if necessary to achieve state, local and regional housing goals.
- POLICY HS-3.1 TRPA shall regularly review its policies and regulations to remove identified barriers preventing the construction of necessary affordable housing in the region. TRPA staff will work with local jurisdictions to address issues including, but not limited to, workforce and moderate income housing, secondary residential units and long term residency in motel units in accordance with the timeline outline in the Implementation Element.

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.

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: 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 make a minor adjustment to the use of the residential bonus unit incentive pool, to promote consistency with Regional Plan Goals 1 and 3, and remove a barrier to minimizing the impacts of driveways when constructing an accessory dwelling unit. The Regional Plan, as amended by the project, will continue to promote achieving and maintaining the thresholds.

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

FINDING OF NO SIGNIFICANT EFFECT

Project Description: The "achievable" definition and accessory dwelling unit driveway amendments to the TRPA Code of Ordinances.

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 F

Initial Environmental Checklist and Threshold Indicators

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

Project Name: "Achievable" Definition Amendments; Accessory Dwelling Unit Driveway Amendment

APN/Project Location: Region-wide

County/City: Select One

Project Description:

"ACHIEVABLE" DEFINITION AMENDMENTS:

Update “achievable” definition to remove previous income caps which varied by county and were all over 120 percent of Area Median Income, and instead limit the "achievable" category to include single or multi-family residential development to be used exclusively as a primary residence by a household that meets one or more of the following criteria:

1. Has a household income not in excess of 120 percent of the respective county’s area median income (AMI) area median income (AMI) (moderate income households and below); or

2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District. Full-time equivalency may be confirmed by employer; or

3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years,

Update compliance requirements in the deed-restriction template to alert homeowner that TRPA may conduct an random audit whereby owners of deed-restricted properties will be required to furnish documentation that the unit is being utilized in accordance with the deed-restriction.

ACCESSORY DWELLING UNIT DRIVEWAY AMENDMENTS:
Allow a separate driveway for an Accessory Dwelling Unit (ADU) when doing so would result in less environmental disturbance than a single driveway (e.g. sensitive land disturbance, land coverage, tree removal, grading, etc.).

TAHOE REGIONAL PLANNING AGENCY

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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. Use the blank boxes to add any additional information and reference the question number and letter. If more space is required for additional information, please attached separate sheets and reference the question number and letter.

For information on the status of TRPA environmental thresholds click on the links to the Threshold Dashboard.

I. Environmental Impacts

1. Land

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

- Impervious Cover
- Stream Environment Zone

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)?	○	●	○	○
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	○	●	○	○
c. Unstable soil conditions during or after completion of the proposal?	○	●	○	○
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	○	●	○	○
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	○	●	○	○
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?	○	●	○	○
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	○	●	○	○

Discussion

Neither the "achievable" definition amendments nor the allowance of a separate driveway for an ADU change the coverage requirements. All projects must comply with existing coverage requirements.

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Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
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2. 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

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

Discussion

Changing the "achievable" definition to require that those occupying the unit work for a local employer rather than having a cap on their income will not change air pollutant emissions or other air quality factors. The driving patterns of occupants will not be significantly different based on this change. Allowing a separate driveway for an ADU, rather than a circular driveway, will not change the air quality emissions related to use of ADUs.

3. Water Quality

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

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	○	●	○	○
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?	○	●	○	○
c. Alterations to the course or flow of 100-yearflood waters?	○	●	○	○
d. Change in the amount of surface water in any water body?	○	●	○	○
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	○	●	○	○
f. Alteration of the direction or rate of flow of ground water?	○	●	○	○
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	○	●	○	○
h. Substantial reduction in the amount of water otherwise available for public water supplies?	○	●	○	○
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	○	●	○	○
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	○	●	○	○
k. Is the project located within 600 feet of a drinking water source?	○	○	○	●

Discussion

Neither the "achievable" definition amendments nor the allowance of a separate driveway for an ADU change the requirements for treatment of stormwater on a project-level basis. Regarding "k.", this is a regional level change so it is unclear whether any particular project may be in proximity to a drinking water source.

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4. Vegetation

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

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?	○	●	○	○
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	○	●	○	○
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	○	●	○	○
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)?	○	●	○	○
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	○	●	○	○
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	○	●	○	○
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?	○	●	○	○
h. A change in the natural functioning of an old growth ecosystem?	○	●	○	○

Discussion

Neither the "achievable" definition amendments nor the allowance of a separate driveway for an ADU change the project-level requirements for addressing impacts to vegetation. A separate driveway for an ADU would only be allowed if it resulted in less disturbance to vegetation or less disturbance overall, when considering other environmental factors.

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5. Wildlife

Current and historic status of special interest species standards can be found at the links below:

- Special Interest Species

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

- Instream Flow
- Lake Habitat
- Stream Habitat

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)?	○	●	○	○
b. Reduction of the number of any unique, rare or endangered species of animals?	○	●	○	○
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	○	●	○	○
d. Deterioration of existing fish or wildlife habitat quantity or quality?	○	●	○	○

Discussion

Neither the "achievable" definition amendments nor the allowance of a separate driveway for an ADU change the requirements for considering impacts to wildlife at a project level.

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6. Noise

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

- Cumulative Noise Events
- Single Noise Events

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?	○	●	○	○
b. Exposure of people to severe noise levels?	○	●	○	○
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	○	●	○	○
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	○	●	○	○
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	○	●	○	○
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	○	●	○	○

Discussion

Changing the "achievable" definition to require that those occupying the unit work for a local employer rather than having a cap on their income will not change noise levels. The noise-related activities of occupants will not be significantly different based on this change. Allowing a separate driveway for an ADU, rather than a circular driveway, will not change noise levels related to use of ADUs.

7. Light and Glare

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	○	●	○	○
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	○	●	○	○
c. Cause light from exterior sources to be cast off -site or onto public lands?	○	●	○	○
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	○	●	○	○

Discussion

All projects must comply with light and glare requirements.

8. Land Use

Will the proposal:

	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?	○	●	○	○
b. Expand or intensify an existing non-conforming use?	○	●	○	○

Discussion

The proposal does not change permissible uses.

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9. 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?	○	●	○	○
b. Substantial depletion of any non-renewable natural resource?	○	●	○	○

Discussion

Changing the "achievable" definition to require that those occupying the unit work for a local employer rather than having a cap on their income will not change the rate of use of natural resources. The lifestyle patterns of occupants will not be significantly different based on this change. Allowing a separate driveway for an ADU, rather than a circular driveway, will not change the rate of use of natural resources.

10. Risk of Upset

Will the proposal:

	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?	○	●	○	○
b. Involve possible interference with an emergency evacuation plan?	○	●	○	○

Discussion

The proposal will not change the risk of explosion or release of hazardous substances, nor will it interfere with evacuation or change emergency evacuation plans.

11. Population

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	●	○	○	○
b. Include or result in the temporary or permanent displacement of residents?	○	●	○	○

Discussion

The proposal is intended to create more housing opportunities for employees of local businesses and organizations.

12. Housing

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing?				
To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	○	●	○	○
2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	○	●	○	○

Discussion

The proposal will not decrease the amount of housing in the Tahoe Region. The proposal will specify that new housing that uses Bonus Units in the "achievable" category must be used by those with incomes below 120 percent of Area Median Income, or for a household with employees of local businesses. Thus it seeks to better ensure that available housing stock is used for lower-income residents and/or those residents that are employed by local employers.

The proposal does not change any regulations or incentives for housing that is currently being rented at rates affordable by lower and very-low-income households.

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13. Transportation / Circulation

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	○	●	○	○
b. Changes to existing parking facilities, or demand for new parking?	○	●	○	○
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	○	●	○	○
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

Changing the "achievable" definition to require that those occupying the unit work for a local employer rather than having a cap on their income will not change travel patterns or vehicle miles traveled. The driving patterns of occupants will not be significantly different based on this change. Allowing a separate driveway for an ADU, rather than a circular driveway, will not change the travel patterns related to use of ADUs.

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14. 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?	○	●	○	○
b. Police protection?	○	●	○	○
c. Schools?	○	●	○	○
d. Parks or other recreational facilities?	○	●	○	○
e. Maintenance of public facilities, including roads?	○	●	○	○
f. Other governmental services?	○	●	○	○

Discussion

The proposed "achievable" definition amendments will result in the use and occupancy of homes being more closely aligned with what was envisioned and analyzed in the 2012 Regional Plan Update and other previous Regional Plans. The change corrects a possible mis-use of units constructed with Bonus Units. The change to driveways related to ADUs will not result in the need for additional public services.

15. Energy

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	○	●	○	○
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	○	●	○	○

Discussion:

The proposed "achievable" definition amendments will result in the use and occupancy of homes being more closely aligned with what was envisioned and analyzed in the 2012 Regional Plan Update and other previous Regional Plans. The change corrects a possible mis-use of units constructed with Bonus Units. The change to driveways related to ADUs will not result in a change to the use of fuel or energy.

16. 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?	○	●	○	○
b. Communication systems?	○	●	○	○
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	○	●	○	○
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	○	●	○	○
e. Storm water drainage?	○	●	○	○
f. Solid waste and disposal?	○	●	○	○

Discussion

The proposed "achievable" definition amendments will result in the use and occupancy of homes being more closely aligned with what was envisioned and analyzed in the 2012 Regional Plan Update and other previous Regional Plans. The change corrects a possible mis-use of units constructed with Bonus Units. The change to driveways related to ADUs will not result in the need for new utilities.

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17. 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)?	○	●	○	○
b. Exposure of people to potential health hazards?	○	●	○	○

Discussion

18. Scenic Resources / Community Design

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

- Built Environment
- Other Areas
- Roadway and Shoreline Units

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	○	○	○	●
b. Be visible from any public recreation area or TRPA designated bicycle trail?	○	○	○	●
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	○	●	○	○
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	○	●	○	○
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	○	●	○	○

Discussion

The proposed amendments are changes to regional codes, and it is unknown where any individual project may be located. All projects must comply with existing scenic requirements. The proposed amendments do not make any changes to scenic requirements.

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19. Recreation

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

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	○	●	○	○
b. Create additional recreation capacity?	○	●	○	○
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	○	●	○	○
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	○	●	○	○

Discussion

Changing the "achievable" definition to require that those occupying the unit work for a local employer rather than having a cap on their income will not affect recreational capacity. The recreation patterns of occupants will not be significantly different based on this change. Allowing a separate driveway for an ADU, rather than a circular driveway, will not change recreation patterns related to use of ADUs.

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20. Archaeological / Historical

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	○	●	○	○
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?	○	○	○	●
c. Is the property associated with any historically significant events and/or sites or persons?	○	○	○	●
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	○	●	○	○
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	○	●	○	○

Discussion

The proposed amendments are changes to regional codes, and it is unknown where any individual project may be located. All projects must comply with existing archeaological/historic requirements. The proposed amendments do not make any changes to these requirements.

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21. Findings of Significance

	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?	○	●	○	○
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.)	○	●	○	○
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?)	○	●	○	○
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	○	●	○	○

Discussion

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DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:

	at Select One	
Person preparing application	County	Date

Applicant Written Comments: (Attach additional sheets if necessary)

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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

Date _____

_____
Signature of Evaluator

_____
Title of Evaluator

Attachment G

Compliance Measures

Attachment G - COMPLIANCE MEASURES FOR "ACHIEVABLE" DEFINITION AMENDMENTS; ACCESSORY DWELLING UNIT DRIVEWAY AMENDMENT TO THE TRPA CODE OF ORDINANCES

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: *Code of Ordinances* 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: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ, Trans, Fish	**N**	
3	BMP implementation program -- existing urban development: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ, Fish	**N**	
4	BMP implementation program -- existing urban drainage systems: *Code of Ordinances* 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: *Code of Ordinances* 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): *Code of Ordinances* 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 amendments do not make any changes to allowable uses or land use controls in Chapters 11, 12, 13, 14 and 21.
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 amendments do not make any changes to transfer of development policies.
13	Restrictions on SEZ encroachment and vegetation alteration: *Code of Ordinances Chapters 30 and 61*	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.
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: *Code of Ordinances* 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.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
16	Fertilizer reporting requirements: *Code of Ordinances* 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: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ	**N**	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	**N**	The 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.
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.
23	Improved mass transportation	WQ, Trans, Noise	**Y**	The amendments do not directly improve or affect mass transportation, however they may encourage more use of transit as they provide additional housing opportunities for local residents and workers.
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 amendments do not affect redevelopment or any redirection of land use.
25	Combustion heater rules, stationary source controls, and related rules: *Code of Ordinances* 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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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: *Code of Ordinances* 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**	
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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	**N**	
36	BMP implementation program--outdoor recreation: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ, Fish, Rec	**N**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
37	BMP implementation program--livestock confinement and grazing: *Code of Ordinances* 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: *Code of Ordinances* Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	**N**	There are no changes to allowable timber harvesting requirements or permissibility as part of the amendments.
40	Land use planning and controls - outdoor recreation: *Code of Ordinances* 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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ	**N**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
45	BMP implementation program--dredging and construction in Lake Tahoe: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ	**N**	
46	Restrictions and conditions on filling and dredging: *Code of Ordinances* Chapter 84	WQ, Soils/SEZ, Fish	**N**	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	**N**	
48	Marina master plans: *Code of Ordinances* Chapter 14	WQ, AQ/Trans, Fish, Scenic	**N**	
49	Additional pump-out facilities: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ	**N**	
50	Controls on anti-fouling coatings: *Code of Ordinances* Chapter 60	WQ, Soils/SEZ, Fish	**N**	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	**N**	The amendments do 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 though 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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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				
62	Fixed Route Transit - South Shore	Trans, Rec	**N**	As noted in Compliance Measure 23, above, the amendments do not change plans or goals and policies related to transit or active transportation, but they could support transit indirectly by providing additional opportunities for housing for local residents and workers who may use transit for work or other activities.
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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
72	Pedestrian facilities	Trans, Rec, Scenic	**N**	
73	Wood heater controls: *Code of Ordinances* 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: *Code of Ordinances* Chapter 65	WQ, AQ	**N**	
75	Stationary source controls: *Code of Ordinances* 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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 65	WQ, AQ	**N**	
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: *Code of Ordinances* 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: *Code of Ordinances* 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: *Code of Ordinances* 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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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**	
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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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**	
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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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**	
VEGETATION - IN PLACE				
127	Vegetation Protection During Construction: *Code of Ordinances* 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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	**N**	
130	Remedial Vegetation Management: *Code of Ordinances* Chapter 61	WQ, Veg, Wildlife	**N**	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: *Code of Ordinances* Chapter 61	Veg, Wildlife, Scenic	**N**	
132	Revegetation: *Code of Ordinances* Chapter 61	WQ, Veg, Wildlife, Scenic	**N**	
133	Remedial Action Plans: *Code of Ordinances* Chapter 5	WQ, Veg	**N**	The amendments do not alter remedial action plan requirements.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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.
139	Land Coverage Standards: *Code of Ordinances* 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): *Code of Ordinances* 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: *Code of Ordinances* 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

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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: *Code of Ordinances* 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.
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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 63	WQ, Fish	**N**	See response to Compliance Measures 16 and 17.
157	Tree Removal: *Code of Ordinances* 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: *Code of Ordinances* Chapter 84	WQ, Fish	**N**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
160	Location standards for structures in the shorezone: *Code of Ordinances* 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**	
165	Livestock: *Code of Ordinances* 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: *Code of Ordinances* Chapter 5	Fish	**N**	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: *Code of Ordinances* 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				

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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: *Code of Ordinances* 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.
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: *Code of Ordinances* 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**	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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: *Code of Ordinances* 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: *Code of Ordinances* Chapter 14	Rec, Scenic	**N**	No changes to master plans requirements are included as part of this amendment.
191	Permissible recreation uses in the shorezone and lake zone: *Code of Ordinances* 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	**N**	The amendments do not change density standards.
196	Bonus incentive program	Rec	**Y**	The amendments change the "achievable" category of the Bonus incentive program from an income cap to a requirement for local employment, for households with incomes over 120 percent of Area Median Income.
197	Required Findings: *Code of Ordinances* 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.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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 reservations of additional resource capacity, or include economic modeling.
202	Reserve additional resource capacity	Rec	**N**	
203	Economic Modeling	Rec	**N**	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: *Code of Ordinances* Chapter 2	Scenic	**N**	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: *Code of Ordinances* Chapter 30	WQ, Scenic	**Y**	See response to Compliance Measure 11.
206	Height Standards: *Code of Ordinances* Chapter 37	Scenic	**N**	The amendments do not affect height standards.
207	Driveway and Parking Standards: *Code of Ordinances* Chapter 34	Trans, Scenic	**Y**	The proposal allows accessory dwelling units to have a separate driveway from the main house, rather than requiring a circular driveway, when doing so would have less environmental disturbance.
208	Signs: *Code of Ordinances* Chapter 38	Scenic	**N**	The amendments do not make changes to design standards and guidelines relating to signage.
209	Historic Resources: *Code of Ordinances* Chapter 67	Scenic	**N**	See response to Compliance Measures 16 and 17.
210	Design Standards: *Code of Ordinances* Chapter 36	Scenic	**N**	The amendments do not make any changes to the Design Standards in Chapter 36.
211	Shorezone Tolerance Districts and Development Standards: *Code of Ordinances* Chapter 83	Scenic	**N**	See response to Compliance Measures 43 through 50.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
212	Development Standards Lakeward of Highwater: *Code of Ordinances* Chapter 84	WQ, Scenic	**N**	
213	Grading Standards: *Code of Ordinances* Chapter 33	WQ, Scenic	**N**	Grading and vegetation protection during construction shall continue to meet the provisions of the TRPA Code of Ordinances, Chapter 33, Grading and Construction.
214	Vegetation Protection During Construction: Code of Ordinances Chapter 33	AQ, Veg, Scenic	**N**	
215	Revegetation: *Code of Ordinances* 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.
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.

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: April 5, 2023

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Transportation Performance and Recommendations Report Briefing

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Summary and Staff Recommendation:
This is an information item on the Transportation Performance and Recommendations Report framework. Staff will provide a briefing on the biennial Performance and Recommendations Report and the Regional Transportation Plan/Sustainable Community (RTP/SCS) Report framework.

Background:
In April of 2021 the TRPA Governing Board adopted a new Transportation and Sustainable Communities threshold category and a VMT per-capita standard (TSC-1). Along with adoption of the standard, the Governing Board adopted a new Regional Plan goal in the Development and Implementation Priorities sub-element of the TRPA Goals and Policies (DP-5) that includes biennial reporting and a suite of adaptive management actions to achieve and maintain the VMT per-capita standard.

The adaptive management framework outlined by DP-5 includes the following five actions, three of which of have been completed, and the final two actions, are the focus of this briefing.

- Establishing a schedule of milestones to measure progress towards the per capita VMT reduction goal (completed April 2021).
- Establishment of a technical advisory body for transportation (approved March 2022).
- Preparation of a charter, primary objectives, and work plan to be approved by Governing Board (approved September 2022).
- Technical advisory body to prepare and transmit to the TRPA and Tahoe Metropolitan Planning Organization (TMPO) governing boards a regular report including past performance, findings, and recommendations that the boards may act on.
- Implementing adaptive management responses if scheduled milestones are not met.

Contact Information:
For questions regarding this agenda item, please contact Michelle Glickert, Transportation Planning Program Manager at mglickert@trpa.gov.

TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: April 5, 2023

To: Advisory Planning Commission (APC)

From: TRPA Staff

Subject: Briefing on the Lake Tahoe Region Vision Zero Strategy

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Staff Recommendation:
No staff recommendation at this time. Staff will provide an informational update on the Lake Tahoe Region Vision Zero Strategy.

Required Motion:
There is no required motion.

Project Description/Background:
Staff are commencing an update to the 2019 Lake Tahoe Region Safety Strategy, in line with the guiding principles and elements of Vision Zero and transportation goals in the Regional Plan. The strategy will support and accelerate achievement of the 2020 Linking Tahoe: Regional Transportation Plan and Sustainable Communities Strategy safety goals. The strategy is also in line with the strategic initiative Keeping Tahoe Moving, which aims to provide transformative changes to Tahoe's transportation system, including complete streets and communities, pedestrian-friendly town centers, and improved safety. Vision Zero is a strategy that seeks to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, and equitable mobility for all. In the Tahoe Region, from 2017-2021 there have been approximately 19 fatalities and 109 severe injuries; an average of 4 fatalities and 22 life-changing severe injuries on our roads each year. These fatalities and severe injuries are preventable through shared responsibility and a systemic approach including roadway design that takes human error into consideration. TRPA has a role in achieving significant impacts on these numbers and improving the safety of our region through safety planning, regional stakeholder coordination, and setting and reporting on federally mandated safety performance targets.

While this update is focusing an emphasis on Vision Zero, it will also build upon the efforts of the previously approved Safety Strategy and revisit its recommendations. One recommendation was to re-evaluate Tahoe Region Safety Performance in three to five years to gauge the impact of the actions taken as a result of the Safety Strategy. With an update in 2023, TRPA is in alignment with this recommendation. The update will include new elements, including equity considerations, to align with new and existing transportation funding sources. One new funding source established by the Bipartisan Infrastructure Law is the Safe Streets and Roads for All (SS4A) discretionary program with $5 billion in appropriated funds over the next five years. Local agencies within the region will be eligible to apply for implementation funds with the TRPA's Vision Zero Strategy.

Overall, the strategy seeks to achieve four objectives:

1. Achieve significant declines in roadway fatalities and serious injuries, with a long-term goal of vision zero;
2. Support and accelerate attainment of the goals of the Regional Transportation Plan and Sustainable Communities Strategy;
3. Establish a method to measure progress in meeting Objective 1 over time; and
4. Enable local agencies in the Tahoe Basin to be eligible for new and existing funding to implement safety improvements.

The plan will be developed utilizing a Technical Advisory Committee, comprised of over 15 local agencies and organizations to provide feedback on the direction of the strategy. Public involvement and engagement will be integral to the success of vision zero in Tahoe, and staff seek to involve the public throughout the strategy development by including surveys, pop-up events, and standing meetings such as the Bicycle Advisory Committee.

Look Ahead:
Later this calendar year, staff will be seeking a potential resolution from the Governing Board committing to a long-term goal of zero fatalities and severe injuries on Tahoe's roadways by 2050. This target is in line with both states' vision zero commitments. Caltrans has a Director's Policy committing the department to the Safe System approach and reaffirms the vision of reaching zero fatalities and serious injuries on state highways by 2050. Nevada Department of Transportation (NDOT), together with the Nevada Department of Public Safety, have set a goal of zero roadway fatalities by 2050. Staff will be seeking feedback and support of this goal from both the Governing Board and local agencies.

Contact Information:
For questions regarding this agenda item, please contact Rachael Shaw, Assistant Transportation Planner, at (775) 589-5267 or rshaw@trpa.gov.

Tahoe In Brief

Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

March 2023

TRPA CALENDAR AT-A-GLANCE

MARCH 2023

- March 21: Tahoe Trails Strategy webinar
- March 22: TRPA Governing Board Meeting
- March 29: Lake Tahoe Destination Stewardship Core Team Workshop

APRIL 2023

- April 12: TRPA Advisory Planning Commission Meeting
- April 21: Tahoe Living: Housing and Community Revitalization Working Group Meeting
- April 26: TRPA Governing Board Meeting
- April 27: TRPA Governing Board Strategic Planning Session

MAY 2023

- May 10: TRPA Advisory Planning Commission Meeting
- May 24: TRPA Governing Board Meeting

JUNE 2023

- June 14: TRPA Advisory Planning Commission Meeting
- June 28: TRPA Governing Board Meeting

Potential agenda items April to July could include:

- Tahoe Regional Trails Strategy informational presentation
- Boulder Bay – Waldorf Astoria permit revisions
- Homewood plan amendment
- Washoe County Area Plan amendment
- TRPA's Transportation Equity Study
- Update on the Lake Tahoe Destination Stewardship Plan and regional partnership
- "Achievable" housing definition amendments
- Tahoe Living Phase 2: density, height, and coverage amendments informational hearings
- Performance review and two-year distribution of residential allocations to local jurisdiction partners
- City of South Lake Tahoe Tahoe Valley and Tourist Core Area Plan amendments

TRPA STRATEGIC INITIATIVES

TRPA STRATEGIC INITIATIVES

Set by the Governing Board, these strategic initiatives reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.

- Building Resiliency: Climate Change and Sustainability
- Keeping Tahoe Moving: Transportation and Destination Stewardship
- Tahoe Living: Housing and Community Revitalization
- Restoration Blueprint: Environmental Improvement Program Implementation
- Measuring What Matters: Thresholds and Monitoring Update
- Digital First: Innovation

KEEPING TAHOE MOVING: TRANSPORTATION & DESTINATION STEWARDSHIP STRATEGIC INITIATIVE

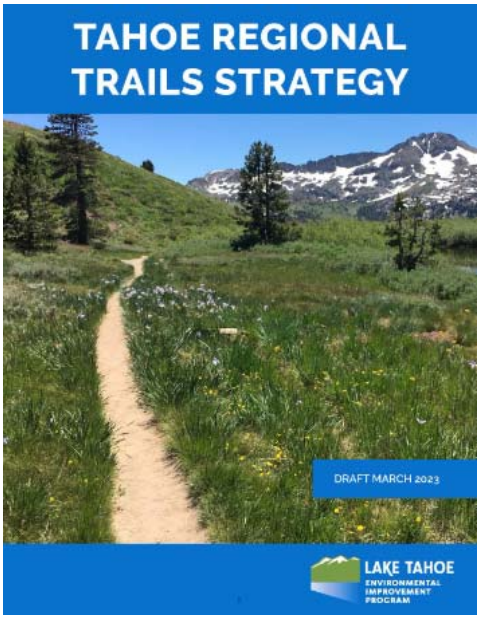
This initiative includes an update of the Regional Transportation Plan/Sustainable Communities Strategy, which encompasses greenhouse gas (GHG) reduction, the work of the Bi-State Consultation on Transportation, destination stewardship planning, and ongoing transportation corridor planning.

Creating a Better Network for Walking, Biking, and Rolling

In January 2023, TRPA kicked-off the planning process for an update to the Active Transportation Plan, last updated in 2018. The plan seeks to support a host of active transportation initiatives, most notably updating the priority project list, incorporating an existing pedestrian and bicycling infrastructure analysis, policy recommendations for the region for electric bicycles and shared mobility (electric scooters), and bringing the "Complete Streets Guide" up to 2023 standards. This planning effort seeks to empower local agencies to implement these design guidelines and programs in construction projects and community programming. The overarching goal of the plan is to encourage residents and visitors to reduce reliance on personal automobiles and utilize the world-class network of on- and off-street bicycle and pedestrian facilities. These goals directly

seek to reduce vehicle miles traveled in the Tahoe Basin, while also reducing greenhouse gas emissions.

The final updated Active Transportation Plan will also serve to update and inform the active transportation component of the upcoming Regional Transportation Plan (2025). Staff has convened a regional Technical Advisory Committee and will be engaging with the public at several outreach events in the spring, summer, and fall. Staff expects to present the plan to the Governing Board in early 2024 for potential adoption of the updated plan.



Tahoe Regional Trails Strategy Released

For the first time ever, a coalition of Tahoe partners have developed a Tahoe Regional Trails Strategy to take a basin-wide perspective to trail planning and building. The draft strategy was released publicly on March 1 following a two-year long planning process with partners including Achieve Tahoe, California State Parks, California Tahoe Conservancy, Nevada State Parks, Tahoe Area Mountain Biking Association, Tahoe Fund, Tahoe Rim Trail Association, USDA Forest Service, and the Washoe Tribe. Once finalized, the strategy will serve as a blueprint for a connected and accessible dirt trail network for Tahoe. The draft strategy is available for review at www.tahoetrailsplan.org and the TRPA Governing Board will receive an informational presentation on the strategy at the April meeting.

Funding for Six Transportation Projects and Continuing Free Transit

In November 2022, TRPA/Tahoe Metropolitan Planning Organization staff released a call for projects for the 2023 Regional Grant Program. Fourteen project applications were received, totaling over $38.7 million in program funding requests. The project applications were evaluated by an internal cross department review team that scored the projects based on the screening and criteria established in the guidelines. Staff is recommending seven projects for a total of $11.1 million in California funding. Nevada projects have not been recommended at this time and are pending additional review. Staff recommendations can be viewed at https://www.trpa.gov/transportation/funding/regional-grant-program. The TRPA

Projects Recommended for 2023 Regional Grant Program Funding

1. Kings Beach Western Approach
2. Apache Avenue Pedestrian Safety and Connectivity
3. Pioneer Trail/ U.S. Highway 50 Intersection Safety Improvement
4. Pioneer Trail Pedestrian Improvement Project Phase II
5. Microtransit EV Charging Base Station (New)
6. North Tahoe Shared-Use Trail
7. Free-to-User Transit Program

Governing Board will consider the recommendations for programming of projects at their April meeting.

Transportation Priority Project State Route 28: Spooner Mobility Hub, Trail and Watercraft Inspection Station

State Route 28 Central Corridor projects are moving towards implementation. The SR 28 Central Corridor Management Plan - Sand Harbor to Spooner - Parking, Transit, Trail, and Safety Improvements Project will be split into two projects to accelerate implementation. The transit mobility hub element for Spooner Summit is being transferred from the Sand Harbor to Spooner project to the new SR 28/US 50 Spooner Mobility Hub and Aquatic Invasive Species Watercraft Inspection Station Project led by Nevada Department of Transportation. This new project will include the design and construction of an aquatic invasive species boat inspection station, a transit mobility hub with 250 parking spaces and restrooms, and 0.5 miles of multi-use path with a pedestrian crossing to Spooner State Park. The site is already home to a seasonal watercraft inspection station in need of permanent improvements. The update to the corridor management plan requires a Federal Transportation Implementation Program amendment that TRPA staff will present to the Environment Improvement, Transportation, & Public Outreach Committee at its April meeting. The committee will be asked to recommend the Governing Board adopt the change as the Tahoe Metropolitan Planning Organization also at its April meeting.

TRPA Staff Contacts: Michelle Glickert, Principal Transportation Planner & Transportation Planning Program Manager
775-589-5204, mglickert@trpa.gov

Jennifer Self, Principal Planner
775-589-5261, jself@trpa.gov

Associated Working Group(s)/Committee(s):

- Bi-State Consultation on Transportation
- Transportation Performance Technical Advisory Committee
- Tahoe Transportation Implementation Committee
- Lake Tahoe Destination Stewardship Plan Core Team and Executive Team
- Lake Tahoe Destination Stewardship Coordinating Committees
- Regional Trails Plan Steering Committee

Website(s):

- https://www.trpa.gov/transportation/#programs
- https://www.trpa.gov/programs/sustainable-recreation/
- https://stewardshiptahoe.org/

Newsletter: Sign up to receive news by sending an email to enews@trpa.gov and put "Transportation" or "Destination Stewardship" in the subject line.

TAHOE LIVING: HOUSING & COMMUNITY REVITALIZATION STRATEGIC INITIATIVE

This initiative addresses strategies for implementing affordable and achievable workforce housing as a key component of healthy, sustainable communities in the region. The Tahoe Living initiative implements the Regional Plan, the Regional Transportation Plan/Sustainable Communities Strategy, the Regional Housing Needs Allocation, and other identified regional housing needs.

"Achievable" Housing Definition Amendments

The Regional Plan Implementation Committee (RPIC) hearing on the "achievable" housing definition amendments scheduled for February has been rescheduled to the March committee meeting. This month, staff will bring the amendments forward to RPIC for a possible committee recommendation. Staff anticipates bringing the draft amendments to the TRPA Advisory Planning Commission in early April for a recommendation for approval by the Governing Board, which could then consider adoption of the amendments at its meeting later that month.

Height, Density, and Coverage Development Right Standards Amendments

TRPA has received input from the Tahoe Living Working Group, the Local Government and Housing Committee, and the Governing Board on changes to regional height, density, and coverage standards that would help make housing more affordable for Tahoe residents. The Tahoe Living Working Group will provide input on these code amendments at its meeting April 21, and staff anticipates bringing these to Governing Board committees beginning as early as May and June.

TRPA Staff Contact: Karen Fink, Housing Program Manager/Housing Ombudsperson
775-589-5258, kfink@trpa.gov

Associated Working Group(s)/Committee(s):

- Tahoe Living Working Group
- TRPA Governing Board Local Government & Housing Committee

Website(s):

- Meeting materials are posted on the Tahoe Living Working Group page: https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/
- Tahoe Housing Story Map: https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196

Newsletter: Sign up to receive housing news by sending an email to enews@trpa.gov and put "Housing" in the subject line.

RESTORATION BLUEPRINT: ENVIRONMENTAL IMPROVEMENT PROGRAM

This initiative focuses on accelerating the pace and scale of Environmental Improvement Program (EIP) implementation to keep pace with current threats and to build resiliency to climate change. The EIP has a proven track record over 25 years. This bi-state, cross-boundary restoration partnership has implemented more than 700 projects to improve the environmental and economic health of the Tahoe Basin. To build on the program's success, TRPA staff are accelerating project implementation on multiple fronts including streamlining EIP project permitting by "Cutting the Green Tape," augmenting program funding, and building partnerships at the national and regional levels.

Lake Tahoe Restoration Act

This month, the EIP partnership will submit their annual funding request for Federal Fiscal Year (FY) 2024 to Lake Tahoe's Congressional delegation. This request is the result of a collaborative project prioritization process led by TRPA through the Tahoe Interagency Executive Steering Committee. Since the act passed in 2016, over $100 million in EIP project funding has been directed to the Tahoe Basin to accelerate threshold attainment. This year's request is $75.25 million to advance work in forest health, water infrastructure, aquatic invasive species, and watershed and water quality improvements. While FY 2024 is the last year of the current authorization, on March 1 Senator Catherine Cortez Masto (D-Nev.) introduced bipartisan, bicameral legislation to extend the authorization of the Lake Tahoe Restoration Act to 2034.

Additionally, TRPA is preparing to award FY 2022 Lake Tahoe Restoration Act funding as part of the TRPA/USDA Forest Service funding agreement. This interagency agreement expands capacity to allocate federal funding to priority projects within the EIP. Funding awards will include approximately $1.7 million to watershed restoration and water quality projects and $1.5 million to forest health projects. Staff will provide the final project awards in the next Tahoe In Brief.

Cutting the Green Tape

TRPA staff will take part in two upcoming Cutting the Green Tape forums hosted by the California Natural Resources Agency and the California Landscape Stewardship network. In March, TRPA will present at a state-wide webinar to share progress and lessons learned on Lake Tahoe's Cutting the Green Tape initiative. In June, Deputy Director and Chief Partnerships Officer Kimberly Chevallier will serve as facilitator for an in-person forum bringing together key staff from California Department of Fish & Wildlife and the California Regional Water Quality Control Boards to advance Cutting the Green Tape across the state.

Tahoe Keys Lagoons Aquatic Weed Control Methods Test

On March 15, the Tahoe Keys Property Owners Association will have submitted their annual progress reports to TRPA and the Lahontan Water Board on the first phase of the

control methods test. The report will summarize the results of the first year and will include required water quality monitoring, resource protection measures, and mitigation data and results. TRPA staff will present to the Governing Board in May to review the results of the first year and what is planned for the upcoming season of the test project.

Permanent Watercraft Inspection Stations- Spooner Summit
The planned permanent station for Lake Tahoe aquatic invasive species watercraft inspections at Spooner Summit is coming closer to reality. In collaboration with EIP partners, the project to construction a permanent station near the current location of a seasonal inspection station has been folded into the Spooner Mobility Hub element of the SR 28 Central Corridor Management Plan, as mentioned in the Transportation brief above. In addition to initial plans, partners are assembling a funding package that includes contributions from the Bipartisan Infrastructure Law, Nevada Lake Tahoe License Plate funds, Community Directed Spending, and Federal Highways funding through the Nevada Department of Transportation (NDOT), which is the project lead. The TRPA Governing Board is scheduled to review the project's inclusion in the Federal Transportation Improvement Program list in April. Subsequently, NDOT will pull together a project team to lead delivery of this critical investment in infrastructure to protect Lake Tahoe from aquatic invasive species.

TRPA Staff Contact: Kimberly Chevallier, Deputy Director and Chief Partnerships Officer
775-589-5263, kchevallier@trpa.gov

Associated Working Group(s)/Committee(s):

- Governing Board Environmental Improvement Program Committee
- Tahoe Interagency Executives Steering Committee

Website(s):

- EIP Project Tracker: https://eip.laketahoeinfo.org/
- Cutting the Green Tape: https://resources.ca.gov/Initiatives/Cutting-Green-Tape

DIGITAL FIRST: INNOVATION INITIATIVE

This initiative recognizes the agency's unique ability to address external events, technology changes, and pursue continuous improvement. It involves significantly improving the ability of the agency to provide services in a "digital first" way by rethinking processes and, using innovative technology.

Project Permitting
Staff continue implementation of the Shoreline Plan. This is happening in two phases: Phase 1 registration and/or permitting of **existing** moorings and Phase two permitting and registration of **new** moorings.

Phase 1:

- Phase 1 Mooring Registrations – 89 percent of the 1,425 registrations have been processed and 9.5 percent remain to be processed. This includes 81 that are in

TRPA review and 55 that require additional information from applicants to proceed with review.

- Phase 1 Mooring Registrations Requiring a Permit – 91 percent of the 233 registrations that required permits have been processed. Twenty of these remain to be processed and are in TRPA review.

Phase 2:

- Phase 2 – New Mooring Permits – 45 percent of the 118 applications have been processed. Fifty-five percent remain to be processed, including four that are in TRPA review and 58 that require additional information from applicants to proceed with review and three that are on hold per the applicants' request.
- Pier Lottery Permits– 67 percent of the 24 applications have been processed. Thirty-three percent remain to be processed, including one that is in TRPA review, 1 that is awaiting a public hearing, four that require additional information from applicants to proceed with review, and two that are on hold per the applicants' request.

See tables on the next pages for permitting details.

TRPA Applications by Project Type through February 28, 2023

TRPA Applications by Project Type	2021	2022	2023 YTD
Residential Projects	242	267	42
Commercial Projects	11	18	7
Recreation/Public Service Projects	44	48	7
Environmental Improvement Projects	13	5	1
Shorezone/Lakezone Projects	130	66	3
Buoy and Mooring Projects	48	15	4
Grading Projects	37	35	2
Verifications and Banking	427	379	37
Transfers of Development	55	59	7
Other	142	233	22
Grand Total	**1,149**	**1,125**	**132**

Completeness Review Performance

	December 31, 2022	January 31, 2023	February 28, 2023
Completeness Reviews Finished During Period	**62**	**73**	**82**
Reviewed within 30 Days of Submission	62	73	82
Over 30 Days from Submission	0	1	0
Percent Over 30 Days	0%	1%	0%
Files with Completeness Over 30 Days		HIST2022-1549 (Historic Det.; 31 days)	
Applications Not Yet Reviewed for Completeness	**39**	**38**	**32**
Under 30 Days Since Submission	39	38	32
Over 30 Days Since Submission	0	0	0

Application Review Performance

	December 31, 2022	January 31, 2023	February 28, 2023
Issued Permits	**43**	**59**	**56**
Issued within 120 Days of Complete Application	41	51	49
Issued over 120 Days from Complete Application	2	8	7
Percent Over 120 Days	5%	14%	13%
Files with Issued Permits - Over 120 Days:	ERSP2022-0016 (Shore-Lakezone, 263 days) MOOR2022-1898 (Mooring Permit, 189 days)	ERSP2022-0242 (Shore-Lakezone; 311 days) MOOR2021-1777 (Mooring Permit; 135 days) ERSP2022-0097 (Shore-Lakezone; 176 days) MOOR2021-1832 (Mooring Permit; 176 days) MOOR2021-1689 (Mooring Permit; 198 days) ERSP2022-1688 (Residential Dwelling; 127 days) ERSP2022-1601 (Residential Dwelling; 121 days) LLAD2022-1063 (Lot Line Adj., 121 days)	MOOR2021-1896 (Mooring Permit; 194 days) MOOR2021-1690 (Mooring Permit; 188 days) MOOR2021-1823 (Mooring Permit; 187 days) MOOR2021-1831 (Mooring Permit; 158 days) MOOR2021-1822 (Mooring Permit; 143 days) MOOR2021-1845 (Mooring Permit; 138 days) ERSP2022-0939 (Residential; 126 days)

	December 31-2022	January 31, 2023	February 28, 2023
Applications in Review	**133**	**99**	**97**
Under 120 Days in TRPA Review	113	83	82
Over 120 Days in TRPA Review	20	16	15
Percent Over 120 Days	15.0%	16.2%	15.5%
Files In Review - Over 120 Days:	ERSP2022-0242 (Shore-Lakezone; 302 days) MOOR2021-1889 (Mooring Permit; 268 days) MOOR2021-1798 (Mooring Permit; 208 days) MOOR2021-1894 (Mooring Permit; 200 days) ERSP2022-1124 (Shore-Lakezone; 199 days)	MOOR2021-1798 (Mooring Permit; 239 days) ERSP2022-1124 (Shore-Lakezone; 230 days) MOOR2021-1930 (Mooring Permit; 209 days) MOOR2021-0768 (Mooring Permit; 190 days) MOOR2021-1075 (Mooring Permit; 190 days)	MOOR2021-1798 (Mooring Permit; 267 days) MOOR2021-1820 (Mooring Permit; 258 days) MOOR2021-0768 (Mooring Permit; 218 days) MOOR2021-1075 (Mooring Permit; 218 days) MOOR2022-1635 (Mooring Permit; 166 days)

	December 31-2022	January 31, 2023	February 28, 2023
	MOOR2021-1930 (Mooring Permit; 178 days) MOOR2021-1689 (Mooring Permit; 176 days) MOOR2021-0768 (Mooring Permit; 159 days) MOOR2021-1075 (Mooring Permit; 159 days) MOOR2021-1299 (Mooring Permit; 159 days) MOOR2021-1690 (Mooring Permit; 159 days) MOOR2021-1819 (Mooring Permit; 159 days) MOOR2021-1830 (Mooring Permit; 159 days) MOOR2021-1832 (Mooring Permit; 159 days) MOOR2021-1866 (Mooring Permit; 159 days) MOOR2021-1887 (Mooring Permit; 159 days) MOOR2021-1896 (Mooring Permit; 159 days) MOOR2021-1902 (Mooring Permit; 159 days) MOOR2021-1907 (Mooring Permit; 159 days) MOOR2021-1909 (Mooring Permit; 159 days)	MOOR2021-1819 (Mooring Permit; 190 days) MOOR2021-1830 (Mooring Permit; 190 days) MOOR2021-1887 (Mooring Permit; 190 days) MOOR2021-1902 (Mooring Permit; 190 days) MOOR2021-1907 (Mooring Permit; 190 days) MOOR2021-1909 (Mooring Permit; 190 days) MOOR2022-1635 (Mooring Permit; 138 days) ERSP2022-1772 (Shore-Lakezone; 133 days) MOOR2022-1579 (Mooring Permit; 130 days) MOOR2022-1808 (Mooring Permit; 124 days) MOOR2022-1668 (Mooring Permit; 123 days)	ERSP2022-1772 (Shore-Lakezone; 161 days) MOOR2022-1579 (Mooring Permit; 158 days) MOOR2022-1808 (Mooring Permit; 152 days) MOOR2022-1668 (Mooring Permit; 151 days) MOOR2021-1847 (Mooring Permit; 137 days) MOOR2021-1869 (Mooring Permit; 137 days) ERSP2022-0065 (Shore-Lakezone; 132 days) MOOR2022-1826 (Mooring Permit; 127 days) MOOR2022-1834 (Mooring Permit; 127 days) MOOR2022-1835 (Mooring Permit; 127 days)
Applications Requiring Additional Info. From Applicants For TRPA Review	**85**	**111**	**104**

For detailed information on the status of any application listed here please contact Wendy Jepson, Permitting and Compliance Department Manager, at wjepson@trpa.gov or Tiffany Good, Permitting Program Manager, at tgood@trpa.gov.