

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY  
(TMPO)AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, April 26, 2023**, commencing **no earlier than 10:45 a.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its **regular business meeting**.

NOTICE IS HEREBY GIVEN that on **Thursday, April 27, 2023**, commencing at **9:00 a.m.**, the **Annual Governing Board retreat will be held** at the **Tahoe Center for Environmental Sciences (TCES) Building, Room 139/141, 291 Country Club Dr, Incline Village, NV**, on the campus of the University of Nevada, Reno at Lake Tahoe. Members of the public may observe the meeting at TCES or listen via Zoom. Details will be posted on the day of the meeting with a link to Zoom. Presentation and discussion topics include Regional Plan implementation; Environmental Scan – challenges and strategic priorities. No actions will be taken. General public comment will be heard at the end of the retreat day.

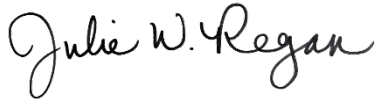
Pursuant to TRPA Rules of Procedure, 2.16 Teleconference/Video Conference Meetings and Participation, Board members may appear in person or on Zoom. Members of the public may observe the meeting and submit comments in person at the above location or on Zoom. Details will be posted on the day of the meeting with a link to Zoom.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the <https://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. For information on how to participate by phone, please see page 4 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, April 26, 2023**, commencing **no earlier than 8:30 a.m.**, at the **Tahoe Regional Planning Agency** and on **Zoom**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 7) 3)** Recommendation regarding Resolution of Enforcement Action: Mike Zanetell; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0026 (action); **(Page 49) 4)** Recommendation regarding Resolution of Enforcement Action Andrew and Katie Gray; unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0027 (action); **(Page 55) 5)** Recommendation regarding Resolution of Enforcement Action: Natalie Buccini, Thomas Peabody, and Jacob Buccini; Unauthorized Tree Removal, 1540 Cherry Hills, El Dorado County, CA, Assessor's Parcel Number 033-292-011, TRPA File No. CODE2022-0092 (action); **(Page 61) 6)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **7)** Potential Direction Regarding Agenda Item No. 6 (action); **8)** Committee Member Comments; Chair – Williamson, Vice Chair – Aldean, Faustinos, Gustafson, Hicks, Rice; **9)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, April 26, 2023**, commencing **no earlier than 9:15 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Environmental Improvement, Transportation, & Public Outreach Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 11) 3)** Recommend approval of Draft Fiscal Year 2023/24 Tahoe Regional Planning Agency Transportation Planning Overall Work Program (OWP) (action); **(Page 239) 4)** Recommend approval of 2023 Federal Transportation Improvement Program (FTIP) Amendment No.1 (action); **(Page 259) 5)** Recommend approval of 2023 Regional Grant Program Briefing and Adoption of the Active Transportation Program Metropolitan Planning Organization Program of Projects (action); **(Page 295) 6)** Transportation Funding Update

**(Page 613) 7) Upcoming topics; 8) Committee Member Comments; Chair – Faustinos, Vice Chair – Rice, Conrad-Saydah, Friedrich, Settlemeyer; Williamson; 9) Public Interest Comments**



Julie W. Regan,  
Executive Director

This agenda has been posted at the TRPA office and at the following locations and/or websites: PostOffice, Stateline, NV, North Tahoe Event Center, Kings Beach, CA, IVGID Office, Incline Village, NV, North Lake Tahoe Chamber/Resort Association, Tahoe City, CA, and Lake Tahoe South Shore Chamber of Commerce, Stateline, NV

<b>TAHOE REGIONAL PLANNING AGENCY</b>	
GOVERNING BOARD	
Tahoe Regional Planning Agency 128 Market Street, Stateline, NV	April 26, 2023 No earlier than 10:45 a.m.
Tahoe Center for Environmental Sciences Building, Room 139/141 Campus at the University of Nevada, Reno at Lake Tahoe	April 27, 2023 9:00 a.m.
291 Country Club Drive, Incline Village, NV	

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 Board, [mambler@trpa.gov](mailto:mambler@trpa.gov). All public comments 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 of the Board 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. Public comment will be taken for each appropriate item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance. The Governing Board agenda and staff reports will be posted at <https://www.trpa.gov/governing-board-documents-april-26-27-2023/> no later than 7 days prior to the meeting date. Any member of the public with questions prior to the meeting may contact Marja Ambler, [mambler@trpa.gov](mailto:mambler@trpa.gov) or call (775) 589-5287. On meeting day please contact TRPA admin staff at [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov) or call (775) 588-4547.



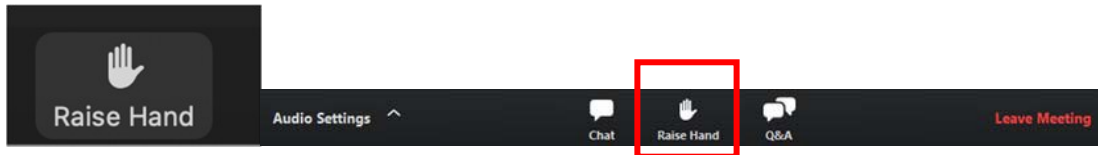
## Zoom Webinar - Public Participation

### To Participate Online:

1. Download the Zoom app on your computer, tablet, or smartphone.
  - The computer app can be downloaded here:  
<https://us02web.zoom.us/client/latest/ZoomInstaller.exe>
  - The tablet or smartphone app can be found in the app store on your device.
2. On the day of the meeting, join from the link or phone numbers posted under the appropriate meeting date and time on the TRPA website ([www.trpa.gov](http://www.trpa.gov)).
3. Ensure that you are **connected to audio** either through your computer (provided it has a microphone) or using your phone as a microphone/speaker. You can manage your audio settings in the tool bar at the bottom of the Zoom screen.



4. At the appropriate time for public comments, you will be able to “raise your hand” by clicking on the Hand icon located on the bottom of your Zoom screen **OR by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.



### To Participate on the phone:

1. Dial the call-in number posted at the calendar event for the appropriate meeting ([www.trpa.gov](http://www.trpa.gov)).
2. At the appropriate time for public comments, you will be able to “raise your hand” **by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.

If you do not have the ability or access to register for the webinar, please contact TRPA admin staff at [virtualmeetinghelp@trpa.org](mailto:virtualmeetinghelp@trpa.org) or (775) 588-4547.

### Additional Resources from Zoom:

- [Joining and Participating in a Zoom Webinar](#)
- [Joining a Zoom Webinar by Phone](#)
- [Raising Your Hand in a Webinar](#)

## AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES **Page 23**
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)  
  
Adjourn as the TRPA and convene as the TMPO
- VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR (see Consent Calendar agenda below for specific items)  
  
Adjourn as the TMPO and reconvene as the TRPA
- VII. PUBLIC HEARINGS
  - A. Waldorf Astoria Lake Tahoe Project, 5 State Route 28, Crystal Bay, Nevada, Assessor’s Parcel Number 123-051-02, et.al, TRPA File Number CEPP2014-0138-01 **Possible Action** **Page 303**
  - B. 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 **Possible Action** **Page 527**
- VIII. REPORTS
  - A. Executive Director Status Report **Informational Only**
    - 1) Tahoe In Brief – Governing Board Monthly Report **Informational Only** **Page 603**
  - B. General Counsel Status Report **Informational Only**
- IX. GOVERNING BOARD MEMBER REPORTS
- X. COMMITTEE REPORTS
  - A. Local Government & Housing Committee **Report**
  - B. Legal Committee **Report**
  - C. Operations & Governance Committee **Report**
  - D. Environmental Improvement, Transportation, & **Report**

Public Outreach Committee

E. Forest Health and Wildfire Committee **Report**

F. Regional Plan Implementation Committee **Report**

XI. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XII. RECESS

**TRPA CONSENT CALENDAR**

<u>Item</u>	<u>Action Requested</u>
1. Resolution of Enforcement Action: Mike Zanetell; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0026	<b>Action/Approval</b> <u>Page 49</u>
2. Resolution of Enforcement Action: Andrew and Katie Gray; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0027	<b>Action/Approval</b> <u>Page 55</u>
3. Resolution of Enforcement Action: Natalie Buccini, Thomas Peabody, and Jacob Buccini; Unauthorized Tree Removal, 1540 Cherry Hills, El Dorado County, CA, Assessor's Parcel Number 033-292-011, TRPA File No. CODE2022-0092	<b>Action/Approval</b> <u>Page 61</u>
4. 2023-2024 distribution of residential allocations to El Dorado County, City of South Lake Tahoe, Placer County, Washoe County, and Douglas County	<b>Action/Approval</b> <u>Page 67</u>
5. Windance West Shore PTN LTD New Multiple-Parcel/Multiple-Use Pier 8477 Meeks Bay Avenue, El Dorado County, California Assessor's Parcel Number 016-091-020, Lots 23, 24, 25 TRPA File Number ERSP2022-0045	<b>Action/Approval</b> <u>Page 123</u>
6. Bley/Cornell/Ronning/White New Multiple-Parcel/Multiple-Use Pier 95, 99, 105, 111 Chipmunk Street, Placer County, California Assessor's Parcel Numbers 090-231-014, 090-231-015, 090-231-038, 090-231-039 TRPA File Number ERSP2022-0043	<b>Action/Approval</b> <u>Page 177</u>

## TMPO CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. Draft Fiscal Year 2023/24 Tahoe Regional Planning Agency Transportation Planning Overall Work Program (OWP)	<b>Action/Approval</b> <u>Page 239</u>
2. 2023 Federal Transportation Improvement Program (FTIP) Amendment No.1	<b>Action/Approval</b> <u>Page 259</u>
3. 2023 Regional Grant Program Briefing and Adoption of the Active Transportation Program Metropolitan Planning Organization Program of Projects	<b>Action/Approval</b> <u>Page 295</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Cindy Gustafson, Placer County Supervisor Representative; Vice Chair, Hayley Williamson, Nevada At-Large Member; Francisco Aguilar, Nevada Secretary of State; Shelly Aldean, Carson City Supervisor Representative; Ashley Conrad-Saydah, California Governor's Appointee; Jessica Diss, Nevada Governor's Appointee; Belinda Faustinos, California Assembly Speaker's Appointee; John Friedrich, City of South Lake Tahoe Councilmember; A.J. Bud Hicks, Presidential Appointee; Alexis Hill, Washoe County Commissioner; Vince Hoenigman, California Governor's Appointee; Brooke Laine, El Dorado County Supervisor; Wesley Rice, Douglas County Commissioner; James Settelmeyer, Nevada Dept. of Conservation & Natural Resources Representative; Open, California Senate Rules Committee Appointee.

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

TRPA  
Zoom

March 22, 2023

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Williamson called the meeting to order at 10:09 a.m. on March 22, 2023.

Members present: Ms. Aldean, Ms. Williamson, Mr. Hicks, Ms. Faustinos, Ms. Gustafson, and Mr. Rice.

Members absent: None.

I. APPROVAL OF AGENDA

Mr. Marshall stated there would not be any need for a closed session this month so agenda items 4 and 5 could be skipped.

Ms. Williamson deemed the agenda approved as amended.

II. APPROVAL OF MINUTES

Ms. Aldean indicated that she submitted one clerical correction to Marja Ambler, TRPA Governing Board clerk. Ms. Aldean made a motion to approve the February 22, 2023 Legal Committee meeting minutes as amended.

**Motion carried** by unanimous voice vote.

III. RECOMMENDATION REGARDING RESOLUTION OF TRPA V. PARKER, U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA NO. 2:21-CV-02243-TLN-CKD; UNAUTHORIZED MOORING OF A WATERCRAFT IN THE WATERS OF LAKE TAHOE; REGAN BEACH, CITY OF SOUTH LAKE TAHOE, CALIFORNIA; APN: 026-050-006

TRPA General Counsel John Marshall presented this item to the Legal Committee. [Slide 5] Mr. Marshall oriented the committee to the South Shore of Lake Tahoe where Mr. Parker moored his boat. He reminded the committee that there were a number of enforcement cases that have arisen out of illegal mooring of boats in this area. The Wooldridge case which was settled and the Reziapkine that is ongoing. There was a hearing on the Reziapkine case yesterday that struck Reziapkine's answer and affirmed TRPA's entry of default. This item today is on the third case against Mr. Parker in which the Agency had to file litigation. After negotiating with Mr. Parker's representative both parties have come to a stipulated judgement.

Slide 6 shows Mr. Parker's moored vessel at a distance. Mr. Marshall draws the committee's attention to the fact that the boat is not anchored to any buoy, it's anchored to the [lake] bottom. [Slide 7] The three elements of the Stipulated Judgment are 1) a \$5,000 penalty to be paid in two installments; \$2,000 up front and \$3,000 within 90 days. Mr. Marshall reminds the

LEGAL COMMITTEE

March 22, 2023

committee of the settlement amount in the Wooldridge case which penalty was significantly higher. Mr. Marshall explains that this settlement is substantially less because Mr. Parker's boat was moored for personal purposes, not commercial use. The other terms are that the court retains jurisdiction for enforcement purposes and a failure to pay the penalty increases the penalty to \$20,000.

Mr. Parker and his representative signed the stipulated judgment so pending Governing Board approval, if the Legal Committee makes a recommendation to do so and through the Consent Calendar, TRPA would execute and file the stipulated judgment.

Chair Williamson asked if Mr. Parker and/or his representative were available and would like to make a statement. Neither party was present in person or online.

Committee Member Questions & Comments

None.

Public Comment

None.

Ms. Gustafson made a motion to recommend approval of the Stipulated Judgment.

Mr. Hicks asked Mr. Marshall for an estimate of incurred legal fees before agreeing to recommend the settlement.

Mr. Marshall responded that the agency has not incurred any actual fees other than staff time. Generally in enforcement cases the agency is not able to recovery attorneys fees unless the agency enters into a stipulation or settlement agreement that allows recovery for enforcement after settlement.

Ayes: Ms. Aldean, Ms. Williamson, Mr. Hicks, Ms. Faustinos, Ms. Gustafson, and Mr. Rice.

Nays: None.

**Motion carried** unanimously.

IV. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

No closed session.

V. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

No direction.



LEGAL COMMITTEE

March 22, 2023

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Meeting adjourned at 10:23 a.m.

Respectfully Submitted,



Katherine Huston  
Paralegal

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*



TAHOE REGIONAL PLANNING AGENCY  
ENVIRONMENTAL IMPROVEMENT, TRANSPORTATION, & PUBLIC OUTREACH COMMITTEE

Zoom  
TRPA

March 22, 2023

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Faustinos called the meeting to order at 10:33 a.m. on March 22, 2023.

Members present: Ms. Conrad-Saydah, Ms. Faustinos, Mr. Bass, Mr. Rice, Mr. Settelmeyer, and Ms. Williamson.

Members absent: None.

I. APPROVAL OF AGENDA

Ms. Chevallier stated no changes to the agenda.

Chair Faustinos deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Williamson moved approval of the February 22, 2023 minutes as presented.

**Motion carried** by voice vote.

III. INFORMATIONAL BRIEFING ON THE TRANSPORTATION PERFORMANCE AND RECOMMENDATIONS REPORT FRAMEWORK

Michelle Glickert, TRPA Transportation Planning Program Manager presented to the committee. The Regional Transportation Plan (“RTP”) is updated every four years; it’s one of TRPA’s Metropolitan Planning Organization (“MPO”) requirements. The RTP sets the vision for the transportation system in Tahoe. It’s a system that is interconnected, inter-Regional, and sustainable; connecting people and places in ways that reduce reliance on the private automobile.

The RTP has six distinct goals: 1) improving safety for all users; 2) enhancing connectivity across and between modes; 3) supporting economic vitality; 4) protecting the environment with reductions in greenhouse gas [emissions] and vehicle miles travelled (“VMT”); 5) preserving the transportation system; and 6) coordinating operations to better manage it. These goals have numerous policies, all of which make up the transportation element of TRPA’s Regional Plan. The Transportation Performance Reporting is about tracking how well TRPA is achieving the RTP goals and reducing Tahoe’s per capita VMT, tracking resident and visitor vehicle trips, and identifying adaptive management of the system if TRPA is not on target.

## ENVIRONMENTAL IMPROVEMENT, TRANSPORTATION, & PUBLIC OUTREACH COMMITTEE

March 22, 2023

[Slide 2] The Agency has created this reporting framework over the past few months with the help of the Transportation Performance Technical Advisory Committee (“TAC”) and consultant support from Cambridge Systematics. Those TAC members represent agencies TRPA works with to implement projects and programs like the Tahoe Transportation District, the two state Department of Transportation agencies, the North and South Shore Transportation Management Associations, land managers, county partners, and the City of South Lake. Also on TAC is the League to Save Lake Tahoe representing the Tahoe Environmental community and a member of the public, Ms. Carole Black.

Ms. Glickert will discuss the metrics for reporting, how adaptive management has been incorporated into the framework, how TRPA is evaluating performance, and responses to adaptively manage the transportation system. [Slide 3] Along with the adoption of the 2021 RTP, the TRPA Regional Plan was also updated with a new VMT standard. The Implementation Element of the Regional Plan identified five specific actions related to the new standard. The first is establishing a schedule of milestones to measure progress towards the per capita VMT reduction goals. TRPA completed that in April 2021 with the adoption of the RTP. The second action was establishment of a technical advisory body for transportation which was completed in March 2022. Third, the preparation of a charter, primary objectives, and workplan which was approved by the Governing Board in the summer of 2022. The TAC met to develop those materials which was approved in September 2022. Ms. Glickert’s update will be focused on the final action items; Preparation of reports by the TAC, reviewed and approved by TRPA/TMPO and preparation of adaptive management responses if scheduled milestones are not met to be approved by TRPA/TMPO.

[Slide 4] Report content as identified by the TAC will include high-level transportation metrics to track implementation of the VMT reduction and achievement of the RTP Sustainable Community Strategy goals. Secondly reporting to provide guidance on program, policy, and project modifications necessary to attain and maintain the new VMT threshold standard. Lastly, adaptive management responses that can be implemented if the region is not reaching VMT Milestones. Every two years, TRPA Staff and the TAC will prepare and transmit a Performance and Recommendations Report to the Governing Board with review by the EITPO Committee beginning today with the framework being presented tracking both VMT reduction and RTP performance.

The first full report to be presented in the beginning of 2024 will be a Recommendations Report focused on the RTP which will set the stage for the preparation of 2025 RTP. The Performance report will contain forecasts for growth, achievement of goals, and VMT reduction. The second Performance report happens 2 years later. [Slide 5] The Biennial reports will be structured by travel mode, in alignment with past RTPs, the framework also utilizes a tiered metric system. Beginning with those primary metrics; transit ridership [data] will be collected on fixed route systems as well as the new micro-transit systems. The report will also examine how much service will also be looked at and which neighborhoods are served with the goal of increasing transit ridership. For Active Transportation, [data will be collected on] Bike/Ped, overall mode share, and something new highlighted, Low Stress Bike and Ped Lane Miles. TRPA has continually collected data on the amount of bike lanes and bike paths that are built in the Region but hasn’t looked at the details. Not everyone like to ride a bike next to vehicles traveling at 40 miles per hour (“mph”) with a 4-6 inch stripe in between. So staff will look specifically at “low stress facilities” like the protected bike lanes and bike paths where bikes and peds feel safer. There are also slow streets in the region that are great for neighborhood riding for families where there are fewer conflict points. Staff will be collecting this data with the intent to increase those non-auto mode share and increasing the network of safe ped/bike facilities.

## ENVIRONMENTAL IMPROVEMENT, TRANSPORTATION, & PUBLIC OUTREACH COMMITTEE

March 22, 2023

For automobiles, data will be collected on the annual average daily VMT per capita; tracking everyone in the region, how many trips they take, and how far those trips are. Currently TRPA's annual average baseline is 12.48 miles travelled each day by everyone in the Basin. The goal is to reduce that to 12.35. That target will be checked when the next report comes out.

Ms. Glickert notes that it's important to be aware that working with the TAC these primary metrics will be collected every two years for either report, VMT focused or RTP, and staff will be continually utilizing the best data sources available. Mode share [data], for example, used to be collected by staff and interns have gone out around the Lake doing surveys and tracking folks at different locations. Ms. Glickert is working closely with TRPA's Research and Analysis department to find the best data sources available.

[Slide 6] The framework has a second tier of metrics organized by supply, conditions and state of repair, and programming and information. This helps staff to understand the why of data shifts. These are the first parts of the developed adaptive management system. There's a menu of second tier metrics that will be collected along with the primary metrics if staff determines the region is not on track or if there are some standards the TAC feels warrant a deeper dive. Tracking why something is improving allows for replication. Using transit as an example, if staff sees a dip in transit ridership, they can look to see how much service is being delivered vs. what is scheduled (Supply), whether riders are able to access bus stops (Condition & State of Repair), and lastly are people aware of transit options such as micro-transit on demand (Programming & Information).

[Slide 7] The Biennial reports will utilize the data from the primary and secondary metrics, the TAC will be convened to review those results, potentially identifying other metrics available that can inform performance as well, the TAC, with public involvement, will decide what might need to change to get back on track and these recommendations will be proposed to the EITPO committee. For example, if the Regional mode share analysis shows that ped/bike trips are holding flat and transit ridership is decreasing, recommendations could include additional analysis to better understand where and why those underperforming routes are occurring. The additional analysis could lead to potential policy decisions within the grant program that the Tahoe MPO administers. For example, all eligible sources that qualify for transit operations, any funding source that could go towards transit operations, could be considered first for only transit operations giving transit ops priority for those funds. Additionally, planning funds could be focused on working with transit operators and Transportation Management Associations ("TMAs") on more program outreach and information sharing to encourage more people to get out on the bus and to use micro-transit. Or we could be helping to implement some of the transportation operators transit plans using those funds. The adaptive management process provides that menu of options based on data drive analysis.

[Slide 8] The top side of the timeline on this slide includes the TRPA Board, Commission, and Committees and the bottom identifies data gathering and outreach with local partner agencies who are also on the TPTAC. Staff has already begun to focus on data gathering for the primary performance metrics and will continue to do so for the remainder of 2023. After the data collection, staff will reconvene the TPTAC and those meetings will entail review of progress, development of collective recommendations on the adaptive measures, in preparation for the draft RTP/SCS Performance Report. There will be a public meeting and then the draft recommendations will come to the EITPO committee for any changes prior to seeking adoption of the report which is required by the second half of 2024. Ms. Glickert states her intention to get this performance report out ahead of schedule because it drives the RTP and staff needs more than a year to develop that.

## ENVIRONMENTAL IMPROVEMENT, TRANSPORTATION, & PUBLIC OUTREACH COMMITTEE

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The 2024 Performance Report will inform the development of the 2025 RTP – identifying existing conditions, forecasts for the RTP, how TRPA is doing on VMT reduction and recommended needs that will fold into the plan policy and program development. This will include TAC members in their agency roles as project/program implementors and of course, entail the EITPO Committee, through public outreach and development of the next RTP. In 2020-2021, agency staff met with the EITPO Committee regularly during the development of that RTP. This process will be repeated; in 2026, staff will provide a report on the status of VMT reduction in the cycle of alternate biennial check ins all adaptively managing the Transportation system.

### Committee Member Comments

Ms. Conrad-Saydah asks about data collection and whether staff will be distinguishing between regular transit riders and occasional transit riders and, similarly, between regular and occasional bike lane users? Ms. Conrad-Saydah states that she's interested in how TRPA can get tourists to use transit, micro-transit, and bike lanes more, to move some of that travel from personal vehicles and target outreach to those groups.

Ms. Glickert states that she's not sure data collection has been that distinguished in the past but some of the agency's survey work does get so some of those questions i.e. point of origin. Ms. Glickert acknowledges the need to consider different targeting. She states that the agency feels that if they can create safe facilities, they'll attract all users.

Ms. Conrad-Saydah responds that she agrees and also offers the idea of having signage on the routes into Tahoe with notes on what kind of transit exists to encourage people to get out of their personal vehicles depending on the type of usage services are seeing and if the agency wants to encourage that usage more.

Ms. Faustino concurs that getting the right kind of research and data is critical to all appropriate outreach is being done. There are communities that are dependent on public transportation but also may not be tech savvy. Monolingual users may not show up in geo-caching data so it's important to ensure data collection is comprehensive.

Ms. Glickert states that some of these new data sources can identify where folks are living to better inform that and she reminds the committee of the workshop on the Transportation Equity Study. That information is being pulled into this framework and the preparation for outreach. Part of that is also in preparation for the next RTP; updating the agency's public participation plan which set out how outreach is done for all other planning efforts to better reach all demographics.

### Public Comment

Beth Davidson from Incline Village commented that she's lived at the lake for about 40 years and is attending a TRPA Governing Board meeting for the first time. She states this topic seems to coincide with the item [to be heard at the Regional Plan Implementation Committee] on the Washoe Tahoe Area Plan amendments. She doesn't understand in terms of reducing vehicle miles traveled, how there can be more development to the lake and expect to get [fewer] vehicle miles traveled. She and her husband try to keep our travel to a minimum, using the car but they need to use the car, for instance, traveling to Reno or Carson for Costco and other stores has been part of how they have supplies and so forth and when they do travel the roads



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they see them completely full of contractors and completely full of people all the time, whether they go over Mount Rose, whether they go 28 to Carson. She doesn't know how one reduces that if you're going to build more housing at a denser rate on the North shore, some of this doesn't make sense. She asks for an explanation of how VMT will be reduced.

Chair Faustinos asks staff if they'd like to respond. Ms. Glickert responds that she understands where Ms. Davidson's comment comes from but that TRPA is thinking about where that new housing is going to be located and focusing very much on affordable housing. Right now a lot of workforce have had to move out of the Basin which means they're driving back and forth which has potentially doubled their VMT. One of the strategies in the RTP is developing all of these great networks and options for those people in the Basin today and for some of those people that we want to draw back in here in affordable housing compact development in our town centers which will reduce trips. Ms. Glickert acknowledges that everyone has to do their part to see that average come down. It is a multifaceted system; transportation isn't going to do it alone.

Presentation can be found here: [https://www.trpa.gov/wp-content/uploads/EITPO-Framework-Endorsement\\_Mar-Revised.23-Final-1-1.pdf](https://www.trpa.gov/wp-content/uploads/EITPO-Framework-Endorsement_Mar-Revised.23-Final-1-1.pdf)

#### IV. INFORMATIONAL BRIEFING ON CASCADE TO MEEKS TRAIL FEASIBILITY STUDY

TRPA Executive Director Julie Regan provided a brief introduction to this item. As it relates to the previous discussion of different kinds of users in the transportation system, what TRPA has found that is other options, other than personal vehicles, are offered, people will take them. This is supported by data. This is an important framing about this feasibility discussion. One piece of data collected with the Transportation Management Association on micro-transit on the North Shore and South Shore is that a large percentage, 40-60%, of people riding Lake Link or TART Connect are people getting to and from work.

One of the goals of the Regional Plan Update was to give a future for Tahoe that isn't so auto dependent; to have more options for walking and biking around the lake. This precipitated the creation of the Tahoe Trail. It's TRPA's goal to have this trail circumnavigate the lake. There was a section between Incline and Sand Harbor that was called "the impossible trail" that has since been built and is seeing record usage and is getting people more connected to the Lake. TRPA now has a feasibility study that says that a section that could be considered an even more "impossible" stretch, around Emerald Bay, is possible. This isn't an alignment presentation, but an exploration of what's possible so when the committee and members of the public see photos and renderings, keep in mind that nothing's been decided. TRPA has received some public comment concerned that a route has already been decided which is not the case. This is an exciting opportunity for this organization to be a Regional leader on what could be the envy of the world; a trail on this most famous part of Lake Tahoe.

TRPA Planner Rebecca Cremeen presents to share the results of the Cascade to Meeks trail feasibility study. This is still in the very early stages of planning this trail and there will be plenty of opportunities to evaluate alternatives and to engage with the public and stakeholders through more robust environmental analysis. This study gathered the best available information over the last two years with Agency partners, the public, stakeholders, visitors to the corridor, homeowners, and those who are very

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knowledgeable about the ground conditions through this area. This report will be the foundation for a more detailed Environmental Study.

This segment is part of the greater vision to complete the Tahoe Trail. [Slide 3] What TRPA envisions is a seamless trail around the lake. The dark green segments [on the slide] is where the trail has been completed and the yellow segments is where TRPA is planning to complete segments. As it is right now there is existing trail on the West Shore all the way from Tahoe City to Meeks Bay and then completed trail picks up again on the South Shore from Baldwin Beach to Stateline. All of these trails take partnerships. This slide also shows all of the partners involved in this project. The U.S. Forest Service manages a lot of the land in this area, there are a lot of popular trailheads and recreation areas into Desolation Wilderness, linkages to beaches along the corridor. TRPA is working closely with CalTrans because the trail would go near or along or across that right of way. There's the D.L. Bliss State Park and the Emerald Bay State Park, so the agency is working with State Parks. TRPA is also working with the Washoe Tribe of California and Nevada to identify cultural and natural resources that need to be protected and where there are opportunities to educate the public along the way.

[Slide 4] To better understand the corridor, during the analysis process, staff broke it up into a few segments starting at Meeks Bay in the North to Rubicon neighborhoods, Paradise Flat, D.L. Bliss State Park, Emerald Bay State Park, and down to Cascade. [Slide 5] This trail has been identified in several plans including the Regional Transportation Plan ("RTP") that Michelle Glickert discussed earlier, the Active Transportation Plan, and the 89 Corridor Management Plan. The Transportation vision is to protect Lake Tahoe's environment and improve the travel experience through sustainable transportation projects and programs; shifting the mode of travel rather than expanding roadway capacity. How we communicate these transportation options is very important which is why TRPA is integrating technology into transportation planning and visitor messaging. [Slide 6] The Committee members may have experienced this congestion at Emerald Bay in the summer which is what TRPA is really trying to address. Parking along the roadways, causing resource damage and safety issues.

[Slide 7] This graphic is from the 89 Corridor Management Plan ("CMP") that was completed in 2020. It shows a vision of fewer cars, a higher percentage of people arriving by bus or shuttle (about 40%), and about 10% arriving by trail. The 89 CMP also recommends eliminating roadside parking at Emerald Bay and bringing visitors to the West Shore by a water taxi. TRPA understands that this trail is not a silver bullet that will solve all of the transportation management problems at Tahoe; it's one of many strategies that must work in tandem which is why TRPA needs to keep working with public and private partnerships to investigate solutions through the Destination Stewardship program and other initiatives.

[Slide 8] The goals listed on these slide were developed by the Agency steering committee partnership. Jason Drew from NCE continued the presentation as the project manager for the technical team assisting TRPA and the steering committee with this project. [Slide 9] He reemphasizes that the feasibility study was not intended to design a project; rather it was designed to answer two questions – first, can you find an alignment that's feasible and practical to have a trail through this 11+ mile corridor and second, if the answer to the first question is yes, what are some of the considerations and important points to think about as you move into planning and

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design of that trail. This was a 2+ year process to put the feasibility study together demonstrated on the slide. Starting in 2021, the first step was understanding all of the existing information and data that existed for the corridor. There was a tremendous amount of information existing in documents and anecdotally for different agencies and partners who have worked in the corridor. They held a kickoff meeting with the steering committee, partner agencies, stakeholders, and the community where they laid out what the study was and the timeline for it. Next, they did prescreening. Given the amount of time that people have spent thinking about and working in the corridor, there was a tremendous amount of potential alignment alternatives that existed within this corridor; more than could be looked at within the feasibility study. Then they ground-truthed all of the alignment options; they walked the corridor north to south and south to north many times to get a feel for the physical, neighborhood, and community aspects that exist within the corridor and within each of the alignments. Then, they developed evaluation criteria to have a meaningful way of looking at the variety of alternative alignments that exist within the corridor and be able to make some informed recommendations about what those alignments mean, what they could look like, and if they're feasible. As a part of that, there were a number of one on one meetings, meetings with stakeholders, and public meetings, to discuss development of that evaluation criteria as shown on the bottom left of the slide. The result was 22 criteria in 6 categories. In 2022, they did the alignment analysis with the criteria applied in a quantitative way to the alignment alternatives that existed within the corridor to have some repeatable and meaningful way of scoring and ranking those alignments. Those results were shared with the steering committee, stakeholders, and the community through a series of workshops and surveys. All of that information was provided to the steering committee and they ultimately selected an alignment to be further evaluated as part of the feasibility study in the end of 2022 and into 2023.

Once they had that alignment they laid it out on the ground to see where it could be feasibly located. As a part of that there was some initial engineering analysis to determine where structures would be needed; bridges required to cross creeks, undercrossings to go beneath the highway. They looked at environmental considerations, there was a lot of data and information as well as interactions with agencies to identify cultural, scenic, biological, and aquatic environmental resources within the corridor. They wanted to get a sense of what the trail could look like so they developed images and renderings. The draft feasibility study was released to the public about 6 weeks ago and they've received comments on that which will be incorporated into the final feasibility study. The process was ended with a webinar to the steering committee, stakeholders, and the community where all of the information was presented. Dave Rios from NCE continued the presentation walking the committee through the [story map](#). He showed the committee 10 location renderings to give them a sense of the feel of this potential trail including an under crossing, scenic viewpoints, and potential retaining walls. Also included in the feasibility study are the considerations for design, environmental, regulatory permitting, what projects need to be built and how that would happen, to inform implementers. They identified 10 specific buildable projects established based on connectivity to existing trails, points of interest across the corridor. The implementation section of the story map demonstrates a lot that needs to be decided and considered before any projects are built including environmental review, project sequence, and preliminary costs.

TRPA Staff Rebecca Cremeen finished the presentation stating that the next step of this project is determining a project lead, whether to move forward with an

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environmental review and, if so, what is the scope of that document. Will it be programmatic and looking at the entire corridor or looking at more “bite-sized” chunks of recreational hotspots and considering the 89 CMP recommendations for transit, parking management, etc. The next step is getting the steering committee reconvened to make some decisions. There is Lake Tahoe Restoration Act funding available for this project identified by the USFS.

### Committee Member Comments

Ms. Conrad-Saydah complimented the storymap and encouraged members of the public to check it out. She asked staff for the total mileage of the Cascade to Meeks section being discussed.

Ms. Cremeen responded that it’s about 11 miles.

Ms. Williamson also complimented the presentation and asked that as the next steps get finalized that staff bring updates back to the committee so they can hear about progress and be able to ask more thorough questions.

Mr. Friedrich asked what the most ambitious timeline for breaking ground on the first phases of the projects highlighted.

Mr. Drew responded the best case scenario is 3-4 years away. Ms. Cremeen added an example of the Meeks Bay Project, the restoration is going forward, the environmental review is almost completed, CalTrans has identified funding for bridge replacement, so that section could be sooner and looking at it broken down into components parts could be built sooner.

Mike Gabor with the U.S. Forest Service also responded that they are moving forward with environmental documents for various pieces at Meeks Bay and some of those aspects will make connections to neighborhoods immediately to the South. Some components within the corridor are being implemented now such as changes to Bayview Campground to a day use parking area. They’re hoping to implement larger steps to realize some goals of the 89 CMP that were in the feasibility study.

### Public Comment

Tobi Tyler commented representing the Tahoe Area Group of the Sierra Club. Although they support reasonably sized bike trails in general for Tahoe, they do not support building a 14-foot-wide road, including 2 feet of shoulder on each side, with a 129-foot tall retaining walls which weren't mentioned in the in the presentation through undisturbed forests that is nesting habitat for Northern Goshawks and Ospreys. If any bike trail is built, the least impactful way would be to put it next to the road, wherever feasible something needs to be done about emerald boats overcrowding issues, but trying to accommodate more and more people into the area by providing a huge bike path that will have substantial impacts on the environment is not the responsible Improvement way to solve this overcrowding issue. A preferable alternative to the overcrowding issue at Emerald Bay would be to either implement a reservation system or the shuttle service reservations. Shuttles are how many areas throughout the world address the issue of a place being loved to death.

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Doug Flaherty commented as a representative of TahoeClearAir.org. One thing the TRPA and its partners are really famous for is avoid to avoid cumulative Environmental impact statements. That's why you guys have already prepared to do this incrementally world class projects, invite world class over capacity. He states that TRPA is going to have a really uphill battle on their hands if they try to do this project incrementally. Speaking to the Forest Service on this, Mr. Flaherty is a little bit surprised that they're sponsoring incremental steps already with environmental review processes and he hopes they're noticing the public of their intent under NEPA. He doesn't believe the partners are going be able to just smooth sail through the environmental impacts without considering the entire cumulative impact of the entire project.

Denise Davis commented as a resident of Incline Village. She notes the pictures, and the end of your presentation were missing one key photo, which is what the trail heads look like. The trailhead for the East Shore trail here at the old Ponderosa and Tunnel Creek are just as crowded as some of your photos of Emerald Bay. The traffic and congestion problems on State Route 28 have just been pushed into the Mill Creek neighborhood, so I hope that while you're working on your feasibility study and your plans, you will look at the unintended consequences of projects, you've already done and take into consideration those effects on your plans.

### Final Committee Member Comments

None.

Presentation can be found here: <https://www.trpa.gov/wp-content/uploads/EITPO-Committee-Item-No-4-Cascade-to-Meeks-Trail-Feasibility-Study-1.pdf>

Story map can be found here: <https://www.westshoretahoetrail.com/>

## V. UPCOMING TOPICS

Chief Partnerships Officer and Deputy Director Kim Chevallier presented on Upcoming Topics for the Committee. Next month there will be an update on the 7-7-7 transportation funding strategy. The Tahoe MPO Regional Grant program will be recommending \$11 million in funding for 7 different transportation projects so staff will be seeking a resolution on those projects. Staff will also be seeking a resolution on amending the 2023 Federal Transportation Improvement Project to advance implementation on the SR28 corridor and a Kahle Drive complete streets project. Staff is looking to do a briefing on the first ever Regional Trails strategy which has been underway with many different partners to provide a blueprint for connected dirt trail networks. Staff also will seek a recommendation to the TMPO on the Transportation Overall Work Program.

Lastly, the committee requested updates on restoration projects so Ms. Chevallier will be programming updates on those into agendas to give the committee updates on Forest Health, Watersheds & Water Quality, and Aquatic Invasive Species including field trips.

### Committee Comments & Questions

None.

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Public Comments

Ellie Waller thanks Ms. Chevallier for the item on upcoming topics and welcomes her as new Deputy Director of TRPA.

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

Elizabeth Lernhardt, Zephyr Cove comments on the East Shore management, because reading some of the studies online that you have, it's clear you want to modify the behavior of diverse group of people with different needs without even acknowledging them. You do not seem to be distinguished between the seasonal changes in the winters in this extreme winter weather has shown that there is no bike riding. By the way, can I have a raise of hand of who came here by bike? No, I didn't think so. But anyway, how can you expect anybody even to survive waiting for a bus like in South Lake Tower for 60 min, that is, if the bus does arrive, since Thanksgiving it hasn't regularly arrived, and apparently there's a bus driver shortage, and thanks to the huge snow berms even some Uber and Lyft drivers were discouraged. This is not improved by Lake Link cannibalizing the existing system by paying drivers more and not requiring commercial driver license. I don't thinking shifting from one system that doesn't work to another one is helpful. Then there's your fascination with the bikes. Tahoe has 600 miles of bike trails, so I guess we need another one. The decision to use a more economic way constructing your Stateline to Stateline bike path in highway by trading motorized vehicle use of highway 50 for bike and pedestrian use is simply not feasible nor is it fair. As NDOT states, expanding the paved roadway capacity is inconsistent with adopted policies, except when it comes to the Meeks Bay plan as we just heard, so unadopt them please. There's no clause in your Compact prohibiting the widening of roads, new roads, or asphalt lanes for bikes. You broke your policies for multiple other reasons. Particularly close by the Round Hill parking lot that you created last year, which is I believe, asphalt. Why are the 5,000 residents in Douglas County less important? And where are the options for the Douglas county residents? There's no public transportation here, and there never will be, because we are just not that many, and even the micro transit does not include us. So sacrificing the 4 lanes on highway 50 will never work in reality. This winter has shown this clearly narrowing the lanes, as some of the more recent plans of end, or chose from a 13 foot 11 foot system down to 10 or something around there it's not going to work. Where's the snow going to go? Where is the snow plow going to go? Right now it's not feasible and the proposal that was put forth by Miss Murphy is a very good thought in summer, but not practical in a winter like this winter, and it's not so safe either.

Tobi Tyler commented representing the Tahoe Area Group of the Sierra Club. We've stated before that we have a caring capacity issue here in the basin and a trajectory of increased density and height throughout the basin are on a collision course with increasing environmental degradation I bring your attention to the excellent opinion piece in the Reno Gazette Journal Tahoe's Future Hangs in the Balance Again, which I include here for the record. The cumulative impacts from the numerous development projects and the allowance of greater density and heights are not being evaluated which violates the national environmental policy act NEPA and California Environmental Quality Act, CEQA in California. These developments do not address affordable housing needs, and will result in increased population and transportation pressures



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at a time when we are already, when we already exceed anyone's vision of maximum carrying capacity with the 60 million visitors per year. The TRPA has basically eliminated the VMT standard and now is opening the door to increase traffic nightmares and environmental degradation from additional people in the Basin. TRPA is not complying with NEPA and CEQA, with your environmental checklist, which most projects are approved under increased density, puts the entire community at risk, in the event of an evacuation because of fire or other disasters. It also increases air and water pollution because of increased fossil fuel bikes, cars, boats, and snowmobiles that come with increased density.

Judith Miller comments as a resident of Incline Village, and my comment applies not specifically to the East Shore trail, but to all of the planned multi-use trails. They have not contributed to lessening of traffic in the base. And that's because they're simply not designing with a cyclist in mind. If you try to ride a bike, a typical commuter bike would be going 15, 20, 25 miles an hour, and that's simply not possible with the amount of visitors that we have here that use these trails. It's not used as transportation, and I think it's really dishonest to promote these as a transportation solution. They're not. Have you done any studies to see just how many people use the East Shore trail for transportation? I don't think it exists. It's a handful, perhaps, but why would you park a car and pay money to get on a trail and to be slowed down to the pedestrian pace of maybe 2 miles an hour? It's not practical. It's not transportation. So please rethink the transportation element of these trails and provide a trail that a cyclist could actually use to get to work, to get to school, to get around the Basin.

Doug Flaherty comments in agreement with the previous two speakers. The UC Davis State of the Lake Report and obvious self-evident observations, by pretty much everybody in the basin. The Lake Tahoe Basin is in environmental free fall, it's out of equilibrium. Basically, this is due to the incremental impacts of public and private projects that the TRPA, and its quote unquote government partners continue to progress through without a cumulative impact environmental impact statement. TRPA and its partners have been colluding for quite some time now to put a push on increased height, density, and coverage, and as a result of this, I think the TRPA needs to step back. You're moving too fast, too quickly, too far, and you've been colluding to put together the Washoe Tahoe Area Plan Amendments, the Placer Area Plan amendments. You're moving ahead with increases in height, density, and coverage. So we need to have an environmental impact statement. Considering the cumulative impacts of all of those plans and amendments before you put them forward. You know they're coming. You've been working on them. You've been colluding. You've been plotting and planning incrementally it's time to have an environmental impact statement regarding cumulative impacts of all past, current, and proposed projects since the 2012 regional plan. The plan is dated I've provided a significant list of changes since then. And we need to take all of those projects and take a hard look at what you guys are proposing massive changes and increases of human and traffic capacity absolutely unheard of. Not sure why you continue to go down this path you guys are killing the lake. You're not a voice for Lake Tahoe, you're a voice for over development, developers, and increased height, density, and coverage.

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X. ADJOURNMENT

Ms. Williamson moved to adjourn. The meeting was adjourned 11:49 a.m.

Respectfully Submitted,



Katherine Huston  
Paralegal, TRPA

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.TRPA.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@TRPA.gov](mailto:virtualmeetinghelp@TRPA.gov).*

DRAFT

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

March 22, 2023

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ms. Williamson called the meeting to order at 1:01 p.m.

Members present: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Members absent: Ms. Diss

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Ms. Regan said the Regional Plan Implementation Committee will reconvene at the conclusion of the Governing Board meeting.

Ms. Williamson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean provided her clerical corrections to Ms. Ambler for the January 25, 2023, minutes.

Mr. Hoenigman made a motion to approve the January 25, 2023, minutes as amended and the February 22, 2023, minutes as presented.

**Motion carried-voice vote**

V. TRPA CONSENT CALENDAR

1. February Financials
2. Release of El Dorado County Stream Environment Zone (SEZ) Mitigation Funds (\$110,000.00), for the Meyers Stream Environment Zone/Erosion Control Project
3. Resolution of TRPA v. Jacob Parker, U.S. District Court for the Eastern District of California No. 2:21-cv-02243-TLN-CKD; Unauthorized Mooring of a Watercraft in Lake Tahoe; Regan Beach, City of South Lake Tahoe, California; APN: 026-050-006
4. Rules of Procedure, 2.16, Teleconference/Video conference
5. Memorandum of Understanding for Permit delegation between Washoe County and TRPA

Ms. Aldean said the Operations and Governance Committee recommended approval of items one,

two, and four. All expenditures are within budget and revenues are at or exceeding projections with planning fees remaining high but dipping over the past two months, most likely due to inclement weather. The committee recommended the approval of amendments to the Rules of Procedure regarding teleconferencing and video conferencing in order to encourage greater member participation at Governing Board meetings subject to reasonable restrictions which will allow us, among other things, to address safety concerns during adverse weather, conditions while still ensuring maximum public participation. That recommendation is subject to an amendment to Section 2.16.3, which now reads as: "During a teleconference, members may attend remotely from any location. No member may appear remotely for Governing Board meetings more than a total of five times per calendar year. These numerical limitations shall not apply to committee meetings not held on the same day as a Governing Board meeting.

Governing Board Comments & Questions

Ms. Conrad-Saydah said the double negative in the last sentence makes it a little confusing. The intention is that a member may attend a committee meeting remotely, and that if it exceeds five times per calendar year that doesn't trigger this rule. It only applies to the Board meetings themselves. It might be easier to state that more clearly these numerical limitations apply only to the Governing Board meetings themselves and not to the committee meetings.

Mr. Marshall said this is a holdover from the previous version of 2015. He proposed to say "This numerical limitation shall not apply to attendance at committee meetings.

Mr. Marshall said staff will also put the correct date on the adopting resolution.

Ms. Williamson said the Legal Committee recommended approval of item number three.

Mr. Marshall said they reached a settlement agreement with Mr. Parker on the litigation that they filed against him. It's for a violation of mooring off of Regan Beach illegally. It was a mooring for most, if not all, of the summer on an anchor as opposed to a legal buoy. The proposed judgement is for \$5,000 paid in installments. Mr. Parker claims substantial economic hardship and it was agreed upon to split the \$5,000 into two installments.

Chair Ms. Gustafson returned to the meeting.

Governing Board Comments & Questions

None.

Ms. Gustafson said item number 5 was not reviewed by any committee.

Governing Board Comments & Questions

Mr. Aguilar said if no other committee reviewed this item, he would like to have some background on it.

Ms. McMahon, Local Government Coordinator said TRPA has a history of entering into memorandums of understanding with local jurisdictions and public utility providers. They allow

those entities to do certain activities or permitting on behalf of the Agency. It's to streamline the permitting process and make it easier to get things done. Under the 2012 Regional Plan it called for local jurisdictions to develop area plans that are smaller geographic plans to further implement the goals and policies of the Regional Plan, and once those area plans are adopted, it also calls for TRPA to enter into a new memorandum of understanding with the local jurisdiction which allows them to do permitting on behalf of TRPA. When the Washoe County Area Plan was adopted close to two years ago, she reached out to Washoe County to get a new MOU in place. They've been working on this for a number of years. It replaces an old MOU that they had with them that's currently not in effect, it would allow for Washoe County after they have training to review non lakefront residential projects on behalf of TRPA.

Mr. Hester said the reason it didn't go through a committee is it's a standard format that they've used with a lot of jurisdictions.

Mr. Aguilar said if the County issues a permit in contrast to TRPA conditions, what is the remedy?

Ms. McMahon said they would provide the County training on how to review a project pursuant to TRPA rules and regulations and the expectation would be that they are issuing permits consistent with our rules and regulations. Staff also does annual audits to ensure that's happening.

Mr. Aguilar asked what the termination clause was on such an agreement.

Ms. McMahon said 30 days.

Mr. Aguilar asked if that was for cause or any reason.

Ms. McMahon said they would do an audit, and if there's problems, staff will provide training or give the jurisdiction an opportunity to correct the problem. If it's a larger problem, they could pull the MOU. They've not done that in the past five years that she's been the Local Government Coordinator. Generally, they can resolve the issues.

Ms. McMahon said this action will not create an environmental impact because they're not omitting any Regional Plan Goals and Policies or code. This would allow the County, if they choose, to issue permits on behalf of TRPA.

#### Public Comments & Questions

Doug Flaherty said many people recognize that this is nothing more than the nose of the camel in the tent to eventually allow Washoe County to approve accessory dwelling units in Incline Village. They are aware of what you're doing, and although he cannot speak specifically to a Board member, they want this Board to know that you're giving these people a glide path to double the human capacity in Incline Village which is already over capacity. They are already at risk of wildfire, there is no wildfire evacuation, roadway by roadway assessment. TRPA has not accepted their responsibility for public safety to create a basin wide roadway by roadway, fire evacuation assessment. Adding more ADUs eventually, which is the plan is going to do nothing but increase human and roadway capacity.

#### Governing Board Comments & Questions

Ms. Aldean made a motion to approve the consent calendar with the changes made to the Rules of Procedure 2.16.3 Teleconferencing and Video Conferencing proposed amendment.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss

**Motion carried.**

VI. PLANNING MATTERS

- A. Lake Tahoe Community College (LTCC) Student Housing Project, 33-unit/100 bed facility for students and one resident director office/apartment, 1 College Drive, South Lake Tahoe, California, APN: 025-041-023, TRPA File #ERSP2022-1992

Ms. Regan said we want to focus on the human element of this project before us. You as a policy board dive deep into the weeds of land use policy and very technical issues. Behind all of those issues, it's really a collection of humanity and stories and people's lives. Everyone in our community, not just on the south shore, but the entire lake and the region, is connected to this college and over the course of decades what began in an old motel on Highway 50 that has grown to this campus. Her husband left art school on the East Coast headed to San Francisco, but landed in Lake Tahoe, fell in love with the lake, and went to the college in the old motel. This project will address some of these issues. It affected his life, the love and passion for the lake, his art career as a fine artist, and ultimately her love and passion for this lake. That's one small story of thousands and thousands of human lives that are affected by projects like these. This also connects this to the Board's work as defenders of the Compact and the Regional Plan. And our academic partners, like the college, the University of California, Davis at the Science Center in Incline Village and the new University of Nevada, Reno Lake Tahoe campus, the Desert Research Institute, and many other universities help us carry out the intent of the Regional Plan through research, but also through their programming.

Thank you to Ms. McMahon for moving this project forward because of this incredible funding from the state of California to make this vision a reality. There were some tight timelines on the administration of this permit and this project application, and everyone pulled together as a team.

TRPA staff Ms. McMahon and Dr. DeFranco, President of Lake Tahoe Community College provided the presentation.

Ms. McMahon said Dr. DeFranco will go over the college's facilities master plan, some of the projects that have been recently approved, and how the college's plans and programs align with TRPA's vision and mission, along with how the college is helping to support community needs. Today the focus is on housing. Ms. McMahon will provide an overview of how the student housing project complies with the Regional Plan and TRPA's Code of Ordinance.

Dr. DeFranco said he's been at the Lake Tahoe Community College for a little over a decade and President for the past six years.

The campus has grown over the years, and they see this as a very transformative project for our



campus and also for the South Shore community as there is a significant housing shortage. In addition to all of the things you'd expect for a standard California Community College in terms of associate degrees, they also have a focus in forestry programs, fire academy, and fire science. They do have a lot of public safety programs and environmental science programs that align with the care, restoration, and preservation of the Lake along with the alignment with TRPA's mission.

They have an approved master plan by their Board of Trustees that was originally approved and developed in 2011, and most recently approved in 2020, reflecting a direction for this housing project and now will be updated again to reflect the final housing project hopefully once it's approved.

The campus has continued to expand. The light blue buildings shown on slide 5 are the buildings that are in planning and nearing construction, or currently in construction along with other ones that are planned for the future. This is part of a multi-decade plan to transform this campus. One thing that is unique about LTCC is that they're not just a project, they're more of a program. This construction program about renovating the campus has been taking place for the last ten years.

They started in 2015 and anticipates this run to continue through 2025 with housing on active construction. Slide 6 shows a list of four large projects that are complete, two that have been through TRPA and have been approved and under construction. Both of those are anticipated to finish late this summer. Then the student housing project, which is funded and designed hoping to get some key regulatory approvals including TRPA and get out to bid to get shovels in the ground this summer. The final one there is the Public Safety Training Center that hopefully, they'll have opportunity to talk to you about in the future. It's partially funded and are looking for some additional State and Federal funds. It's about providing training for forestry professionals, EMS, criminal justice, forestry, fire, etc.

The Lisa Maloff University Center allowed them to bring four year degree partners to campus. It was made possible through a local donor. This has made their trend to moving toward more green building movements. All these new units have hydronic heated sidewalks which are good for safety and the use of less ice melt, runoff, and chemical impacts. The next one is the Early Learning Center with pre-k programs offered on the campus as well. This project was completed in 2021 and meets many of those more environmental forward building and landscaping design. The next project is the Mobility Hub that was completed in 2019, and then through a partnership with Liberty Utilities and the Tahoe Transportation District, it was electrified in 2022, and provides overhead charging for their fleet of electric buses. This project was critical because it put the campus in the center of the bus network. They are one of the primary stops, there are three buses an hour coming through campus. This was an important pre-step to prepare them to be ready for housing.

The Greenway Trail is the new bridge that was completed in 2021 and is on their campus which they helped fund that section of the trail. All these were about creating alternative routes to transportation to campus and off campus.

They've also done a number of things to reduce vehicle trips. A lot of the trail access that was mentioned, but additionally, their student group has shifted. They used to have about one quarter of their students online and the rest were face to face. Now, they're about 50/50. With about 50 percent of the students online, there's a lot less vehicle trips. Students will still come to campus sometimes to see a counselor, purchase items from the bookstore, but not in the number of trips

that they had when they were predominantly face to face. They've also implemented a telecommute protocol that's available for their permanent staff, a minimum of 50 employees and are up to about 70 right now where they get 20 percent or one day a week telecommute. These were all things that they did to help reduce the number of vehicle trips to their campus. They are one of many sponsors of Lake Link, but one of the more important roles is that they house those vehicles on their campus. They are also one of the highest if not the highest location of trip origin and trip completion.

They received this funding from California but have a bi-state mission, for instance, with their promise program which allows students to be tuition free for up to three years if they qualify. That's fully funded by their foundation for any student around the basin, including the Nevada side. They also recently got some legislation approved that allows them to enter into this Western Undergraduate Exchange, where any Nevada resident could pay 150 percent of California tuition and access the campus.

Slide 12 shows the current off-campus housing which was an existing set of condos. They entered into a five year master lease with the owner and made them significantly denser. There are six students living in each one: two students per bedroom with three bedrooms, total. This serves 30 students and a resident advisor. It's a small dent and is something that they'll continue to work on. There are some rules around the funding so, this would allow them to continue to serve, especially folks that come from beyond the basin. They have a lot of students that will come from Las Vegas, Reno, and out of state and even a couple of international students. This is in the Ski Run Boulevard neighborhood and close to public transportation.

The students have been impacted by the affordable housing situation as well. There's many stories talking to students about less than ideal living situations, landlord challenges, their housing being converted into a second home or VRBO, etc. They've had a lot of displacement of their students so that impacts their ability to access their education.

They are proposing 100 bed full-time student housing on the campus. It's dedicated to low-income students and deed restricted which is the agreement with the state of California. They are one of only 11 California Community Colleges that receive this funding. They're hopeful to start construction this summer. They received this funding at the end of June, beginning of July and at that time it seemed impossible to get a shovel in the ground. A special thanks to Ms. McMahon and the entire TRPA team for their responsiveness. It would literally cost them millions more to build if it was a year later.

These are full-time students that are on campus and are not trying to bring 100 students from another area to campus. It's to support students that are in town that maybe are looking to move out of their parents' house and get more independence. Maybe they have a less than ideal situation living in town, or maybe they're unable to find housing.

The location of the proposed housing is in the southwest corner of the developed part of their campus adjacent to the student center, cafeteria, library, workout facility, the gym, etc. It overlooks the Trout Creek area. It will connect to the rest of that campus and focus on walkability and connectivity to those other buildings. This area is pretty undeveloped right now and is going to be a little bit of a cornerstone project that will anchor multiple buildings together. There will also be a full-time residential director that will live on site. Each of the rooms have kitchenets, but there's also

community kitchen. There's two double occupancy bedrooms that are next to each other, and then they share a restroom. They do have a couple of single occupancy bedrooms because they do have folks such as returning veterans and formerly homeless students.

(Presentation continued)

Ms. McMahon said this project is before the Governing Board because it will require more than ten residential bonus units. It only requires five new parking spaces because it's located adjacent to an existing large parking lot on campus. It's located near existing college buildings, including the library, student services, classrooms, gyms, and ballfields.

It's a proposed two story building and is consistent with TRPA height regulations. The college is proposing to use earthtone materials that are compatible with the existing college buildings, and compatible with the wooded background. It's a 33 unit, 100 bed facility, and one resident director office apartment.

This project does require 41 residential development rights and the college is located in the older Bijou Al Tahoe Community Plan. The City of South Lake Tahoe has plans to update this older community plan and develop a new area plan, but they couldn't do it in the timeframe they needed to get this project approved. One obstacle identified early on in the process is, there's this policy in the Bijou Al Tahoe Community Plan that limits TRPA from allocating no more than 20 bonus units to a project. Bonus units are the type of development right that TRPA gives out for deed restricted affordable, moderate for local achievable housing. TRPA asked the City if they could provide 21 residential units of use which are the banked development rights that the City got from tearing down an old motel. Lake Tahoe Community College asked if they could use those for this project and they would go to the Board to ask that 20 bonus units be allocated to the project. The plan is for TRPA to reserve the other 21 residential bonus units and when the City gets their new area plan adopted, removes that outdated policy. Then TRPA will give this project the remaining bonus units, and then the college will return the residential units of use back to the City. The City's been using those residential units of use for various affordable housing projects, or accessory dwelling units.

She thanked the City of South Lake Tahoe for supporting this project and working with TRPA on this.

TRPA staff found that the project was consistent with the Regional Plan code and community plan and have made all the project findings and are recommending approval of the project.

They did receive a public comment letter from the Tahoe Prosperity Center expressing support for the project and is the only comment letter received on this project.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIA-Lake-Tahoe-Community-College-Student-Housing-Project-1.pdf>

#### Board Comments & Questions

Ms. Aldean asked if it was correct that this mitigated negative declaration is because of the findings of significance on page 295. This has to do with some quality issues that state "No" with mitigation, it won't have an impact if the impact is mitigated. Because on page 297, none of those boxes are checked under determination. She assumes the box that should be checked is "B" proposed project

could have a significant effect, but due to a list of mitigation measures which have been added to the project, would ultimately not have a significant effect.

Ms. McMahon said correct, it was not marked but based on the conditions in the staff report, this project wouldn't have a significant impact. This project had an Initial Environmental Checklist prepared.

Ms. Aldean said the Initial Environmental Checklist says they have included the full document as well as the final initial study, a mitigated negative declaration. She wanted to ensure that there is not an inconsistency between the document as we've completed it, and what was submitted by the applicant.

Mr. Marshall said there is not.

Ms. Aldean said it's the college's intent to make this housing available to students within the basin, do they have a marketing program in mind so that they're not attracting students from outside of the basin?

Dr. DeFranco, LTCC said because the nature of this funding from the state of California is limited for California low income residents who are full-time students. For example, the University of California, Berkeley has had some housing challenges, a lot of their housing is focused on like international students or out of state students. In this instance, this is limited to state of California residents.

They've talked a lot about this internally. Their target opening date is July 1, 2025, and there's still work to be done on that. They've talked with their folks that do the basin wide High School outreach from Tallac and South Tahoe Highschool and also do outreach to Whittell, Incline and North Tahoe High Schools. You could go away to college and have that residential experience here. A lot of it will also be through their basic needs center where many of their students are having housing insecurity or affordability issues. This is going to start at \$500 a bed monthly rate including their utilities, internet, etc. A lot of it is going to be focused on those students that have high affordability needs. A lot of their basic needs staff are already connected with who those students are. They'll have a lot more details as they get closer to opening.

Ms. Conrad-Saydah said based on the demand, they are seeing a lot more remote students, but what is the average demand for housing.

Dr. DeFranco, LTCC said they hired the firm Brailsford & Dunlavey who have worked with schools from San Diego State, Western Oregon Community College, the University of California, Berkeley and everyone in between up and down the West coast. They did a demand survey for LTCC based on a price point that was actually a little higher price point than this. The demand might even be greater at this lower price point. Through that demand survey, there's all these steps, and then they keep cutting them down and cutting them down, and they got down to about 200 students which is they estimated for the annual demand. The initial demand study says there's demand for 440 beds, but then they take out all these folks that they don't think will actually act, or may not be able to afford, or folks that may not stick with it. They believe there's significant pent up demand for this and is their intent to maintain that 31 bed unit off campus, especially because that can serve out of state students or international students. But at the same time, he doesn't think any of us see in the foreseeable future, thinking about having another hall or multiple halls.

Ms. Conrad-Saydah asked what their average annual enrollment is because when the housing is

available, they may see more demand.

Dr. DeFranco, LTCC said their headcount will serve 7,500 students in a given year. With that said, 450 of those students are older adults that come for the silver sneakers workout classes. Then 500 of those students are taking winter classes such as avalanche rescue and whatnot that are coming from all over the region. Then 500 of them are part of the rising scholar's program, which are incarcerated students. A couple of thousand are fully online students. A couple of hundred of them are firefighters from San Jose to South Lake Tahoe, that they train at the at their fire agencies. It gets to a much smaller number but you're talking about a couple thousand students that are degree seeking in the region and then a much smaller number of those of about 500 that are full-time degree seeking on campus.

Ms. Conrad-Saydah said given that the school doesn't run year round, have they any conversation about usage for summer camps or summer school?

Dr. DeFranco, LTCC said the agreement with the State has to be 24/7, 365. Because this is also trying to meet the low income housing need, some of those students might formally be foster youth or students that don't have another home to go back to, the intent is that it's available year round.

Mr. Friedrich said with the 500 full-time equivalent year round students, presumably this would be serving that group and based on the housing shortages, their assessment that this could support an additional 100 new students, or 20 percent more that otherwise might have come to LTCC in the past meeting that crucial FTE need to sustain college operations, and this will help facilitate that. Is this helping to create a pathway for students who otherwise have not been able to afford to be in that 500 FTE full-time category?

Dr. DeFranco, LTCC said this is a little bit less of a growth, but more of a maintain. They recently worked with a firm from the University of California, Davis that did interviews of the students to see why they left, and a lot of the times it's because the housing turns over. After the Caldor Fire, they had significant enrollment dropped from a week before when they evacuated to when they came back. Students got displaced or lost their jobs. A lot of it is that there's students that are getting displaced, having turnover, having issues, and they're leaving the college because of that. The other issue they hear from students is they needed to work more hours in order to afford to live. This is more about kind of maintaining these students that have demonstrated interest, but they can't afford to live, work, and go to school. There are too many demands on them. Or some of the students that have had so much housing turnover. For example, they had a student that was a student leader a couple of years ago, that moved four times in her final year at the college because the house got sold, got converted to a VRBO, etc. That might have been a more extreme example, but there's many anecdotes of that from their students.

Mr. Friedrich said Dr. DeFranco is an advocate of energy efficiency and renewable energy and mentioned earlier of work on existing buildings to make them more efficient. But he didn't hear him share any plans for efficiency or sustainable building elements here.

Ms. McMahon said the architect for the project is online.

Dr. DeFranco, LTCC said this building will be built with a lot of energy efficiency lifecycle costs all those things considered. There's a lot of things that they've been trying to do environmentally with

heated walks and connectivity. That requires less use of the blowers and the deicer and all those things that impact the environment. There was a lot of thought given to the location of this facility related to Trout Creek and the existing walking trails and how to connect to this campus but maintain and preserve that natural environment but also allow the folks that live in this housing to be able to access it. The biggest thing that's not in this project, but it's adjacent to this project, and a little premature, but they are in preliminary conversations with Liberty Utilities about doing a solar array on the north side of this housing that would come a later time. It wouldn't be enough solar to power the facility, for instance, but more of a demonstration site. There's a spot north of this housing with some covered spaces for trash enclosures and transformers that they've been talking about for a potential solar array in the future.

Ms. Williamson said two things that LTCC does well are that they attract older students and a range of students and they have great daycare. She asked if family housing is factored into this project, or that they see a need of for students or single parents.

Dr. DeFranco, LTCC said the campus master site plan has a mixed-use residential plan. It's completely hypothetical right now. It's north of the campus by the Forest Service Building. They did this space holder when they went through the California Environmental Quality Act process but there's no momentum or funding toward that right now. This project does not address that because this design is pretty much the vast majority of about 90 of the students are in double occupancy setup, and then only 10 are in single occupancy. Typically, you'll have a different location for family student housing and more of a townhouse or condo, with a playground and open space. There's conversations with folks on campus that would like to see that as a next logical evolution but is probably a ways out right now. In July 2019, they had zero housing, then they entered into that five year lease, and now they're doing this. They know that housing insecurity and this dynamic between number of hours you need to work and the number of hours you need to go to school impacts their students ability to complete and get degrees.

Mr. Settelmeyer asked if they've spoken with institutions about limiting factors such as, is there a limitation on how long someone can stay at this particular place? For example, he had a friend with a two year degree, but he was in school for eight years. Are you going to make this available to people that are 100 percent virtual degree? If so, he questions that. He appreciated the preference for people out of the basin, but there may be some individuals currently that are driving daily to the campus that you could prevent from having to drive daily out of the basin. It's available obviously for Nevada and California, but in that respect, if you meet the need within the basin, and you still have room, would you then allow people out of the basin, or would these then be unoccupied?

Dr. DeFranco, LTCC said there is definitely going to have to be an end. With their promise program right now, they get up to three years. These are two year degrees but that doesn't always happen. They'll probably be looking at three years and then there's an appeal clause if there's an extreme circumstance. The intent is not to be a student and be able to get housing and have this become their long-term housing.

Once this is built, they'll have these 100 beds on campus. This is specifically limited per their agreement with the state of California, who basically wrote a \$40 million dollar check to support this, it must be California low income residents and full-time students. This housing is limited by those elements. They are going to maintain their other off-campus housing because they serve a lot of students that are not California residents. They do have many students that commute from

Minden, Gardnerville, Carson City, etc. to the campus that they want to provide local options to reduce those. At this time, they have these two suites of housing that one of them is fully locally controlled, which is the off-campus housing and the on-campus housing, they have local control within the constraints of the agreement with California. As they get further down the line, they'll be due for another one of those demands surveys to see what the missing gap is. Is there more demand for out-of-state housing, family housing, or low-income housing?

Mr. Settelmeyer said he's a little bit troubled that this is a bi-state Board and you're saying Nevadans aren't welcome.

Dr. DeFranco, LTCC said he completely understands that and they've spent a lot of time in Sacramento, trying to explain to folks the bi-state nature of their institution. They have had some good luck with two different bills where one got them the California Nevada interstate attendance agreement which allows them to serve the East shore of the basin. Most recently, Assembly Bill 1998 got them the Western Undergraduate Exchange that now allows them to serve Nevada students at 150 percent cost. In this case, it was part of a Governor's proposal for California and these constraints were on it. They do have a number of Lake Tahoe clauses but in this case, it was not available to them.

Mr. Settelmeyer remembered working with former Senator Gaines and Mrs. Gaines on the Western Undergraduate Exchange (WUE) concept.

Dr. DeFranco, LTCC said Senator Gaines was very helpful with the initial California Nevada Interstate Attendance Agreement.

Mr. Aguilar asked if there is a relationship or partnership with the University of Nevada, Reno and the new campus in Incline Village.

Dr. DeFranco, LTCC said they have a relationship with UNR. They had a very close working relationship with Sierra Nevada College prior to UNR. They taught classes in the LTCC University Center and had multiple students getting four year degrees here in the South Shore with the Sierra Nevada University degree in faculty. Since it's become the UNR Tahoe campus, they've had some conversations, but still being worked out. Not speaking for them but he thinks they're establishing their offsite center now, and kind of working out some of the implementation steps of that. There is a potential possibility of that in the future. In the past, LTCC was basically like a satellite campus for Sierra Nevada College, now UNR Tahoe is a satellite campus for University of Nevada, Reno. So, they don't have as good of a fit there anymore in that regard. But they do have transfer agreements and met with the forestry program leadership to align with their program. There's a lot of academic connections, but with the UNR and SNC switch over, it's changed the dynamic a little bit.

Mr. Aguilar is asking because of Director Settelmeyer's question of reciprocity between UNR Tahoe and LTCC. Are they serving Californian's just the same as you are serving Nevadans and vice versa. Maybe there's a bi-state compact that can be done there.

Dr. DeFranco, LTCC said the Western Undergraduate Exchange is a big element of that. Any given year, they could have more students go to UNR than any other California State University or University of California. Their top transfer schools are UC, Davis, Sacramento State, and UNR. It varies, some years UNR is at the top of that. That is another one of those things that they have to do

some educating on. That's also part of the reasons they brought that University Center to campus, because if you live on the South Shore and are commuting to Sacramento or Reno for classes, isn't always a great option. There is also that emphasis on trying to get these four year degree offerings on campus as well.

Mr. Aguilar asked what the percentage is of Nevadan's enrolled at the Lake Tahoe Community College.

Dr. DeFranco, LTCC said an estimate is its single high digits across all the programs and then the California Nevada Interstate Attendance agreement, which is the Stateline to Incline Village students was 22 this past year.

Ms. Laine expressed her appreciation to the College. They've spent so many years talking about housing at the college with partners. They've looked at it every which way and weren't able to come up with anything viable until the College stepped up. Congratulations and thank you for your leadership and taking this step. And thank you to the City of South Lake Tahoe for being great partners.

Mr. Rice asked what a full-time student is now.

Dr. DeFranco, LTCC said they are a quarter school with Fall, Winter, and Spring quarter. It's 12 units in a primary academic term. They wouldn't have to necessarily go full-time in summer to maintain the housing. Twelve units in a quarter school is like three, four unit classes. They tell students if they want to graduate in two years, they need to take 15 units a term, but 12 units qualifies for full-time for aid and the purpose of this housing.

#### Public Comments & Questions

Hilary Roverud, City of South Lake Tahoe, Director of Development Services said Ms. McMahon mentioned the City's role in supporting this project, in the form of providing residential units of use. Their City Council approved the agreement to facilitate that transfer at their meeting on March 14, 2023. That action is consistent with city adopted housing element policies and programs to support the community college and developing student and faculty housing. They are excited about the community college pursuing the opportunity to develop this student housing project and their ongoing general commitment to addressing the housing needs of students. They support the recommendation to approve this project and appreciated Lake Tahoe Community College, TRPA, and all of their partners that are committed to solutions that provide more housing opportunities for members of our community.

Mike Glover, CEO of the Tahoe Chamber said on behalf of their members and Board of Directors, he's pleased to share their support for the proposed project. LTCC has a unique and valued asset serving our region. The Tahoe Chamber has a long history of supporting the college, including support for the development and approval of their facilities Master Plan and support for the individual projects that are coming forward consistent with that Plan that includes the proposed student housing project. They provided letters of support to the California Legislature and Administration when the State grant for this project was being considered and ultimately approved.

Gavin Feiger, League to Save Lake Tahoe said they are in support this project based on the land use,



the environmental findings, and the community need. It meets the goals and policies and helps further those from myriad of regional and local plans.

Board Comments & Questions

Mr. Friedrich congratulated Dr. DeFranco and staff for being proactive in meeting affordable housing needs for students. This project is crucial for the viability of the school, which in turn is a cornerstone of South Lake Tahoe community, and our region, which is why the City so strongly supports the projects. It's certainly one of the best and most needed projects that have come before us, in recent memory and anticipates also, for the future.

Mr. Friedrich made a motion to approve the required findings, including a finding of no significant effect.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss

**Motion carried.**

Mr. Friedrich made a motion to approve the proposed Student Housing Project including the allocation of 19 affordable residential bonus units and one achievable residential bonus unit and reservation of 21 additional bonus units for the future use of the project subject to the conditions in the draft permit.

Mr. Settelmeyer said as a Nevadan, he appreciated and supported this bi-state concept. He hopes in the future, that things will be looked at in a bi-state way, otherwise, he will no longer vote in a bi-state way.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss

**Motion carried.**

Dr. DeFranco, LTCC said they'll keep sharing geography lessons in Sacramento, and are going to try and get some of the key stakeholders as well for a groundbreaking.

B. Permitting Improvements Action Plan - Implementation Recommendations

Ms. Regan said today's presentation will talk about some permitting improvement processes and wanted to elevate that discussion away from some of the technical issues that you'll be hearing. These are very important to think about your role as the policy makers of the Basin, and looking at how we drive compliance of the Regional Plan. Permitting is a key strategy for us to bring properties into compliance. What's she's seen in her couple of decades of work at TRPA is the more challenging and difficult the permitting process, the less interested folks are to participate in that process. Having done a lot of research, focus groups, and workshops in the communities, and if TRPA make the rules so difficult that people can't understand and how to comply, they're never going to get to

the vision that we have of the Regional Plan and to bring older properties into compliance. It's also a matter of good public service as public stewards, public taxpayer dollars. They have a responsibility to work with our communities, to move older properties into compliance and to ensure that new properties are developed responsibly in an environmentally compatible way that meets our environmental standards here in the basin.

Mr. Stockham and the interdisciplinary team at TRPA staff level, who've been working on this very diligently. Mr. Stockham used to be with TRPA and helped them lead the Regional Plan Update over a decade ago and is intimately familiar with our processes.

Mr. Stockham, Stockham Consulting provided the presentation.

Mr. Stockham will be presenting a refined package of permitting programming improvements. The focus is to improve the permitting process which in turn will help facilitate environmental redevelopment and threshold attainment. They've tried to stay focused on, can we make the process more effective, more efficient, more consistent, and what are those changes that would do the most good without creating any harm?

These recommendations were developed through an incremental process. It started with a staff team for permitting improvements which have just been instrumental throughout this process. They started with a development of ideas, where should we start looking for areas for improvement? Then they did an issue assessment with a lot of stakeholder outreach, where are the opportunities to improve? They sent that documentation and got feedback. Ultimately, that evolved into the permitting Improvement Action Plan which they presented to this Board in August 2022., and that was endorsed to move forward.

That's started identifying the strategies and the more specific topics and more detail in the change recommendations. Since that August meeting, they've spent a lot of time in the technical details of what's going to work, what's not going to work, and pitfalls. The 45 pages are very detailed specific recommendations that they think changes can be made that are not going to have negative environmental impacts but are going to have significant procedural benefits.

The goal today is to get comments, course corrections, and concerns from the Board. They're asking for endorsement, and then will be coming back in August 2023 with the final ordinances, fee schedules, etc. for approval. They're anticipating an implementation date of October 1, 2023, for this first suite of improvements so, they can do some training before it goes into effect.

They'll be working on Phase 3 improvements after that August stage through the winter and then hoping to have everything buttoned up and new programs in place in February 2024.

Slide 5 shows the six priority topics and action items that were identified in the Permitting Improvement Action Plan.

Overarching is efficient, consistent, and predictable processes. So, people have a reasonable expectation of what's approvable, what's not approvable, and everything's done as consistently and efficiently as possible. It's a complex Code of Ordinances, so, it's never going to be perfectly efficient.

The second topic is minor applications. They heard a lot that really little things at TRPA can take a very long time. Big things also take a long time, but the real improvement opportunity is to make routine actions a lot easier, simpler, and less time intensive things. Things that are clearly in conformance with the Regional Plan and Code of Ordinances. They have a whole suite of changes focused on clarifying the Code requirements. They have a lot of standards that are not measurable. For example, the definition of coverage and coverage as a measurable, quantifiable limit, but the definition isn't quantifiable, it's subjective. There's been a whole suite of interpretations over the last generation to make these kinds of non-quantifiable definitions measurable. That creates a lot of confusion and difficulty. They want to write that detail into code.

They have some recommendations on customer service improvements and communication. There's more longer term efforts focusing on enhanced staff development and training. Lastly, funding which is really another crux issue. With the procedures currently in place, the fees generated through permitting are not covering review costs. It either requires subsidies from other funding sources or significant efficiencies.

The first topic is a suite of administrative improvements which are important for consistent operations. Resourcing this effort, getting all of the permit templates, review documents, and documents used by staff consistently. Increasingly relying on staff teams, sub-supervisory roles with different functions, and a big one is the procedure manual. There aren't really any written procedures at TRPA. There are some, but it's a lot of institutional knowledge and word of mouth. They want a very comprehensive manual that's publicly available on how the permitting review process works, what people can expect, what things need to be checked with different types of applications. In the long term, they're going to look at opening up the application forms and requirements and improving those as well as part of a Phase 3 effort.

Next is to simplify procedures for minor applications and sequential approvals. The first big one is a new category of application called a minor application, that would be much quicker and easier to apply for and to review. The second is increasing use and allowances for concurrent processing. A lot of times people have to do an application for, say, a development transfer before they can then do a development project. Bundling those and getting those to the same planner for review.

There are a couple pinch points that are taking a lot of time and not doing a lot of good such as the Qualified Exempt process and the Historic Resource Determination process, and then, looking at some additional staff level decisions as well.

The minor applications are for the types of projects that clearly conform with the Regional Plan, they're not pushing the limits, basically looking at cutting the review time about one third, simplifying the application process, having standard findings, making these a lot more routine with a dedicated staff review team. For example, if someone was adding a little bit of coverage for a deck addition, or something like that, it wouldn't need to be a 120 day process, it would be a 40 day process. The criteria for eligibility exclude some of the projects that require complex reviews and detailed findings, if it's in the shorezone, or sensitive land wouldn't be minor applications. If it's a standard home Improvement project that they see over and over again, it could be processed a lot quicker and easier.

These are some more of the criteria such as some additional grading being allowed on the list of bundled and concurrent applications, or below. Again, development right transfers together with

permits, maybe lot line adjustments. They're all kind of looking at the same things through different types of applications.

The Qualified Exempt process is very odd. These are things that are exempt from TRPA review, and essentially require a property owner declaration, saying they promise that it fits within this category. What's evolved is essentially a de facto review and approval process that isn't supported with application fees. It's very challenging and kind of being used as a way to get a de facto TRPA approval without going through the project review process. These are very minor things such as interior remodels or not adding coverage. They're recommending pushing that back to be a property owner declaration, and not doing an entire TRPA review of those declarations. Some of those Qualified Exempt activities, from staff's perspective, are no value in that process, and there are some of the easier ones that are recommended to be fully exempt. There's two pieces there, let's fully exempt more activities and for the remaining QE activities, many of which have to pay a mitigation fee, or installing BMPs that that they have a quick and efficient process. They're recommending a consistent fee for all of them. Some of these declarations have no fee, so, it's a money losing operation for TRPA. Basically, a simple process, \$200 to cover review time.

The Historic Resource Determinations are another kind of procedural requirement that takes a lot of time, it's not funded, and it's not adding any significant value. The feedback was to be more aggressive on this and they had initially proposed. The Regional Plan essentially calls for development of a historic resource inventory list, and special procedures for those listed properties. Essentially every building that's over 50 years old has to go through a historic determination before they can apply for a project. This is capturing an increasing number of homes built during the 1960s and now the 1970s. It delays project reviews two to three months, and it's not really catching anything. It's kind of a standard, busy work process. Option one is to streamline the administrative procedures and make it part of the application review process. A lot of stakeholders said you should go further than that addressing policy matters and take it back to what the Regional Plan calls for. Essentially don't do these parcel by parcel determinations but update the historic inventory list, apply special rules and special incentives for those listed areas and free up the other 95 percent of the homes in the region that aren't historically significant.

Slide 12 shows additional staff level decisions recommended. Again, these historic modifications. Currently, if you're determined to be possibly eligible as a historic resource, Hearings Officer review and approval is required for any improvements, it's become cookie cutter, busy work and can be done at the staff level. There's some outdated avalanche hazard language in the Washoe County Area Plan that they're recommending goes away.

For shorezone decisions moving to an enhanced staff review process where there's neighbor notification, there's appeal rights, but the initial decision would be done at the staff level. That would make things move a lot quicker and more efficiently, while at the same time preserving safeguards to approve disputed items to this Board.

The Code Matters has a whole suite of interpretations that have been documented since 1989 and have not been put into code. They plan to write that language into code consistent with the interpretations that have been made for 30 years. In addition, they want to add some clarification to things like coverage and building height and how those are measured. Some of those are written interpretations and some are unwritten from institutional knowledge. Building height is another one, some rounding standards. These take a ton of time. You wouldn't think a lot of staff time would be required to determine building height, but they're very subjective. It's not clear how you measure

the roof pitch, it's not clear how you measure the slope retained across the site. While it's about the most complex ordinance you could develop for building height, at least having clear guidelines for how it's measured would be great.

The topic of focusing on high value work. There are two ordinances they're targeting here that require a lot of staff time and not a lot of value. The first is the below the IPES line drawing, which has become redundant with the exit of the allocation incentive pool. They're looking at merging those programs and using the more efficient approach.

Additionally, the discussion earlier about area plan audits, there was a lot of feedback that auditing 10 percent of the projects approved is excessive and requires an extreme amount of staff time both at the local agencies and TRPA. There's a recommendation to reduce the auditing standard to 5 percent of issued permits rather than 10 percent. That change alone will probably free up about two months a year of TRPA staff time and probably similar amounts for local agencies.

TRPA Code relies on all these different documents. They are often hard to find. They have those on a common list with hyperlinks to each, so those will be easy for applicants to find.

For customer service improvements they are preparing to implement dedicated staff for customer service questions, similar to what Mr. Weigel used to do. Also, recommending three customer service improvements associated with that, webpage resources for who to call, and who is the staff planner for different applications. Standardized pre application meetings, items like that. They have a draft customer service policy just to get consistent expectations for things like return calls and out of office messages. They're planning continuing coordination meetings with the stakeholders. The stakeholder input has been very important here and there's also been a lot of applicant input. The League to Save Lake Tahoe has been helpful in being another set of eyes filtering through these recommendations to make sure they're not inadvertently creating impacts. They made a number of changes based on those discussions from their initial recommendations.

Priority 5, Expand tools for staff development and training is part of the Phase 3 work. Once they have all these administrative tools, they want to expand training opportunities and rely on lower-level staff to do more routine determinations, more administrative staff work, more assistant planner level work for the easy stuff with written guidelines.

The cost of reviews significantly exceeds the application fees and it's being driven by a handful of different application types. Long term, they are strongly recommending a cost recovery program where the permitting program covers its expenses with enhanced monitoring of expenses. In the interim, there are a handful of applications where the fees are mismatched to the amount of work required, and most of those are shorezone applications. It's just eating up a ton of staff time, and there's no budget left for all the rest of the stuff. They are recommending some fee increases at this point for shorezone scenic reviews, mooring lottery applications, buoys, and additions to existing piers. Those are all applications that have nominal fees and are not covering the cost for reviews and won't cover the cost even with the efficiency improvements.

The issue of notices and appeals for staff process are not addressed in the fee schedule. They're recommending a 25 percent add on for that type of review which compares to 40 percent for Hearings Officer or 80 percent for Governing Board. It'll be less extensive than those options but still reflect the added work.

Outside the shorezone, pretty modest changes, recalibrating lodging fees to be the same as multi-family fees. Now, lodging is less expensive than multi-family. Daycare, they're recommending a reduction in fees essentially an intentional fee subsidy, not unlike how you handle affordable housing because that's an important community.

He's already mentioned the Qualified Exempt nominal fee. There are two additional minor requests that don't have any fee, that they're recommending \$200 for restamping final plans. Then there's an outdated multiplier fee and special planning areas. The remaining community plans you have to pay 25 percent higher fee than if your project's located anywhere else. They're recommending that goes away. There's only a couple left, Bijou and Round Hill.

Those are the near term fee changes being recommended. On the fee mismatch, they're trying to attack this 80 percent with efficiencies but there are some fee adjustments that are important at this time.

Staff are requesting endorsement today with any concerns or comments. The details will be put together between now and August, and they'll continue to coordinate with stakeholders on that language, especially the ordinance language. They plan to return to the Board in August for the adoption of the proposed changes and implementation on October 1, 2023.

They'll continue to update the website with project information. The entire team meets bi-weekly to work on these process improvements and Ms. Borowski and Ms. Self will be assisting with the implementation steps.

Presentation can be found at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIB-TRPA-Permitting-Improvements-Action-Plan-1.pdf>

#### Board Comments & Questions

Ms. Aldean said she's appreciative of the index that they'll be creating because she's spent so much time searching for appendices. On page 316, where it states that the recommendation is to convert the 30 day application completeness review to a preliminary project review, would there be any benefit when these projects are not being reviewed pursuant to a Memorandum of Understanding to include local jurisdiction staff as well in these project reviews.

Mr. Stockham, Stockham Consulting said on the routine application reviews there's just not enough staffing to involve everyone, it's more the larger, significant major projects. A lot of this is going to be the deck addition or a new family room. They've met several times with the local agencies' staff, and they heard a lot more support than concern.

Ms. Aldean said with respect to the relaxing of the Qualified Exempt applications, would there be any benefit to posting these qualified exempt projects online so they are accessible to neighbors who might inquire about the validity of the project and if a permit has been issued or whether one is required?

Mr. Stockham, Stockham Consulting said that's happening now when a qualified exempt declaration gets submitted. They would still stamp it as accepted and post it on the Parcel Tracker and people

will be able to see those items, that won't change.

Ms. Aldean said when they're cataloging what were important code interpretations addressed years ago, that those policy changes and how the code has evolved over time will be preserved as a future reference. It would then allow someone to see how the policy evolved from point A to point B. Mr. Stockham, Stockham Consulting said yes, they hope that by putting this language into the Code that will be less necessary. There's a lot of tracking pulling up old interpretations, but definitely want to keep that as a resource. This catalog is not just administrative interpretations, it also includes some legal memos and some other issues that need to be maintained for administrative purposes.

Ms. Aldean referred to page 339 under Pier additions, the option that was selected was to increase the fee for additions only, with no change for pier modifications. But then, down below, where you've itemized the change in fees, pier modifications, low scenic has actually increased from about \$3,900 to \$5,300 even though up above it says there'll be no change in the pier modification charges.

Mr. Stockham, Stockham Consulting said the fees are complex as well. There's a base fee, and that's not changing. The change for the total fee increase is because of the scenic review fee increases. There's a big difference in review time between a minor pier modification and adding 60 feet to the end. It's adding that 60 feet to the end that they're trying to recover costs for.

Ms. Conrad-Saydah thanked them for focusing on cost recovery, because when she got involved with TRPA, the first thing she noticed was that they needed to increase full cost recovery for these types of actions. She also liked the idea of simplifying, so that there's a standard approach for things that we do as bread and butter that provide certainty to people. If there's less certainty and more complex, they move right to cost recovery.

Depending on how much they move towards these declarations, they may need more enforcement to ensure that the declarations are true, and that property owners are holding to them. It would be good to note that there may be increased enforcement costs as we move away from more involved permitting, which is fine, we just have to acknowledge that in the long run.

Ms. Williamson said thank you for streamlining this. She liked the customer service piece and knowing that's available is helpful. This is probably 90 percent of people that live here will be interfacing with TRPA with just this. She loved hearing that they're talking to the public about it and thinking about making it easier and more accessible. This is the exact right path to be on.

Ms. Hill said great work and likes the subsidies for daycare facilities. Regarding the automation of permitting and sees we do a lot online which is awesome and am wondering how much more should the Board be supporting on technology for automation, so a person doesn't have to make as many phone calls. They could see that they are in the queue and, for example, have 15 days left of their review time.

Mr. Stockham, Stockham Consulting said staff emphasized that to him as well. Using technology is very important, and it's an ongoing process that TRPA is working through. This kind of works in concert with that. You don't want to create a whole computer system for a flawed process. They wanted to button up the process so that the technology could work more efficiently and work together. This is set up to incrementally evolve into more and more technology based processes for

permitting whether it's complete electronic permit review. There are a lot of different models for increasing use of technology. That's not a replacement for the key kind of organizational administrative tools that they're recommending. It doesn't matter how good your technology is if the ordinances are unclear. It's designed to work together and implement this; they're going to have to make some platform changes within Accela between now and October and do some technology changes in order to implement these recommendations.

Ms. Aldean said tiering off Ms. Hill's comment, the converse of that is, she appreciated the fact they'll have people at the front desk that you can communicate with who can answer questions at least preliminarily and get you to the right staff member. Automating things is great, but the human touch is still critical, because so many things become so depersonalized, and people are irritated because they're tired of calling a number and getting an automated voice. She doesn't want to sacrifice efficiency, but they've come a long way enhancing our personal service to our clientele and wants to ensure that's not sacrificed on the altar of technology.

Mr. Stockham, Stockham Consulting said that's even more important a TRPA because many of your ordinances are structured with more flexibility in implementation than you are accustomed to seeing, a lot of findings. It's not always clear, yes, that's allowed, no, it's not allowed. He doesn't think you're going to be able to get away from that human factor while this ordinance stays in place.

Ms. Faustinos said regarding the historical designation issue, she hopes they're taking care in how those definitions are going to be applied. In particular, for architectural design, some spectacular designer 10 to 20 years from now is going to be important. She wants to ensure that those issues are robustly addressed so that they're not inadvertently damaging something that could have some historical significance ten years from now.

Mr. Stockham, Stockham Consulting said there are two categories of recommendations. Category one essentially keeps the framework we currently have in place but makes the process more efficient. These category two changes would be a different planning process. You could take different approaches. You could ask the local agencies what should be a designated resource, you could do a new study of designated resources, a place like Fallen Leaf Lake may warrant some special standards for that area because the concentration of this historic. If the Governing Board wants to go in that more substantive policy change direction, they're suggesting you do that through the annual work program. It's going to take more thought than 1 of 20 recommendations through this process.

#### Public Comments & Questions

Doug Flaherty on behalf of the TahoeCleanAir.org said every organization needs to go through this type of a process and applauds it. His concern is being involved in many of these issues in the past few years, what seems to be minor to one person at the staff level, to save time, and what is actually a cornerstone of a project that may be approved through self-approval or self a testament. Those are all incremental and would hope, recognizing that this is a process that's valuable, you host one or two workshops once these changes are in place to the point where you think the public will be able to comment. He also believes that since there are going to be code changes, the word minor is in the eye of the beholder, he hopes that they do an environmental impact statement on this. The TRPA environmental checklist is a sham. Many people recognize that, and it prevents the ability to trigger basin wide cumulative impact analysis.



Board Comments & Questions

Ms. Williamson made a motion to endorse the Implementation Report for TRPA Permitting Improvements as shown in Attachment A.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss, Mr. Friedrich

**Motion carried.**

VII. REPORTS

A. Executive Director Status Report

1) Tahoe In Brief – Governing Board Monthly Report

Ms. Regan said the big story of this year is the weather. A global weather data look from NASA, shows most of the world had a pretty warm winter. The west coast and the Sierras are the exception to that. The mascot for Tahoe this summer is the pothole. Having lived 38 years in Tahoe, she's never seen anything like it, because we just have this incredible cycle of free thaw that's ravaging our roadways. It's very interesting to know scientifically what's going on with all these multiple, more than a dozen atmospheric river storms. The Lake level is up to 6,225.3, a couple feet above the natural rim. It went up a foot from February 1<sup>st</sup> of this year. The natural rim at 6,223. The Lake did mix all the way to the bottom, which many of you probably saw in the news reports, which is a very good thing ecologically, for the Lake and the clarity data that will go looking at last year's 2022 average will be coming out within a month or so, more to come on that.

Hats off to our local government partners who've been working hard to keep the roads safe for locals and visitors alike. Also, the first responders, there were many states of emergencies in our local jurisdictional areas.

Notably, we were 4 to 8 degrees colder in Tahoe this winter, and that has affected overall the conditions on the ground, because the snow extremes of cold then warming, and that's part of the condition of the pavement that affects Lake clarity. We just beat the 1982 and 1983 winter record at 677 inches of snow for the year.

She thanked the members of Team Tahoe that accompanied herself and Devin Middlebrook, TRPA's new Government Affairs Manager that went to Washington, DC with several partners. They met with the delegation on the Nevada and the California sides. The four Senators offices, members and staff, as well as California and members of the House. They were reaching out to members in the in the House that are putting their hat in the ring for Senator Dianne Feinstein seat because Feinstein's legacy will go on forever here at this Lake. They want to make sure that Tahoe stays relevant and top of mind for anyone who might be venturing into that race.

There was a great moment where the delegation introduced the extension of the Lake Tahoe

Restoration Act. That was a highlight, that bill was dropped, and Senator Cortez Masto signed that Bill right before it was dropped in the Senate, and it was also dropped in the House by Congressman Amodei.

Tom Fortune from Vail Resorts, who oversees Heavenly, Northstar, and Kirkwood was regaling them with stories of snow which everyone was excited to hear. Also, part of the Tahoe Team is Darcie Goodman Collins from the League to Save Lake Tahoe and Steve Teshara representing the Tahoe Chamber and Sustainable Community Advocates.

They were also pushing very hard for Fiscal 24 spending for the Lake Tahoe Restoration Act. The funds from the Restoration Act are supporting things that you heard today, such as the Trail Feasibility Study around Emerald Bay. They also received the \$600,000 grant from the state of California from the Housing Community Development Agency that the Board approved the resolution a couple of months ago. There will be funds available to start some work on housing policy. There are a couple of other larger grants in that department that are outstanding. TRPA was invited to serve on the Regional Housing Strategy Development in Cape Cod with the Cape Cod Commission. They are struggling with many of the same things that we are, as many resorts are in the country, and it will be a great opportunity for us to learn from them as well.

Congratulations to Amy Fish, who's going to be a speaker feature at the upcoming Esri Conference in Southern California. She'll be talking about the Boating app which is also something that they talked about in the shoreline presentation. This is an app that folks can pull up on their phone or tablet while they're on the Lake to see where they are, how close they are getting in terms of the no wake zone and lots of other important information about the Lake. We're proud of our GIS team and Amy Fish in particular.

B. General Counsel Status Report

No report.

VIII. GOVERNING BOARD MEMBER REPORTS

Ms. Gustafson said Placer County is undertaking their Tahoe Basin Area Plan Amendments which they have met with quite a bit of public concern about it. There is a workshop tomorrow night in Kings Beach from 5:00 to 7:00 p.m. Everyone is invited to attend and provide input to staff.

Ms. Gustafson, Commissioner Hill, and TRPA staff, the Town of Truckee staff, PCTPA staff, SACOG staff will meet tomorrow to discuss rail and the efforts Caltrans has put into a rail study to expand rail service.

Ms. Hill said the Incline Village Mobility Hub survey is online at <https://inclinevillagemobilityhub.org/>. In addition, all of their public workshops are also online.

IX. COMMITTEE REPORTS

A. Local Government & Housing Committee

No report.

B. Legal Committee

No report.

C. Operations & Governance Committee

Ms. Aldean said the building has sustained some damage as a result of the heavy snow. There was a water leak that damaged some documents in the storage area downstairs and the snow is currently being cleared from the roof. We are looking at a financial hit of about \$100,000.

Mr. Keillor touched on some of the bank failures and assured us that we're transferring more money out of the Wells Fargo account and the Leif account to redistribute some of our assets. Right now, we are not receiving any guidance from Wells Fargo on any impending doom. Wells Fargo along with other major banks were instrumental in helping to shore up First Republic.

Ms. Regan said TRPA's budget is continuing in both state legislatures. She thanked member Hill and Vice Chair Williamson who attended a meeting in the Nevada Governor's office with Mr. Keillor to advocate for funding for TRPA's one third share. Also, thank you to Director Settlemeyer who has been helpful in helping them understand how the bonds will move forward in the legislative process for the Environmental Improvement Program. They are waiting for the May revise in California.

D. Environmental Improvement, Transportation, & Public Outreach Committee

Ms. Faustinos said they had two informational items on the agenda for the Transportation Performance and Recommendations Framework and the Cascade to Meeks Trail Feasibility Study.

E. Forest Health and Wildfire Committee

No report.

F. Regional Plan Implementation Committee

No report.

X. PUBLIC INTEREST COMMENTS

Kathy Astromoff, Chamberlain's homeowner is concerned with the recent direction of the Homewood Mountain Resort. The direction the developers are taking are breaking the promises they made 2011 Master Plan where they declared an intention of maintaining the heritage of a ski resort that can be enjoyed equally by local residents and visitors. Instead of doing that, they are severely restricting public access to Homewood Mountain Resort which in the future is going to be through paid membership. This will be extremely limited aka only open to residents' multiple times each month, no holidays or weekends, which seems a little counter to the Master Plan that was approved. In addition, the new resort's design is not conceived as an Alpine Village community in the architectural style of classical Tahoe Lodges, that's also direct quote from the Master Plan. The developers have already begun building homes in a mountain modern architectural style, how did

they get permission to do that? Thank you to TRPA for being active on this matter and letters raising these questions to the developers. What they're looking for is the next step. They'd like to stop the construction underway on Fawn Street, which is not consistent with the Master Plan. They want to pause permitting until the developers submit a plan that's consistent with the Master Plan and then ultimately continuing to determinations from TRPA specifically that their most recent proposals are not compliant with the Master Plan.

Doug Flaherty gave a shout out; he knows we're a bi-state commission to the Nevada contingency. The Nevada side of the Lake has been Californiated way too long, they're suffering. The East Shore is being degraded. The East Shore bridge is an eyesore, there's erosion, pollution from dog waste, human waste and so forth. He hopes their Nevada contingency will step up to the plate and protect Nevada's interest in our pristine East Shore which is being degraded every day.

He's also protesting the silencing of public comment on the issue Washoe County item being heard at the Regional Plan Implementation Committee. These people come down here, they've waited a long time. Some of them have prepared for days for their delivery. It's insensitive and rude to put a two minute time limit on these people. They work very hard.

Tobi Tyler, Tahoe Area Group of the Sierra Club has stated before that we have a carrying capacity issue here in the basin and the trajectory of increased density, height, and coverage throughout the basin are on a collision course with increasing environmental degradation. She brings to your attention to the excellent opinion piece in the Reno Gazette Journal-Tahoe's Future Hangs in the Balance again. The cumulative impacts from the numerous development projects and the allowance of greater density, height, and coverage are not being evaluated, which violates the National Environmental Policy Act and the California Environmental Quality Act. These developments do not address affordable housing needs and will result in an increased population in transportation pressures at a time when we already exceed anyone's vision of maximum carrying capacity with the 60 million visitors per year.

TRPA has basically eliminated the VMT standard, and now is opening the door to increased traffic nightmares and environmental degradation from the additional people in the basin. TRPA is not complying with NEPA and CEQA with their environmental checklist which most projects are approved under. Increased density puts the entire community at risk in the event of the evacuation because of fire and other disasters. It also increases air and water pollution because of increased fossil fuel, bikes, cars, boats, and snowmobiles that come with increased density. Also, we currently have the ski industry shutting down lifts and news organizations, telling people not to come up here. When we have that, then we have carrying capacity issues that need to be addressed, not just continuing with approval of this sort.

Beth Davidson Incline Village resident said this is the first time she's been to a TRPA meeting. When a meeting is announced for the Regional Plan Implementation Committee and it's four hours later that you finally get to this, this is not respecting public comment and customer service. She's glad to see that you intend to improve your approach in terms of permitting with public communication and customer service. She hopes in that customer service that you are including the people who live and work here. She doesn't see that in her first meeting. She'd like to see better respect for the communities as they exist around the Lake.

Workforce housing, for instance, is an abstract. How about the businesses that already exist here,

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finding out how many people they employ, what kind of housing these people need and drive that first. If you're going to drive compliance, drive that compliance before you begin additional expansion of development.

XI. ADJOURNMENT

Ms. Aldean moved to adjourn.

Ms. Gustafson adjourned the meeting at 3:16 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*



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STAFF REPORT

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Mike Zanetell; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0026

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Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Mike Zanetell ("Zanetell") agrees to pay a \$4,000 penalty to TRPA for the launching of a motorized watercraft without the proper inspections at the property located at 1141 Fallen Leaf Road, El Dorado County, California, Assessor's Parcel Number ("APN") 021-251-014 ("Gray Property").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In September 2022, TRPA staff responded to a complaint of unauthorized watercraft launching on the Gray Property located on the east shore of Fallen Leaf Lake. During this investigation, TRPA staff discovered that Zanetell had launched his watercraft over the Gray Property without any authorization or AIS inspection. The watercraft remained in Fallen Leaf Lake over the summer of 2022 until removed at the end of the season.

After further investigation and discussion with Zanetell, TRPA staff determined the watercraft was launched on the Gray Property after being denied launching at the Fallen Leaf boat ramp because of an improper seal process. The launching occurred in violation of TRPA Code Section 63.4.1.C (Prohibiting the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee); TRPA Code Section 63.4.2.A (Requiring that all watercraft, Ancillary equipment (e.g. tow vehicle, trailer, etc.) be inspected by TRPA or its designee prior to launching into the waters of the Lake Tahoe region to detect the presence, and prevent the introduction of, aquatic invasive species; and TRPA Code Section 82.3.1 (An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval.

Zanetell explained that he was concerned about the hot water from a possible decontamination damaging his boat and decided to launch over the Gray Property. Zanetell is a local contractor working on the Gray residence and is familiar with TRPA procedures and ordinances. Zanetell is taking full responsibility for the unauthorized activities and has agreed to a settlement where he will pay a penalty of \$4,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or [ssweet@trpa.gov](mailto:ssweet@trpa.gov).

Attachments:

- A. Settlement Agreement



Attachment A  
Settlement Agreement

## **SETTLEMENT AGREEMENT**

This Settlement Agreement is made by and between Mike Zanetell (“Zanetell”) and the Tahoe Regional Planning Agency (“TRPA”). This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In September 2022, The Tahoe Regional Planning Agency (TRPA) received information and identified that Zanetell launched watercraft CF 4072 KK at Fallen Leaf Road, El Dorado County, CA, Assessor’s Parcel Number (APN) 021-251-014 (“Gray Property”) without the required boat inspection approval or at an approved launch facility in violation of the following TRPA Code of Ordinances:

1. TRPA Code Section 63.4.1.C prohibits the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee. *All launching of motorized watercraft must occur at an approved launch facility with authorized AIS inspections.*
2. TRPA Code Section 63.4.1.C All watercraft, ancillary equipment (e.g. tow vehicle, trailer, etc.) and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA’s standards and requirements for aquatic invasive species inspections. TRPA’s standards and requirements are found in the federally approved Lake Tahoe Regional Aquatic Invasive Species Management Plan. *Once your watercraft is removed from Lake Tahoe, the boat must be inspected at an Aquatic Invasive Species Inspection Station to obtain the proper seal attached to the motor and launched at the appropriate launch facility.*
3. TRPA Code Section 82.3.1 - An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval. *The launching of watercraft or creation of a launching area on the Gray Property requires TRPA review.*

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Zanetell shall pay TRPA \$4,000 within 30 days of Governing Board approval of this settlement agreement.

2. If Zanetell fails to comply with any of the actions required by this Settlement Agreement, Zanetell confesses to judgment against him and in favor of TRPA in the amount of \$8,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Zanetell also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$8,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Zanetell with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
3. Once Zanetell has fully complied with all of the terms herein, TRPA shall release Zanetell of all claims arising out of his failure to follow TRPA procedures during the activities described in this Settlement Agreement.

Zanetell has read this Settlement Agreement and understands all of its terms. Zanetell has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitute a violation of TRPA regulations. Zanetell agrees to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
Mike Zanetell

\_\_\_\_\_  
Date

\_\_\_\_\_  
Julie Regan, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date



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STAFF REPORT

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Andrew and Katie Gray; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0027

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Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Andrew and Katie Gray ("Gray") agree to pay a \$4,000 penalty to TRPA for the launching of a motorized watercraft without the proper inspections at the property located at 1141 Fallen Leaf Road, El Dorado County a Placer County, Assessor's Parcel Number 021-251-014 ("Gray Property").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In September 2022, TRPA staff responded to a complaint of unauthorized watercraft launching on the Gray Property located on the east shore of Lake Tahoe. During this inspection, TRPA staff discovered that the Grays had launched their watercraft over the Gray Property without any authorization or required launching inspections. The watercraft remained in Fallen Leaf Lake over the summer of 2022 until removed at the boat ramp at the end of the season.

After further investigation and discussion with Gray, TRPA staff determined the watercraft was launched on the Gray Property in violation of TRPA Code Section 63.4.1.C (Prohibiting the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee); TRPA Code Section 63.4.2.A (Requiring that all watercraft, Ancillary equipment (e.g. tow vehicle, trailer, etc.) be inspected by TRPA or its designee prior to launching into the waters of the Lake Tahoe region to detect the presence, and prevent the introduction of, aquatic invasive species; and TRPA Code Section 82.3.1 (An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval.

The Grays explained that they thought that they had a legal launch area and that it was ok to launch over their property. They also explained they felt that they had permission from the marina operator to launch over their property. Gray is currently working on a TRPA permitted construction project and should be familiar with the approved plans which do not include any launching facility for motorized watercraft. The plans do include a gravel path to the pier which would be more suitable for non-motorized launching. Gray is taking full responsibility for the unauthorized activities and has agreed to a settlement where they will pay a penalty of \$4,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or [ssweet@trpa.gov](mailto:ssweet@trpa.gov).

Attachments:

- A. Settlement Agreement

Attachment A  
Settlement Agreement

## **SETTLEMENT AGREEMENT**

This Settlement Agreement is made by and between Andrew and Katie Gray (“Gray”) and the Tahoe Regional Planning Agency (“TRPA”). This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In August 2022, The Tahoe Regional Planning Agency (TRPA) received information and identified that Gray launched watercraft CF 3835 VS at Fallen Leaf Road, El Dorado County, CA, Assessor’s Parcel Number (APN) 021-251-014 (“Gray Property”) without the required boat inspection approval or at an approved launch facility in violation of the following TRPA Code of Ordinances:

1. TRPA Code Section 63.4.1.C prohibits the launching, or attempting to launch, of any motorized watercraft into the waters of Lake Tahoe without an AIS inspection by TRPA or its Designee. *All launching of motorized watercraft must occur at an approved launch facility with authorized AIS inspections.*
2. TRPA Code Section 63.4.1.C All watercraft, ancillary equipment (e.g. tow vehicle, trailer, etc.) and seaplanes subject to inspection and/or decontamination pursuant to subparagraphs 63.4.1.C and 63.4.2.B shall be permitted to enter the waters of the Lake Tahoe region only if: (a) the inspection and/or decontamination is performed and completed by an individual trained and certified pursuant to TRPA standards and requirements for aquatic invasive species inspection and decontamination, and (b) following inspection and/or decontamination, the launch or landing, as appropriate, is authorized by an inspector trained and certified pursuant to TRPA’s standards and requirements for aquatic invasive species inspections. TRPA’s standards and requirements are found in the federally approved Lake Tahoe Regional Aquatic Invasive Species Management Plan. *Once your watercraft is removed from Lake Tahoe, the boat must be inspected at an Aquatic Invasive Species Inspection Station to obtain the proper seal attached to the motor and launched at the appropriate launch facility.*
3. TRPA Code Section 82.3.1 - An activity which is not specifically exempt (pursuant to Section 82.4), qualified exempt (pursuant to Section 82.5), or a continuation of an existing use (pursuant to Section 81.6), is subject to TRPA review and approval. *The launching of watercraft or creation of a launching area on the Gray Property requires TRPA review.*

This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. Gray shall pay TRPA \$4,000 within 30 days of Governing Board approval of this settlement agreement.



2. Gray shall block off all launching access on the Gray property prior to June 30, 2023.
3. If Gray fails to comply with any of the actions required by this Settlement Agreement, Gray confesses to judgment against him and in favor of TRPA in the amount of \$8,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. Gray also agrees to pay all reasonable attorneys fees and costs associated with collecting the increased settlement of \$8,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided Gray with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
4. Once Gray has fully complied with all of the terms herein, TRPA shall release Gray of all claims arising out of Their failure to follow TRPA procedures during the activities described in this Settlement Agreement.

Gray has read this Settlement Agreement and understands all of its terms. Gray has executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledges that the above-described activities constitute a violation of TRPA regulations. Gray agrees to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
Andrew Gray

\_\_\_\_\_  
Date

\_\_\_\_\_  
Katie Gray

\_\_\_\_\_  
Date

\_\_\_\_\_  
Julie Regan, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date



STAFF REPORT

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action: Natalie Buccini, Thomas Peabody, and Jacob Buccini; Unauthorized Tree Removal, 1540 Cherry Hills, El Dorado County, CA, Assessor's Parcel Number 033-292-011, TRPA File No. CODE2022-0092.

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Summary and Staff Recommendation:

Staff recommends that the Governing Board accept the proposed Settlement Agreement (Attachment A) in which Natalie Buccini, Thomas Peabody, and Jacob Buccini, collectively referred to as the "Settling Parties" agree to pay a \$24,000 penalty and plant six native conifers for the unauthorized removal of six trees on the property located at 1540 Cherry Hills, El Dorado County, California, Assessor's Parcel Number ("APN") 033-292-011 ("Buccini/Peabody Property").

Required Motions:

In order to approve the proposed violation resolution, the Board must make the following motion, based on this staff summary:

A motion to approve the Settlement Agreement as shown in Attachment A.

In order for the motion to pass, an affirmative vote of any 8 members of the Board is required.

Violation Description/Background:

In October 2022, TRPA staff responded to a complaint of unauthorized tree cutting at the Buccini/Peabody Property. During this inspection, TRPA staff discovered that several trees larger than 14 inches DBH had been removed that were not authorized on the approved plans.

After further investigation and discussion with the El Dorado County inspector and the Settling Parties, TRPA staff determined that six trees between the sizes of 15-26 inches DBH were removed without any authorization from TRPA or El Dorado County. Tree removal of trees larger than 14 inches DBH without authorization is a violation of TRPA Code Section 61.1.5 (requiring TRPA approval for removal of all trees greater than 14 inches DBH or 6 inches DBH on lakefront properties where the trees to be removed provide vegetative screening of existing structures as viewed from Lake Tahoe) and Section 2.3.2.M (the tree removal is a non-exempt project and must be reviewed by TRPA).

Jacob Buccini, the contractor for the new residence, explained that he thought the trees were marked for removal on the plans and it was a misunderstanding or misinterpretation of the approved plans. However, after discussions with the El Dorado County inspector, TRPA is confident that the El Dorado

County inspector was clear at the time of pre-grade about which trees were allowed to be removed and which trees needed additional approval from TRPA. The Settling Parties have taken full responsibility for the unauthorized activities and have agreed to a settlement where they will plant six mature 10-15 foot native conifers in TRPA approved locations and pay a penalty of \$24,000 to TRPA.

Regional Plan Compliance:

The Tahoe Regional Planning Compact Article VI (k), Compliance, provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations. The proposed resolution complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances.

Contact Information:

For questions regarding this agenda item, please contact Steve Sweet, Code Compliance Program Manager, at (775) 589-5250 or [ssweet@trpa.gov](mailto:ssweet@trpa.gov).

Attachments:

- A. Settlement Agreement

Attachment A  
Settlement Agreement

## **SETTLEMENT AGREEMENT**

This Settlement Agreement is made by and between Jacob Buccini, Natalie Buccini, Thomas Peabody, and the Tahoe Regional Planning Agency (“TRPA”). Jacob Buccini, Natalie Buccini, and Thomas Peabody are collectively referred to as the “Settling Parties.” This Settlement Agreement represents the full and complete compromise and settlement of certain violations alleged by TRPA, as described below:

In October 2022, The Tahoe Regional Planning Agency (TRPA) inspected the single-family dwelling construction project located at 1540 Cherry Hills Circle, El Dorado County, CA, Assessor’s Parcel Number 033-292-011 (“Buccini/Peabody Property”) and found that the following violations of the TRPA Code of Ordinances had occurred:

1. TRPA Code Section 33.6.1: Vegetation shall not be disturbed, injured, or removed except in accordance with the Code or conditions of project approval during construction. All trees, major roots, and other vegetation, not specifically designated and approved for removal in connection with a project shall be protected according to methods approved by TRPA. *Six trees removed without approval or authorization outside of building envelope.*
2. TRPA Code Section 33.6.10: All trees designated to be retained during construction shall be protected as follows: Fencing shall be placed no closer than the dripline of the tree(s)...No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas. *Trees which were to remain onsite were removed without authorization or approval.*
3. TRPA Code Section 36.12: The area of disturbance during construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure. *Area outside of the project area used as staging area without authorization or approval.*
4. TRPA Code Section 61.1.5: The cutting, moving, removing, killing, or materially damaging of live trees, and the attachment of appurtenances to trees, shall comply with this subsection. *Trees removed without authorization or approval.*

Settling Parties does not acknowledge any responsibility for the violations alleged, but is willing to enter into this Agreement as a compromise of all claims by CTC and TRPA. This Settlement Agreement is conditioned upon approval by the TRPA Governing Board. Execution of the Agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below:

In order to fully resolve the matter, the parties hereby agree as follows:

1. The Settling Parties shall pay TRPA \$24,000 within 30 days of Governing Board approval of this Settlement Agreement.
2. The Settling Parties shall restore the subject property by planting six 10-15 foot tall native conifers on the Buccini/Peabody Property in areas approved by TRPA. The trees shall be planted in the spring of 2023 prior to the main construction of the house to ensure proper access around the property during planting. The trees shall be irrigated to ensure their survival. If any of the six trees die within 5 years from planting, a new tree shall be planted to replace the dead tree. A tree permit will be required for the removal of any of the six trees no matter the size of the tree.
3. If Settling Parties fail to comply with any of the actions required by this Settlement Agreement, the Settling Parties confess to judgment against them and in favor of TRPA in the amount of \$48,000 (payable immediately) and an injunction to enforce the terms of this Settlement Agreement. The Settling Parties also agree to pay all reasonable attorney fees and costs associated with collecting the increased settlement of \$48,000. Notwithstanding the foregoing, the confession of judgment shall not be filed unless TRPA has provided the Settling Parties with written notice of default and notice to cure such default within ten days of the date of written notice. If the default has not been cured by that time, TRPA may file the confession of judgment.
4. Once the Settling Parties have fully complied with all of the terms herein, TRPA shall release the Settling Parties of all claims arising out of their failure to follow TRPA procedures during the activities described in this Settlement Agreement.

The Settling Parties have read this Settlement Agreement and understand all of its terms. The Settling Parties have executed this Settlement Agreement after opportunity to review the terms with an attorney and acknowledge that the above-described activities constitute a violation of TRPA regulations. The Settling Parties agree to comply with all applicable TRPA requirements in the future.

Signed:

\_\_\_\_\_  
Jacob Buccini

\_\_\_\_\_  
Date

\_\_\_\_\_  
Natalie Buccini

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas Peabody

\_\_\_\_\_  
Date

\_\_\_\_\_  
Julie Regan, Executive Director  
Tahoe Regional Planning Agency

\_\_\_\_\_  
Date





**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 19, 2023  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Distribution of 2023 and 2024 Residential Allocations to Local Jurisdictions

Summary and Recommendation:

Every two years allocations<sup>1</sup> are released to local jurisdictions by the Tahoe Regional Planning Agency (TRPA). Distribution to the local jurisdictions is based on three criteria: 1) residential permit review and code compliance; 2) Total Maximum Daily Load (TMDL) implementation; and 3) short-term rental neighborhood compatibility (TRPA Code, Section 50.5).

On March 2, 2023, the Performance Review Committee (PRC), comprised of staff from each local jurisdiction and TRPA, reviewed the Performance Review System results as set forth in this staff report and voted to recommend to the Governing Board:

- 1) The City of South Lake Tahoe, El Dorado County, Placer County, and Douglas County receive the base number of residential allocations for 2023 and 2024 as shown in Table 3 of the Staff Report; and
- 2) Washoe County receive the base number of allocations with two increments of deduction for 2023 and 2024 as shown in Table 3 of the Staff Report.<sup>2</sup>

On March 22, 2023, the Regional Plan Implementation Committee (RPIC) reviewed the PRC recommendation and voted to recommend to the Governing Board the distribution of residential allocations as set forth in this staff report.

Required Motions:

In order to approve the proposed residential allocation distribution, the Governing Board must make the following motions, based on this staff report and the evidence in the record:

- 1) A motion that the proposed distribution of residential allocations for 2023 and 2024 to the local jurisdictions meets the requirements of TRPA Code, Section 50.5: *Allocation of Additional Residential Units*; and

<sup>1</sup> In 2021, 520 residential allocations (i.e., the authorization to use a residential development right) were released for the next four years. Of the 2,600 additional residential allocations added with the 2012 Regional Plan Update, 1,040 have yet to be released.

<sup>2</sup> Pursuant to TRPA Code, Section 50.5.2.A.1, TRPA will reserve 10 percent of each jurisdiction’s annual allocations for distribution to parcels below the Individual Parcel Evaluation Score (IPES) line.

2) A motion to adopt the attached Resolution (see Attachment A).

For the motions to pass, an affirmative vote of any eight Board members is required.

Performance Review Committee:

On March 2, 2023, TRPA convened the Performance Review Committee. The Committee included:

Heather Beckman, Senior Planner, Placer County  
Madison Dederick, Assistant Planner, City of South Lake Tahoe  
Courtney Weiche, Senior Planner, Washoe County  
Brendan Ferry, Deputy Director of Tahoe Planning & Stormwater Division, El Dorado County  
Kate Moroles O'Neil, Principal Planner, Douglas County  
Brandy McMahon, Local Government Coordinator, Tahoe Regional Planning Agency

The Committee voted to recommend to the Governing Board the distribution of the 2023 and 2024 residential allocations to the local jurisdictions. Local jurisdictions establish policies and procedures for distributing residential allocations to property owners.

Regional Plan Implementation Committee:

On March 22, 2023, the Regional Plan Implementation Committee (RPIC) reviewed the PRC's recommendation and voted to recommend to the Governing Board the distribution of the 2023 and 2024 residential allocations to the local jurisdictions.

Performance Review System Results:

The following are the Performance Review System results reviewed by the Performance Review Committee and Regional Plan Implementation Committee:

Residential Audits:

In 2021 and 2022, TRPA staff completed residential project review and code compliance audits for each jurisdiction (City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, and Washoe County), as required by TRPA Code of Ordinances Section 50.5.2.E. The purpose of these audits is to (1) ensure residential projects reviewed and inspected by Memorandum of Understanding (MOU) partners on behalf of TRPA comply with the TRPA Code and Rules of Procedure, (2) identify project review training and education opportunities for MOU partners, and (3) provide the Performance Review Committee with a summary of MOU performance for the distribution of residential allocations.

The 2021 and 2022 Audit Results are provided below. Local jurisdictions were provided initial audit results and provided an opportunity to work with TRPA to address comments before final scores were determined. In jurisdictions without an active MOU, permits issued by TRPA were audited by TRPA staff. Overall, MOU partners did an exceptional job completing TRPA environmental review, ensuring project files were complete and well organized, and completing inspections. As a result, TRPA staff is not recommending any deductions to allocations because the average audit scores for 2021 and 2022 were all above 90%.

Table 1: 2021 & 2022 MOU Residential Project & Compliance Review Audits							
	2021			2022			2021 & 2022 Average
Jurisdiction	Project Review	Compliance	Average	Project Review	Compliance	Average	
City of South Lake Tahoe	93.5	93.2	93.35	96	92.4	94.2	93.77
Douglas County	97	92.2	94.6	95.5	94.55	95.03	94.81
El Dorado County	93	85.2*	89.1	94	97.95	95.98	92.54
Placer County	96	87.65	91.83	94.5	91.9	93.2	92.52
Washoe County	93	95.7	94.35	93	96.8	94.9	94.63

\*The average security return score was 93.8 and the average winterization score was 76.6, for an average compliance score of 85.2 in El Dorado County. The average winterization score was lower than normal due to the Caldor Fire which happened in the fall of 2021. Areas within the Tahoe Basin and in El Dorado County were evacuated towards the end of construction season and many El Dorado County staff members were reassigned to assist with fire related matters.

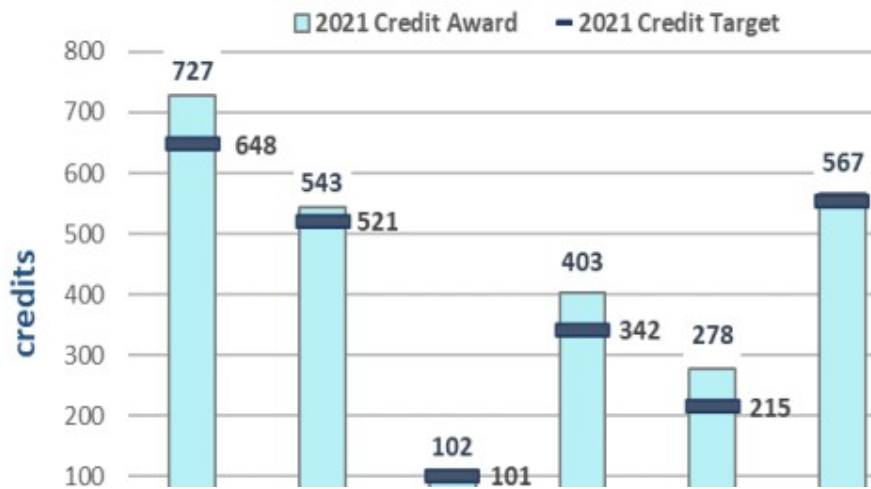
**Total Maximum Daily Load (TMDL) Implementation:**

Lake Tahoe is designated an Outstanding National Resource Water and a “Waterbody of extraordinary ecological or aesthetic value” by the states of California and Nevada for its world famous clarity and striking blue color. The Lake Tahoe Total Maximum Daily Load (TMDL) Program seeks to effectively guide efforts to restore historic clarity within the lake so people may once again be able to see to depths of nearly 100 feet. The program established Lake Clarity Credit targets for reducing the amount of nitrogen, phosphorus, and fine sediment entering the lake. TRPA Code, Section 50.5.2, states a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Tahoe Clarity Credit targets.

According to the Lahontan Regional Water Quality Control Board and Nevada Division of Environmental Protection, all jurisdictions in California and Nevada achieved their 2021 Lake Tahoe Total Maximum Daily Load (TMDL) credit targets and have achieved or are anticipated to achieve their 2022 TMDL credit targets. The results are documented on the Clarity Tracker Urban Uplands Results page (<https://clarity.laketahoeinfo.org/Results/Detail/UrbanUplands>) and in the 2022 TMDL Performance Report.<sup>3</sup> Since all of the jurisdictions are meeting Lake Tahoe Clarity Credit targets, TRPA staff is not recommending any deductions to allocations.

<sup>3</sup> Source: Mary Fiore-Wagner and Brian Judge, Lahontan Regional Water Quality Control Board, and Jason Kuchnicki, Nevada Division of Environmental Protection.

## 2021 CREDIT TARGETS AND AWARDS



Source: 2022 TMDL Performance Report, available at: <https://clarity.laketahoeinfo.org/Document/Index>

### Short-Term Rental Neighborhood Compatibility:

In 2019, TRPA’s Local Government and Housing Committee convened a Short-Term Rental (STR) Neighborhood Compatibility Working Group to develop STR Neighborhood Compatibility Guidelines and a Code amendment to make STR neighborhood compatibility a third criterion of the Performance Review System. The Guidelines were developed to provide local jurisdictions a range of options and flexibility in implementing and achieving STR neighborhood compatibility. The Guidelines include locational, operational, and enforcement criteria. TRPA maintains information developed by the STR Neighborhood Compatibility Working Group at: <https://www.trpa.gov/short-term-rental-neighborhood-compatibility/>.

All the local jurisdictions in the Tahoe Basin have adopted STR (or Vacation Home Rental, or VHR) ordinances that address noise, occupancy, parking, refuse, defensible space, and public health and safety. All the local jurisdictions have also established STR/VHR enforcement programs. All the local jurisdictions have addressed the location criterion, with the exception of Washoe County. Under the locational criterion, a local jurisdiction must demonstrate that STRs are being located consistent with Regional Plan Land Use Goals and Policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities; addressing residential compatibility issues such as the over saturation (“clustering”) of STRs and the construction of large STRs in residential neighborhoods; and supporting Regional Plan Transportation Goals and Policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available.

A summary of how the local jurisdictions ranked their STR programs is shown in Table 2 (below). In areas where a score was not provided by the local jurisdiction, TRPA staff provided one. The guidelines submitted by the local jurisdictions and a memorandum from Placer County are

provided as Attachments B, C, D, E, & F. TRPA Code, Section 50.5.2.E, states that a local jurisdiction that receives a score of 90 percent or greater based on the STR Neighborhood Compatibility Guidelines shall receive their full allotment of residential allocations, be penalized one increment of deduction for a score between 75 and 89 percent, or be penalized two increments of deduction for a score below 75 percent. TRPA staff and the appropriate bodies recommend subtracting two increments from Washoe County’s annual base allocation for both 2023 and 2024 because the County has yet to adequately address the location criterion.

<b>Table 2: Short-Term Rental Neighborhood Compatibility Scores</b>					
<b>BEST PRACTICES</b>	<b>DC</b>	<b>EDC</b>	<b>PC</b>	<b>CSLT</b>	<b>WC</b>
<b>LOCATIONAL (maximum 30 points)</b>					
Land Use (10 points)	0	0	6	10	0
Residential Compatibility (10 points)	10	10	6	10	1
Transportation (10 points)	10	10	6	8	0
Other Best Practices (can substitute up to 30 points)*	10	5	10	2	0
<b>Total</b>	<b>30</b>	<b>25</b>	<b>28</b>	<b>30</b>	<b>1</b>
<b>OPERATIONAL (maximum 30 points)</b>					
Noise (5 points)	5	5	2.5	5	5
Occupancy (2.5 points)	2.5	2.5	2.5	2.5	2.5
Parking (5 points)	5	5	5	5	5
Refuse (5 points)	5	5	5	5	5
Defensible Space (2.5 points)	2.5	2.5	2.5	2.5	2.5
Water Quality (2.5 points)	0	0	0	0	0
Public Health & Safety (5 points)	5	5	3	5	5
Education (2.5 points)	2.5	2.5	2.5	2.5	2.5
Other Best Practices (can substitute for up to 30 points)*	2.5	2.5	7	2.5	2.5
<b>Total</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>
<b>ENFORCEMENT (maximum 40 points)</b>					
Implementation (15 points)	15	15	15	15	15
Funding (10 points)	10	10	6	10	10
Education (10 points)	10	10	8	10	10
Penalties (5 points)	5	5	3	5	0
Other Best Practices (can substitute for up to 40 points)*	n/a	n/a	9	n/a	5
<b>Total</b>	<b>40</b>	<b>40</b>	<b>36</b>	<b>40</b>	<b>40</b>
<b>TOTAL</b>	<b>100</b>	<b>95</b>	<b>94</b>	<b>100</b>	<b>71</b>

\*TRPA staff recommends jurisdictions be able to substitute points for developing working groups and hosting public workshops that informed the development of STR ordinances and programs. TRPA staff also recommends that local jurisdictions be able to substitute points for using transit occupancy tax (TOT) funding generated from STRs to fund transportation projects, including transit, to offset the impacts of tourism.

Recommendation:

The Performance Review Committee and Regional Plan Implementation Committee are recommending that the following number of residential allocations be allocated to each jurisdiction for 2023 and 2024:

<b>Table 3: 2023 &amp; 2024 Performance Evaluation Results Summary</b>				
<b>Jurisdiction</b>	<b>Annual Base Allocation*</b>	<b>Deduction Increments*</b>	<b>Minimum Allocation with Deductions</b>	<b>Total Recommended 2023 and 2024 Allocations</b>
<b>Douglas County</b>	10	2.0	2	20
<b>El Dorado County</b>	30	5.5	8	60
<b>Placer County</b>	37	6.5	11	74
<b>City of South Lake Tahoe</b>	33	5.75	10	66
<b>Washoe County</b>	10	1.75	3	13
<b>Residential Allocation Incentive Pool***</b>				7
<b>Total</b>	120		34	240

\* The Annual Base Allocation and Deduction Increments are provided in Table 50.5.2 of TRPA Code.

One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation is rounded up to the nearest whole number, if the decimal is below 0.5 the allocation is rounded down to the nearest whole number.

\*\* Based on TRPA Code, Section 50.5.2, which requires two increments of deduction for a score below 75% on the STR Neighborhood Compatibility Guidelines, staff recommends that two increments be deducted from the Washoe County base allocation for 2021 and 2022, for a total of 7 deducted allocations. Thus, staff recommends Washoe County receive 13 residential allocations for 2023 and 2024.

\*\*\*Allocations not distributed under the Performance Review System will be assigned to TRPA's Residential Allocation Incentive Pool. Individuals can apply for an allocation from the Residential Allocation Incentive Pool in exchange for retiring a sensitive lot and local jurisdictions can apply for allocations in exchange for restoring stream environment zones, building multi-family housing in Town Centers, transferring residential development rights to Town Centers, maintaining a Certified Local Government Moderate Income Housing Program, and demonstrating progress towards other Regional Plan Goals and Policies (refer to TRPA Code, Section 50.5.1.D).

Contact Information:

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

Attachments:

- A. Resolution
- B. STR Neighborhood Compatibility Guidelines – Douglas County
- C. STR Neighborhood Compatibility Guidelines – El Dorado County
- D. Memo from Placer County and STR Neighborhood Compatibility Guidelines – Placer County
- E. STR Neighborhood Compatibility Guidelines - City of South Lake Tahoe
- F. STR Neighborhood Compatibility Guidelines – Washoe County

Attachment A

Resolution

TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2023 –

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO  
DISTRIBUTE RESIDENTIAL ALLOCATIONS FOR 2023 AND 2024 TO THE CITY OF SOUTH LAKE  
TAHOE, EL DORADO COUNTY, PLACER COUNTY, WASHOE COUNTY, AND DOUGLAS COUNTY

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

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

WHEREAS, 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; and

WHEREAS, in the Tahoe Region, residential allocations may be released every four years pursuant to TRPA Code, Section 50.4.2; and

WHEREAS, in the Tahoe Region, residential allocations may be distributed to local jurisdictions every two years based on the results of the Performance Review System (TRPA Code, Section 50.5); and

WHEREAS, on March 2, 2023, the Performance Review Committee, comprised of staff from each participating local jurisdiction and TRPA, reviewed the Performance Review System results and voted unanimously to recommend distribution of residential allocations for 2023 and 2024 to the local jurisdictions; and

WHEREAS, on March 22, 2023, the Regional Plan Implementation Committee reviewed the Performance Review System results and voted unanimously to recommend distribution of residential allocations for 2023 and 2024 to the local jurisdictions; and

WHEREAS, on April 26, 2023, the Governing Board reviewed the Performance Review System results and voted to distribute residential allocations for 2023 and 2024 to the local jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby approves the distribution of residential allocations to the local jurisdictions for 2023 and 2024 as follows:



<b>TRPA Residential Allocation Distribution for 2023 and 2024</b>	
<b>Jurisdiction</b>	<b>Allocation Distribution</b>
<b>Douglas County</b>	20
<b>El Dorado County</b>	60
<b>Placer County</b>	74
<b>City of South Lake Tahoe</b>	66
<b>Washoe County</b>	13
<b>Residential Allocation Incentive Pool*</b>	7
<b>Total</b>	240

\*Allocations not distributed to local jurisdictions are placed in the Residential Allocation Incentive Pool.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
 Cindy Gustafson, Chair  
 Governing Board  
 Tahoe Regional Planning Agency

Attachment B  
STR Neighborhood Compatibility Guidelines – Douglas County

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

Adopted by TRPA Governing Board on October 23, 2019  
(Print on Tabloid 11" by 17" Paper)

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

Local jurisdiction: Douglas County NV Date: 1/30/2023 Prepared by: Dr. Ernie Strehlow Ed.D , VHR Program Manager/Head of Code Enforcement

<b>LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES</b>			
<b>Example STR Neighborhood Compatibility Best Practices</b>	<b>Local Jurisdiction Response</b>	<b>Points (Max.)</b>	<b>Points Awarded</b> <i>(to be determined by TRPA/PRC)</i>
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol>	<p style="text-align: center;"><u>Land Use</u></p> <ol style="list-style-type: none"> <li>No</li> <li>No</li> <li>No</li> <li>No</li> <li>No</li> </ol>	<b>30 points (max)</b>	<ol style="list-style-type: none"> <li>0</li> <li>0</li> <li>0</li> <li>0</li> <li>0</li> </ol>
<p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>	<p style="text-align: center;"><u>Compatibility</u></p> <ol style="list-style-type: none"> <li>No</li> <li>No</li> </ol>		<ol style="list-style-type: none"> <li>0</li> <li>0</li> </ol>

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount of parking spaces required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>	<p>3. Yes 4. No</p> <p>5. No</p> <p>6. Yes</p> <p>7. No</p> <p>8. No 9. Yes 10. No</p> <p>11. No</p> <p>12. No</p> <p><u>Transportation</u></p> <p>1. No 2. Yes</p> <p>3. Yes</p> <p><u>Other</u></p> <p>1. Yes</p>		<p>10 0 0 10 0 0 10 0 0 0 0 0 0 10 10 10 10</p>
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			
<p><b>Example Noise Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</p> <p>2. The STR neighborhood compatibility program requires a noise management plan.</p> <p>3. The STR neighborhood compatibility program requires installation of noise monitoring devices.</p> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</p> <p><b>Example Parking Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program requires adequate improved off-street parking.</p> <p>2. The STR neighborhood compatibility program requires snow removal.</p>	<p><u>Noise</u></p> <p>1. Yes 2. No 3. Yes</p> <p><u>Occupancy</u></p> <p>1. Yes</p> <p><u>Parking</u></p> <p>1. Yes 2. No</p>	<p><b>30 points (max)</b></p>	<p>5 0 5 2.5 5 0</p>

3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.	3. No		0
<b>Example Refuse Best Practices (5 points)</b>	<u>Trash</u>		
1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.	1. Yes		5
<b>Example Defensible Space Best Practices (2.5 points)</b>	<u>Defensible Space</u>		
1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.	1. Yes		2.5
2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.	2. Yes		2.5
<b>Example Water Quality Best Practices (2.5 points)</b>	<u>Water</u>		
1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified at authorization and reauthorization.	1. No		0
2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.	2. No		0
<b>Example Public Health and Safety Best Practices (5 points)</b>	<u>Health &amp; Safety</u>		
1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).	1. Yes		5
2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources & availability.	2. No		0
3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law/code enforcement and fire.	3. Yes		5
4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.	4. Yes		2.5
5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.	5. No		0
<b>Example Education Best Practices (2.5 points)</b>	<u>Education</u>		
1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.	1. No		0
2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.	2. Yes		2.5
3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.	3. Yes		2.5
4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.	4. Yes		2.5
<b>Example Other Best Practices (Can substitute for up to 30 points from above)</b>	<u>Other</u>		
1. The STR neighborhood compatibility program requires an STR permit and annual renewal.	1. Yes		5
2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.	2. Yes		5
3. The STR neighborhood compatibility program requires permit fees, inspection fees, & annual renewal fees.	3. Yes		5
4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.	4. Yes		5
5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&R regulations that limit the length of a lease or rentals.	5. Yes		5
6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.	6. Yes		5
7. The STR neighborhood compatibility program requires on-site professional management.	7. No		0
8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).	8. No		0
9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.	9. No		0
	10. Yes		5

10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.			
<b>ENFORCEMENT ?</b>			
<b>Guidance:</b> To receive 40 points, a local jurisdiction must demonstrate that that they have an <b>Implementation</b> program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program <b>Funding</b> (10 points), effective <b>Penalties</b> (5 points), and an <b>Education</b> program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.			
<b>Example Implementation Best Practices (15 points)</b>			
1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.	<u>Implementation</u>		15
2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.	1. Yes		15
3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.	2. Yes 3. Yes		15 15
4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.	4. No		0
5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.	5. Yes		15
6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).	6. No		0
7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.	7. Yes		15
8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.	8. Yes		15
<b>Example Funding Best Practices (10 points)</b>	<u>Funding</u>		
1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.	1. Yes		10
2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.	2. Yes		10
3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.	3. Yes		10
<b>Example Education Best Practices (10 points)</b>	<u>Education</u>		
1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.	1. No		0
2. The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.	2. No		0
3. The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.	3. No		0
4. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.	4. Yes		10
5. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.	5. No		0
6. The STR neighborhood compatibility program includes a system to track and report complaints (type of compliant, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).	6. Yes		10
<b>Example Penalties Best Practices (5 points)</b>	<u>Penalties</u>		
1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.	1. Yes		5
2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.	2. Yes		5
3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.	3. Yes		5
4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.			

<p>5. The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</p> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</p>	<p>4. No 5. Yes</p> <p><u>Other</u> 1. Yes</p>		<p>0 5  10</p>
<b>TOTAL</b>		<b>100 points (max)</b>	<b>100</b>

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

Attachment C  
STR Neighborhood Compatibility Guidelines – El Dorado County



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

Adopted by TRPA Governing Board on October 23, 2019  
(Print on Tabloid 11" by 17" Paper)

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

Local jurisdiction: El Dorado County Date: 2/13/23 Prepared by: Brendan Ferry

LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES			
Example STR Neighborhood Compatibility Best Practices	Local Jurisdiction Response	Points (Max.)	Points Awarded (to be determined by TRPA/PRC)
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol>	no	30 points (max)	0 points
<p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> <li>The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large</li> </ol>	Local Contact		10 points

<p>STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</li> <li>The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</li> <li>The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</li> <li>The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</li> <li>The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</li> <li>The STR neighborhood compatibility program limits the number of STRs per parcel.</li> <li>The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</li> <li>The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</li> <li>The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</li> </ol> <p><b>Example Transportation Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</li> <li>The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</li> <li>The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount of parking spaces required by local ordinance.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <ol style="list-style-type: none"> <li>The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</li> </ol>	<p>Clustering Policy Cap of 900</p> <p>10% limit in cap</p> <p>Yes, 1 per lot</p> <p>Board policy is to use TOT to offset tourist impacts</p>		<p>10 points</p>
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			
<p><b>Example Noise Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</li> <li>The STR neighborhood compatibility program requires a noise management plan.</li> <li>The STR neighborhood compatibility program requires installation of noise monitoring devices.</li> </ol> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</li> </ol> <p><b>Example Parking Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires adequate improved off-street parking.</li> <li>The STR neighborhood compatibility program requires snow removal.</li> <li>The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</li> </ol> <p><b>Example Refuse Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</li> </ol> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p><b>30 points (max)</b></p>	<p>5 points</p> <p>2.5 points</p> <p>5 points</p> <p>5 points</p>

<ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.</li> <li>2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</li> </ol>	No		0 points
<p><b>Example Water Quality Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified at authorization and reauthorization.</li> <li>2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.</li> </ol>	No		0 points
<p><b>Example Public Health and Safety Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).</li> <li>2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources &amp; availability.</li> <li>3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law/code enforcement and fire.</li> <li>4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.</li> <li>5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.</li> </ol>	Yes		5 points
<p><b>Example Education Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.</li> <li>3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.</li> <li>4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.</li> </ol>	Yes Yes Yes		2.5 points
<p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires an STR permit and annual renewal.</li> <li>2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.</li> <li>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</li> <li>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</li> <li>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&amp;R regulations that limit the length of a lease or rentals.</li> <li>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>7. The STR neighborhood compatibility program requires on-site professional management.</li> <li>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</li> <li>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</li> <li>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</li> </ol>	yes yes Yes no no  Yes  no yes no no		5 points
<b>ENFORCEMENT</b>			
<p><b>Guidance:</b> To receive 40 points, a local jurisdiction must demonstrate that that they have an <b>Implementation</b> program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program <b>Funding</b> (10 points), effective <b>Penalties</b> (5 points), and an <b>Education</b> program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.</p>			
<p><b>Example Implementation Best Practices (15 points)</b></p>		40 points	

<ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</li> <li>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</li> <li>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</li> <li>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</li> <li>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</li> <li>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</li> <li>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</li> </ol>	<p>Yes</p> <p>Sheriff</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p style="text-align: center;"><b>(max)</b></p>	<p style="text-align: center;">15 points</p>
<p><b>Example Funding Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</li> <li>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</li> <li>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</li> </ol>	<p>Yes</p> <p>Yes</p>		
<p><b>Example Education Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</li> <li>2. The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</li> <li>3. The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</li> <li>4. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</li> <li>5. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>6. The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</li> </ol>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>		<p style="text-align: center;">10 points</p>
<p><b>Example Penalties Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</li> <li>2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</li> <li>3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</li> <li>4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</li> <li>5. The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</li> </ol>	<p>Yes</p> <p>Yes</p> <p>Yes</p>		<p style="text-align: center;">5 points</p>
<p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <ol style="list-style-type: none"> <li>1. The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</li> </ol>	<p>Yes</p>		
<p><b>TOTAL</b></p>		<p><b>100 points (max)</b></p>	<p><b>90</b></p>

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

Attachment D  
Memo from Placer County and STR Neighborhood Compatibility Guidelines – Placer  
County

## MEMORANDUM

**DATE:**

**TO:** Brandy McMahon, TRPA Local Government Coordinator

**FROM:** Emily Setzer, Principal Planner/STR Program Manager

**SUBJECT:** 2023 STR Guidelines – Performance Review Committee

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**Purpose**

This memo is in response to the TRPA's request for a summary of Placer County's Short-Term Rental (STR) Program and how it aligns with the TRPA Neighborhood Compatibility Guidelines.

**Background**

North Lake Tahoe has and will always be a vacation destination, and tourism is the main driver of the North Lake Tahoe economy. Most homes in the Tahoe area were initially constructed as vacation cabins and to this day, many homes still serve as vacation homes. It is important to note that Placer County currently lacks the quantity and quality of hotel/motel lodging in its Town and Village Centers, and so STRs in the Tahoe Basin area of Placer County fill a lodging need.

In July 2019 the County Board of Supervisors directed staff to create an STR ordinance and accordingly the County formed a multi-disciplinary STR Team to develop and administer the STR program. This team developed STR operational standards and an STR permitting system. The STR Ordinance was adopted in November 2019 and went into effect in January 2020. Several subsequent ordinance changes have occurred since that time:

- March 30, 2021: The Board adopted minor amendments to the ordinance aimed at clarifying and refining areas of the ordinance.
- July 27, 2021: After hearing concerns from the Tahoe community regarding the decline of workforce housing availability and the preservation of residential neighborhoods in the Tahoe region, the Placer County Board of Supervisors approved an Urgency Ordinance enacting a 45-day moratorium on new STR permits.
- August 31, 2021: Placer County Board of Supervisors extended the moratorium on new STR permits until March 31, 2022 so staff could study STR program best practices, analyze STR impacts on housing and hotel/motel industries, and explore ordinance revisions to restrict STRs in the region



- January 25, 2022: The Placer County Board of Supervisors introduced an ordinance to repeal and replace the existing short-term rental ordinance, Chapter 9, Article 9.42 of the Placer County Code. The ordinance was adopted on February 8, 2022 and took effect on March 11, 2022. The ordinance was intended to create a balance between short term rental opportunities in a diversity of lodging types to both support opportunities for residential lodging and encourage new or redeveloped lodging in town centers.

### Overnight Visitors

The greatest economic engine for our tourist-driven community is driven by the overnight stays, as those visitors are critical to supporting restaurants, retail, and recreation in the region. The Transient Occupancy Tax (TOT) revenue those overnight guests generate is also important to the community because it provides funding for infrastructure, amenities, and local services that benefit visitors and the local community. Without a robust, updated, competitive hotel/motel supply, the 2,171 permitted STRs within the Tahoe Basin portion of Placer County are critical to enabling visitors who choose to spend more time in North Lake Tahoe.

1.5 Million+ visitors to North Lake Tahoe annually:

- 58% of visitors are overnight visitors<sup>1</sup>
  - Overnight visitors spent 22,800 visitor days in North Lake Tahoe in 2016
    - 81% of those nights spent in private/vacation homes
    - 9% spent in hotels/motels
- Overnight visitors spend about twice as many dollars per day than a day-visitor (\$250/person/day for overnight visitors, versus \$128/person for day visitors<sup>2</sup>)
- Overnight visitors stay on average approximately 3.5 days (e.g. \$875/person for their stay) versus the \$128 for a day visitor
- Tourist Accommodations<sup>3</sup>:
  - 14,000 private and vacation homes
  - 2,000 traditional hotel/motel/B&B lodging units
  - Placer County's hotels/motels/B&Bs were last built in 1960s and are dated

### Incentives for New and Renovated Lodging Amenities

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<sup>1</sup> The Economic Significance of Travel to the North Lake Tahoe Area, October 2017, prepared by Dean Runyan Associates for the North Lake Tahoe Resort Association.

<sup>2</sup> The Economic Significance of Travel to the North Lake Tahoe Area, October 2017, prepared by Dean Runyan Associates for the North Lake Tahoe Resort Association.

<sup>3</sup> North Lake Tahoe Tourism Master Plan, 2015



No new lodging products have been constructed in the Placer County portion of the basin since the early 1960s. As such, STRs have been widely adopted as a primary lodging type for overnight visitors. To shift visitors from the residential neighborhoods to the town centers, Placer County is working from several angles to spur reinvestment and promotion of mixed-use projects that include lodging in its Town Centers.

In March 2020, Placer County commissioned a study with Bay Area Economics (BAE) to determine why new and renovated lodging projects were not progressing in the North Lake Tahoe basin, and how to incentivize new or renovated lodging products. The study pointed to high costs of development, complex and prescriptive regulatory requirements, and a lack of high-quality lodging examples that would encourage new development. The BAE study determined that additional incentives were needed to help spur development consistent with community and County environmental and economic development goals and to achieve prescribed environmental standards by redeveloping the outdated built environment. Staff revised the existing North Lake Tahoe Economic Development Incentive Program to include a TOT rebate that could be utilized for newly constructed or renovated hotel/motel lodging products. The amendment to that program was adopted in 2020 and further refined in February 2021 after subsequent conversations with hotel developers in the area.

Additionally, staff are finalizing a set of proposed Tahoe Basin Area Plan amendments which staff presented to the TRPA Regional Plan Implementation Committee in December 2022. The amendments are focused on increasing a diversity of housing types and incentivizing deed-restricted achievable housing, as well as facilitating mixed use development with lodging in the town centers. The amendments would allow boutique-sized hotels by right in the town centers, using the TRPA Project Impact Assessment tool to determine the maximum square footage. They also include a policy that would decrease the STR cap by one STR for each new lodging unit developed to try to shift lodging from the neighborhoods to the town centers. As STRs do not require TRPA tourist accommodation units (TAUs), this is the first time STRs have been linked to TAUs in an attempt to think of all types of lodging units holistically. Amendments are anticipated to be adopted Summer 2023. Additionally, a minor STR ordinance amendment proposed for this spring also proposes the decrease in the STR cap by one STR for each new commercial lodging unit developed in East Placer.

### **Locational Provisions**

At this time, the County does not believe that locational STR ordinance provisions geared at shifting STRs toward Town Centers is an effective way to regulate the County's STR program. Instead, the updated North Lake Tahoe Economic Incentives Program that provides a TOT rebate for new or revitalized commercial lodging, as well as the policies in the proposed TBAP and future STR ordinance amendment to reduce the STR cap by one STR for each new commercial lodging unit built, are two key ways the County is trying to shift visitor lodging from the residential neighborhoods to the town centers.

#### Land Use Best Practices and Regional Plan Alignment

Placer County's Town Centers of Kings Beach and Tahoe City are small, predominantly commercial cores which include very few residential uses. The physical layouts of Placer County's Town Centers are constrained so that they could never support a Town Center locational STR program as there is very limited vacant space to create new residential uses. Furthermore, the community has vocalized its desire to limit residential uses in the town centers, and rather encourage commercial, mixed use, and formal lodging hotel uses in the town centers.

The Tahoe Basin's tourist economy is driven by the amazing natural resources and associated recreation opportunities that our region provides. Placer County's plethora of beaches along the West Shore, around Tahoe City, along Tahoe Vista, and in Kings Beach and Brockway, as well as trailheads and ski resorts scattered throughout the region, are also a huge attraction to tourists who enjoy staying at STRs near those locations.

Placer County worked collaboratively with Tahoe Regional Planning Agency to adopt the Tahoe Basin Area Plan, which includes regulations that encourage and allow for the highest and best uses for these areas continue to focus on retail and lodging uses, with a limited residential component. The County's efforts on incentivizing development of new lodging in the town centers, partnered with the increased transportation and mobility initiatives, are designed to effectively shift lodging to town centers and away from STRs while providing alternative modes of transportation for guests to reach their tourism destinations.

#### Residential Compatibility

To preserve residential compatibility, Placer County has implemented several components to the STR program. Placer County's updated STR ordinance, which became effective in March 2022, introduced and implemented a maximum cap on STR permits of 3,900 in order to maintain housing supply and attainable housing pricing for the workforce. The ordinance also requires a business license and a TOT certificate for all STR properties. To preserve multifamily developments for long-term rentals, the ordinance limits one STR per multifamily property. The County also initiated a Board-directed stakeholder working group to gauge the efficacy and impacts of the program. Working group sessions have included discussion about potential reductions to the cap, a one-year waiting period, a 500-foot buffering provision, as well as additional clarifications and refinements to the ordinance to better enable enforcement of STRs in violation of the ordinance. Over the next year, staff will continue to monitor the STR program and may work with the stakeholder working group to explore ordinance revisions that would further address residential compatibility.

### Transit/Mobility Improvements

Traffic congestion has been one of the most severe tourism impacts experienced by the Lake Tahoe region for decades, an impact which continues to worsen. The County utilizes its North Lake Tahoe Tourism Master Plan as a guideline for planning and funding a variety of transportation, mobility, and recreational amenities that serve visitors and the local community. Placer County continues to address traffic impacts on multiple fronts, addressing both day and overnight visitors, as well as community transportation and mobility needs. The County focuses on transportation and mobility inside and outside of the basin, particularly the connections in East Placer that span from Tahoe City and Kings Beach to ski resorts and Truckee, recognizing that tourism and traffic impacts are regional and not just local. STRs are located throughout the entirety of our neighborhoods as they are a byproduct of how our subdivisions and communities have evolved over the decades – small vacation cabins and scattered throughout the community as opposed to being concentrated in our small, mostly commercial Town Centers. Per the updated STR ordinance, STR owners must describe how many parking spaces are available at their property and limit the number of guest cars. This is enforced by Placer County’s code compliance team. To minimize impacts from congestion, at least in part caused by visitors, the County dedicates significant TOT revenue and staff resources towards these efforts.

- Trails- (FY 21-22, \$2.58 million and FY22-23 funding will go to the Board of Supervisors in Jan. 2023) Funding continues to be dedicated to trail planning and construction. For FY 21-22, \$2.58 million was dedicated to trail planning and construction throughout eastern Placer County- most of which was dedicated to the “Resort Triangle Trail” which will ultimately connect Tahoe City, Kings Beach, and Truckee on a class 1 paved trail.
- Snow Removal on Trails- (\$97,000 in FY 21-22 and budgeted \$100,000 in FY 22-23)- This funds clearing snow from paved trails in the region which allows for recreation as well as multi-modal transportation options in the winter
- Park and Ride Service-(\$63,000 spent in FY21-22 and \$122,000 budgeted for FY22-23. This funds winter service to ski resorts as well as summer service at peak times. Program goals include reducing traffic congestion, reducing vehicle miles traveled or “VMT”, encouraging use of public transit and improving the overall visitor experience to the region.
- Microtransit Service North Lake Tahoe (\$1.9 million in TOT spent in FY21-22 and \$1.95 million budgeted for the service in FY22-23) – On-demand shuttle service for Kings Beach, Tahoe Vista, Dollar Hill, Tahoe City and the West Shore to town-centers has been implemented. There is additional weekend service in the peak seasons between Olympic Valley and Tahoe City and from Northstar to Kings Beach.
- Pedestrian Safety and Traffic Mitigation – (\$140,000 for crossing guards in FY21-22 and \$250,000 budgeted for traffic mitigation and pedestrian safety in FY22-23)- Pedestrian crossing guards are placed at heavily trafficked crossing in Kings Beach and Tahoe City. The goals of this

program include pedestrian safety and reduction in traffic congestion. Additional funding can be utilized for other traffic mitigation programs and signage.

Those highlights are in addition to the regional transit system, Tahoe Area Regional Transit (TART), that Placer County has implemented for almost two decades. Highlights of the operations include:

- \$12.3 Million Annual Operating Budget – including TART Fixed Route service as well as TART Connect on-demand service
- 14 fixed route buses- 11 in daily operation
- 2 paratransit bus – both in daily operation
- 11 TART Connect vans – 8 maximum in operation daily
- 34 budgeted positions for TART Fixed Route service- only 15 filled at this time
- 390,000+ Riders- including TART Fixed Route and TART Connect
- 61, 706 Vehicle Service Hours
- 1, 171, 950 Vehicle Revenue Miles
- Operating Hours: 5:30 AM -12 AM Summer & Winter, 6 AM – 10 PM Fall & Spring – including TART Fixed Route and TART Connect

TART has expanded significantly over the years. In the last five years, TART has accomplished the following:

- Initiation of SR 267 Spring and Fall Service
- Initiation of SR 267 year-round service to Truckee
- Expanded night service to include non-peak season service until 10pm
- Initiation of winter early morning connections to Northstar
- Initiation of year-round 30-minute service on Mainline (Tahoe City – Crystal Bay)
- Implementation of TART website (TahoeTruckeeTransit.com) upgrade offering interactive user experience
- Initiation of winter peak AM & PM winter 30-minute service Hwy 89 (Tahoe City – Squaw Valley)
- Initiation of winter peak AM & PM winter 30-minute service Hwy 267 (Crystal Bay – Northstar)
- Initiation of Park & Ride service in partnership with the Truckee North Tahoe TMA (Hwy. 89 and 267 connections from Truckee, Tahoe City Transit Center, and Tahoe Biltmore/Crystal Bay)
- Partnership with Town of Truckee and Truckee Tahoe Airport to initiate year-round night service connection to Northstar and Squaw Valley from Truckee
- “Free to the Rider” system implemented on TART

### **Operational Provisions**

Placer County understands issues surrounding vacation/second homes and STRs, including nuisance concerns and neighborhood compatibility. Placer County recognizes the need for STRs and strives hard

to create a multi-pronged approach to balance the impacts from tourism to our local community and environment while simultaneously promoting economic development and revitalization.

Per the updated STR ordinance, the STR permit is good for one year and requires annual renewal. The County provides web-based permitting service, permit fees, and inspection fees. The ordinance includes the following operational standards:

- No amplified sound outside or audible from parcel line at any time
- Quiet hours from 9 p.m. to 8 a.m., no sound from STR shall be audible from parcel line during this time
- Maximum daytime and nighttime occupancy by number of bedrooms
- Requirement that parking, trash & occupancy violations must be resolved within one hour
- Requirement for snow removal
- Maximum number of parking spaces, prohibition of on-street parking
- Requirement for bear bin or dumpster before issuance of STR permit
- Increased fire protection standards, including interior fire life safety and exterior defensible space inspections that check for required number of smoke and CO2 detectors as well as fire extinguishers and means of ingress/egress, and limitations on grills, outdoor fireplaces, and enforcement of red flag days
- Increased STR unit postings of the Good Neighbor Flyer containing the contact information for the local contact person and emergency information and operational standards at a minimum pertaining to noise, parking, fire and life safety, occupancy limits, bears and trash, and pets, required to be posted in the STR property's interior and in online STR advertisements
- Exterior STR unit postings showing the STR permit registration number of the unit as well as the Placer County STR Hotline phone number
- Local contact person required

As described above, the county has formed a STR stakeholder working group to evaluate what is and isn't working well in the program and how it could be improved and adaptively managed. Staff are currently coordinating with the working group on potential ordinance amendments that could be brought forward this spring.

### **Enforcement and Administration**

As outlined in Placer's responses to the Short-Term Rental (STR) Neighborhood Compatibility Guidelines, Placer County has established a robust enforcement approach to its STR program. Since adoption of the STR ordinance in November 2019, the County has developed a code compliance team housed out of its Tahoe City office. The County sees the compliance/enforcement arm as a key component to address complaints and ultimately reduce the impacts of STRs and tourism, and views the compliance team as educators about the program and about being a good "guest" neighbor, data gatherers on what is/not

working, and on-the-ground resources to identify new or adapted mitigations that should be implemented (both within the parameters of the STR ordinance and in the County initiatives as a whole). Furthermore, the County has prioritized expansion of the Tahoe CDRA administration and code compliance team, funded by STR permit fees. The STR team and program includes the following elements:

- Tahoe Code/STR Compliance Supervisor
- Five Tahoe Code/STR Compliance officer positions
- Three Tahoe STR administrative staff
- One Tahoe STR program manager
- A 7-day a week Code Compliance presence, including Tahoe CDRA STR nuisance enforcement (with branded STR program vehicles), with schedules adjusted to late night to accommodate holidays, time of year, etc.
- A dedicated 24/7 STR hotline for nuisance complaints as well as an email option (the previous web-based version did not load well in the field as North Lake Tahoe has many locations without wifi access)
- A dedicated STR administration phone line for program assistance
- Promotion/education of STR program and enforcement process, including updates to dedicated webpage, PIO press releases, reporting at community meetings, etc.
- Effective management of enforcement/compliance work program which includes real-time investigation of complaints, issuance of citations, administrative hearings, collection of fines, and suspension/revocation of STR permits
- Data Collection – Complaint data is collected various ways including phone calls, emails, in-person complaints and through software used to identify those who are not complying with the STR ordinance, allowing staff to see trends in reported nuisance types and track outcomes (education, warnings, citations and revocation)

The STR permit requires each application to submit a local contact, as well as the property owner and property manager (if applicable) contact information. The County also has a contract with Deckard Technologies to monitor and identify STRs that do not have STR permits or TOT certificates. The updated ordinance provides the County enhanced enforcement capabilities than the previous ordinance. It utilizes maximum penalties as outlined in SB 60, approved by the California State legislature in September of 2021, which authorizes penalties for short-term rentals to be \$1,500 for a first violation, \$3,000 for a 2nd violation of the same ordinance within one year, and \$5,000 for each additional violation of the same ordinance within one year of the first violation. The ordinance allows the County to revoke permits for a variety of reasons, including three administration citations within a 24-month period and/or unpaid fines or taxes.

This team and program have resulted in many successes, ranging from increased citations to fewer trash complaints. Environmental Health and Code Compliance staff have noticed improvement in trash problem

properties through a new way of enforcing the code and using notice of violations for properties to cure problem in 24 hours. Additionally, Clean Tahoe has seen a decreased quantity of STR-related complaints.

### **Funding Tourism Mitigation**

STRs generate a significant amount of TOT revenue for Placer County, which is then reinvested into the community. Placer County continues to be progressive and aggressive in identifying areas where the County can mitigate the impacts of tourism and improve the region's infrastructure, primarily with TOT funding generated by our region's lodging and creative funding mechanisms that support these improvements and mitigation measures.

A critical step toward this funding is the newly created North Lake Tahoe Tourism Business Improvement District (NLTTBID) that was approved by our Board of Supervisors on March 9, 2021. The NLTTBID is a benefit assessment district that provides specific benefits to payors by creating a revenue stream to fund marketing, promotions, and special events; visitor services and visitor centers operations; business support and advocacy; economic development and transportation; and sustainability and mitigation of tourism impacts programs for certain North Lake Tahoe businesses. Under this program, lodging (including STRs), restaurant, retail, activities and attractions are all assessed to create the revenue source. The NLTTBID is expected to generate approximately \$6 Million on an annual basis for stewardship and promotion of travel and tourism specific to North Lake Tahoe. The NLTTBID has freed up approximately \$4.1 million of County TOT funds each year that previously went towards funding North Lake Tahoe tourism and marketing promotions. Placer County has committed to use that \$4.1 million to fund housing and transportation initiatives throughout the North Lake Tahoe/East Placer region.

Additionally, Placer County continues to invest TOT dollars in transit/transportation and tourism mitigation projects. Our region continues to experience significant impacts related to trash and litter in our town centers and beaches. To mitigate this, Placer County increased the capacity of trash bins and the frequency of trash service in Kings Beach and Tahoe City through a partnership with Clean Tahoe. For example, enhanced litter and trash cleanup service was implemented the past two years, funded by TOT (\$150,000 in FY21-22 and \$150,000 in FY22-23).

### **Balancing Workforce Housing Needs**

One of East Placer's primary challenges is how and where to house our local workforce. Much like the rest of the Tahoe Basin area, Placer County is facing increased challenges of housing affordability as well as housing availability for the workforce. Approximately 80 percent of Placer's housing units are used as second homes or short-term rentals. The region has experienced declining availability in the existing housing supply alongside increasing housing costs due in large part to the purchase of housing for second home or short-term rental use in the Tahoe area. This affects the local workforce and results in negative



impacts to the community, businesses, and tourism. Per Census data, the North Lake Tahoe basin has seen a reduction of 2,000 full-time residents between 2000-2020. Anecdotally, those residents moved to Truckee or Reno/Carson City, or out of the area completely. Many of them would like to move back to North Lake Tahoe: per the Mountain Housing Council 2021 Regional Housing Implementation Plan, 63 percent of those who work in the North Tahoe region and reside outside the region reported that they would prefer to live in the region. Nearly 48 percent of employees who work in the North Lake Tahoe region reported that it was hard to find a home with affordable rent while only 6 percent did not experience any problems finding or securing housing in 2021.

To address the lack of available and affordable housing, Placer County is working closely with the Tahoe Regional Planning Agency, the Tahoe Truckee Workforce Housing Agency, the Mountain Housing Council, and the business community to collaborate, research, and adopt innovative approaches to workforce housing.

In the past year, the county has launched the following programs and initiatives which have proven to be successful in the region:

- Workforce Housing Preservation (\$250,000 TOT dedicated total for FY21-22 and FY22-23)- The program is to provide homebuying assistance for members of the local workforce to deed restrict existing homes for local workforce occupancy. Staff will return to the Board of Supervisors to ask for additional funding in February 2023.
- Lease to Locals (\$500,000 TOT in FY22-23)- Funding for this program goes to incentivize homeowners to convert vacation homes to long-term rentals for members of the local workforce.

Additionally, Placer County's proposed Tahoe Basin Area Plan amendments are targeted at housing and economic sustainability of the town centers. The amendments are focused on streamlining and increasing a diversity of housing types by allowing development of deed-restricted achievable housing by right in many zone districts. This would alleviate potentially hundreds of thousands of dollars in entitlement, permitting, and environmental review costs from housing developments targeted at the local workforce. Per TRPA and County data, the vehicle miles traveled and other environmental impacts from local workforce housing are minimal. Therefore, amendments include by-right allowances to incentivize and streamline development of workforce housing.

Between now and 2040, East Placer County anticipates a demand for between 300 and 600 single family units and between 700 and 1,700 multifamily units<sup>4</sup>, depending on a low growth or high growth scenario.

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<sup>4</sup> Placer County Housing Strategy & Development Plan, BAE, 2018.



Therefore, Placer County is dependent on the annual residential allocations to accommodate development of a variety of housing types, including privately funded and publicly funded projects. One project the County has been working on for a few years, Dollar Creek Crossing, is currently undergoing environmental review. The project would include up to 150 units of rental housing and for-sale housing targeted to meet regional housing needs.

### **Ongoing Community Engagement**

An important part of the County's integrated approach to mitigating the impacts of tourism and STRs in the Tahoe area includes the best practice of regularly engaging the community. The STR stakeholder working group was formed at the direction of the County's Board of Supervisors to adaptively manage the STR program overtime. The stakeholder working group consists of business owners, homeowners, property managers, fire department staff, community members and representatives from our permitting platform. The purpose of the stakeholder working group was to learn what is working in the current STR ordinance and share trends from other STR programs. Additionally, the intention of the stakeholder working group is to brainstorm ideas that would improve the STR ordinance. The stakeholder working group has met twice and is scheduled to meet quarterly. With the goal of adaptively managing the STR program, ordinance amendments will be going to the Board of Supervisors March 2023.

### **Conclusion**

STRs are a crucial component of the tourism economy of North Lake Tahoe. Placer County has and is going to great lengths to ensure that STRs and visitors to the area strike a balance between the basin's economic, environment and community needs. Placer County's STR operational and enforcement components of the STR program, as well as the multi-faceted approach to fund and implement tourism mitigation and transit/mobility improvements, encourage proximity of STRs to recreational amenities, encourage and incentivize workforce housing and new and renovated lodging products, as well as conduct ongoing community engagement all are designed to achieve a balanced solution to a lodging product type that is crucial to our economy.

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

Adopted by TRPA Governing Board on October 23, 2019  
(Print on Tabloid 11" by 17" Paper)

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

Local jurisdiction: Placer County

Date: 2/1/2023

Prepared by: Emily Setzer, STR Program Supervisor

<b>LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES</b>			
<b>Example STR Neighborhood Compatibility Best Practices</b>	<b>Local Jurisdiction Response</b> <i>(to be provided before convening PRC*)</i>	<b>Points (Max.)</b>	<b>Points Awarded</b> <i>(to be determined by TRPA/PRC)</i>
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>	<p><b>Land Use:</b> Examples 1, 2 and 5 are Supported by the TOT Rebate Program: Incentivizes lodging in Town Centers with TOT Rebate program; only Town Center TOTs can take advantage of this rebate program. <b>(6 points total)</b></p> <p><b>Residential Compatibility:</b> Example 1; STR permits issued to those who claim the short-term rental as their primary residence are not subject to the cap under the STR ordinance.</p>	<p><b>30 points (max)</b></p>	

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount of parking spaces required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>	<p>Example 3; The STR Ordinance requires applicants to apply for a business license. Example 9; The STR Ordinance limits the number of permits per parcel to one. Example 2 would not be possible because it could be interpreted as discriminatory. <b>(6 points total)</b></p> <p><b>Transportation:</b> Example 2; The County allocates TOT revenue to transportation projects. Example 3; The STR Ordinance requires onsite parking. Number of cars is limited to amount of legal, onsite parking year-round. <b>(6 points total)</b></p> <p><b>Other Best Practices:</b> Placer County has established a stakeholder working group to brainstorm ideas that could improve the STR ordinance. <b>(10 points)</b></p> <p><b>(Grand Total Locational 28 points)</b></p>		
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			

<p><b>Example Noise Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</li> <li>2. The STR neighborhood compatibility program requires a noise management plan.</li> <li>3. The STR neighborhood compatibility program requires installation of noise monitoring devices.</li> </ol> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</li> </ol> <p><b>Example Parking Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires adequate improved off-street parking.</li> <li>2. The STR neighborhood compatibility program requires snow removal.</li> <li>3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</li> </ol> <p><b>Example Refuse Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</li> </ol> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.</li> <li>2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</li> </ol> <p><b>Example Water Quality Best Practices (2.5 points)</b></p>	<p><b>Noise</b> Example 1; Section 9.42.040(D) establishes “quiet hours” from 9:00 pm to 8:00 am and also prohibits any use of amplified sound outside or audible from the parcel line at any time. <b>(2.5 points)</b></p> <p><b>Occupancy:</b> Example 1; Section 9.42.080(N) The STR Ordinance limits the number of occupants. The nighttime occupancy limit is people per bedroom (2 per bedroom plus 2 people) up to 12 people. The daytime occupancy limit is one and a half times the number of occupants allowed at night. <b>(2.5 points)</b></p> <p><b>Parking:</b> Examples 1, 2 and 3; Section 9.42.080(C) requires on-site parking for all vehicles and compliance with all County codes. Section 9.42.080(Q) requires snow removal services provided by the owner or property manager <b>(5 points)</b></p> <p><b>Refuse:</b> Section 9.42.080(E)(3) requires all trash receptacles to be animal-proofed and requires all STRs to provide evidence of receptacle installation to qualify for permit renewal. Additionally, county code requires trash service for all residential units above 5,000 feet. <b>(5 points)</b></p> <p><b>Defensible Space:</b> Section 9.42.080 (L) Requires annual defensible space inspections. Section 9.42.090(C) Prohibit outdoor fireplaces and charcoal grills. <b>(2.5 points)</b></p>	<p><b>30 points (max)</b></p>	
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1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified at authorization and reauthorization.
2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.

**Example Public Health and Safety Best Practices (5 points)**

1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).
2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources & availability.
3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law/code enforcement and fire.
4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.
5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.

**Example Education Best Practices (2.5 points)**

1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.
2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.
3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.
4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.

**Example Other Best Practices (Can substitute for up to 30 points from above)**

1. The STR neighborhood compatibility program requires an STR permit and annual renewal.
2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.
3. The STR neighborhood compatibility program requires permit fees, inspection fees, & annual renewal fees.
4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.
5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&R regulations that limit the length of a lease or rentals.
6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.
7. The STR neighborhood compatibility program requires on-site professional management.

**Health and Safety:** Example 2; The STR Ordinance requires a fire inspection as part of the permit renewal application. Example 3; TOT taxes fund public services including, but not limited to, pedestrian safety infrastructure, public parks, etc.  
**(3 points)**

**Education:** Section 9.42.080(F) establishes interior and exterior posting requirements including posting a magnet or sticker in a visible location on the outside of the rental as well as a Good Neighbor Flyer inside of the rental near the front door as well as behind the interior of each bedroom door. The flyer includes applicable restrictions for noise, parking, occupancy, fire safety, and local contact information. The flyer is also to be posted on advertisements for the rental property. Section 9.42.050(B)(13) requires the owner or agent acknowledge they have read and understands the ordinance.  
**(2.5 points)**

**Other Best Practices:** Examples 1, 2, 3, 6, 10; Section 9.42.070 (A) Explains that the STR permit expires, if not renewed after 365 days from the original date of issuance. Rentalscape is the online system used for permitting, tracking and annual renewal; Section 9.42.060(A) establishes a permit fee; Section

<p>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</p> <p>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</p> <p>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</p>	<p>9.42.080 (L) Sets the fire inspections requirement and explains the fee for these inspections. Section 9.42.080 (B) Requires the local contact person to be available 24 hours a day by phone and maintains the ability to be physically present at the property within 60 minutes. The Board of Supervisors have requested for the STR program to be adaptively managed and to create a stakeholder working group consisting of various community members. Example 9 would not be possible because it would be in violation of recent case law violating interstate commerce laws.</p> <p><b>(7 Total Points)</b></p> <p><b>Grand Total Operational: 30 points</b></p>		
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**ENFORCEMENT**

**Guidance:** To receive 40 points, a local jurisdiction must demonstrate that that they have an **Implementation** program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program **Funding** (10 points), effective **Penalties** (5 points), and an **Education** program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.

<p><b>Example Implementation Best Practices (15 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</li> <li>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</li> <li>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</li> <li>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</li> <li>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</li> <li>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</li> <li>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</li> </ol> <p><b>Example Funding Best Practices (10 points)</b></p>	<p><b>Implementation:</b> Examples 1-4, and 7; Section 9.42.080(B) requires STRs to have a local contact person who is able to be present at the rental within 60 minutes of contact. By signing the STR application, they are self-certifying the local contact requirement. The County has a hotline available 24/7 for complaints. This is a faster and more efficient way to communicate with our code officers than the previous web-based platform. Deckard Technologies administers our STR permit software provides a service to identify unpermitted STRs that the County has been successful in using to register properties with a TOT certificate and STR permit. Section 9.42.100 establishes enforcement protocols and permit</p>	<p><b>40 points (max)</b></p>	
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<p>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</p> <p>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</p> <p>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</p> <p><b>Example Education Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</p> <p>2. The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</p> <p>3. The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</p> <p>4. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</p> <p>5. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</p> <p>6. The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</p> <p><b>Example Penalties Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</p> <p>2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</p> <p>3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</p> <p>4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</p> <p>5. The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder. <i>Local contact is not certified.</i></p> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <p>1. Example added by Placer County: The local government has created a stakeholder working group to discuss ways to improve the STR program.</p> <p>2. Example added by Placer County: Placer County has dedicated a significant amount of resources in terms staffing and funding to develop, promote, execute and enforce an STR Ordinance for the benefit of our community. This includes 4 fulltime on the enforcement team and 2 fulltime program administrators, 1 fulltime analyst and 1 fulltime program supervisor.</p>	<p>suspension/revocation processes. <b>(10 points)</b></p> <p><b>Funding:</b> Examples 1 and 3; Funds generated from the STR permit program are to be used to fund the enforcement program. <b>(6 points)</b></p> <p><b>Education:</b> Examples 1, 4, 5 and 6; Section 9.42.080(F) requires STRs to post the Good Neighbor flyer on the rental interior, upload the flyer to advertisements with the permit number, and post a magnet or sticker on the exterior of the rental with the permit number. Our Code Compliance officers use an online system, Accela, to record and track complaints, violations and citations. <b>(8 points)</b></p> <p><b>Penalties:</b> Examples 1, 2, and 5; Section 9.42.100 (E) establishes penalties, fines and grounds for permit denial and/or suspension. Section 9.42.100 (E) outlines the reason for revoking a permit. <b>(3 points)</b></p> <p><b>Other:</b> Examples 1 and 2 provided in column <b>(9 points)</b></p> <p><b>(Grand Total Enforcement 36 points)</b></p>		
<b>TOTAL</b>	<b>94</b>	<b>100 points (max)</b>	

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



Attachment E  
STR Neighborhood Compatibility Guidelines - City of South Lake Tahoe

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

Adopted by TRPA Governing Board on October 23, 2019  
(Print on Tabloid 11" by 17" Paper)

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

Local jurisdiction: City of South Lake Tahoe Date: January 20, 2023 Prepared by: John Hitchcock, Planning Manager

LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES			
Example STR Neighborhood Compatibility Best Practices	Local Jurisdiction Response	Points (Max.)	Points Awarded
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>	<p>(to be provided before convening PRC*)</p>		<p>(to be determined by TRPA/PRC)</p>
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>	<p>Short-term rentals are prohibited in residential zones and have all been phased out.</p> <p>New VHRs are only allowed in the Tourist Core Area Plan, the Tahoe Valley Area Plan, and all areas zoned commercial (i.e., Town Centers) or recreation. These areas have access to transit and non-auto dependent transit opportunities. These areas also contain regional transit</p>	<p><b>30 points (max)</b></p>	

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount of parking spaces required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>	<p>hubs and are in close proximity to recreation opportunities such as Lake Tahoe, Heavenly Ski Resort and City recreation facilities.</p> <p>In residential plan areas, Qualified VHR permit allows a primary home owner, with proof of tax exemption, to rent their home limited to 30 days per year, non-consecutively.</p> <p>VHR occupancy is limited by the number of bedrooms and/or on-site parking spaces up to a maximum of 6 persons.</p> <p>VHRs are required to designate a local contact or property manager to respond to neighborhood compatibility complaints.</p> <p>VHR permit fees are based on the size of the VHR unit, providing funding for enforcement of neighborhood compatibility regulations. Transient Occupancy Tax is</p>		
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	<p>utilized to fund City services and capital projects related to public safety, auto and non-auto transportation infrastructure, water quality improvement projects, housing, parks and recreation and land use planning.</p> <p>The newly adopted Hosted Rental (referred to as HR hereon) Ordinance requires the permittee to be a primary resident and have a cap of 200 permits. The host must be present during the duration of the rental.</p> <p>No more than one VHR or HR permit is allowed per parcel.</p> <p>All VHR parking must be accommodated off-street; one dedicated parking space is required for HR's.</p> <p>The ordinance permits VHRs in commercial areas and the tourist core area, which are well served by existing public transit. All VHRs in commercial areas and tourist core area</p>		
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	are within ¼ mile of transit and shared use trails.		
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			
<p><b>Example Noise Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</li> <li>The STR neighborhood compatibility program requires a noise management plan.</li> <li>The STR neighborhood compatibility program requires installation of noise monitoring devices.</li> </ol> <p><b>Example Occupancy Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).</li> </ol> <p><b>Example Parking Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires adequate improved off-street parking.</li> <li>The STR neighborhood compatibility program requires snow removal.</li> <li>The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.</li> </ol> <p><b>Example Refuse Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.</li> </ol> <p><b>Example Defensible Space Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires defensible space inspections and maintenance.</li> <li>The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.</li> </ol> <p><b>Example Water Quality Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified at authorization and reauthorization.</li> <li>The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.</li> </ol> <p><b>Example Public Health and Safety Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).</li> <li>The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources &amp; availability.</li> <li>The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law/code enforcement and fire.</li> <li>The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.</li> <li>The STR neighborhood compatibility program complies with public accommodation requirements in state law.</li> </ol> <p><b>Example Education Best Practices (2.5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> </ol>	<p>Quiet hours are required between 10pm and 7am.</p> <p>Both HR and VHRs have occupancy limits based on bedrooms and parking. In no case, can a HR exceed more than 6 people regardless of size/bedrooms.</p> <p>All VHRs, outside of Tahoe Keys and the Tourist Core, are required to install bear proof trash enclosures.</p> <p>Outdoor fire pits are prohibited, and defensible space is required as part of the VHR inspection.</p> <p>On-site parking spaces are required to be paved.</p> <p>Public health and safety inspections are required for all VHRs outside of the Tourist Core. Inspection</p>	<p><b>30 points (max)</b></p>	

<p>2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.</p> <p>3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.</p> <p>4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The STR neighborhood compatibility program requires an STR permit and annual renewal.</p> <p>2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.</p> <p>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</p> <p>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</p> <p>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&amp;R regulations that limit the length of a lease or rentals.</p> <p>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>7. The STR neighborhood compatibility program requires on-site professional management.</p> <p>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</p> <p>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</p> <p>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</p>	<p>includes building, electrical and fire code compliance (see checklist)</p> <p>Annual renewals are required for all VHRs, qualified VHRs, and hosted rental permits.</p> <p>VHRs are required to designate a local contact or property manager to respond to neighborhood compatibility complaints.</p> <p>HR permittees must provide a self-certified inspection checklist for compliance with requirements.</p> <p>Permit and violation fees contribute to the cost of enforcement and implementation of the VHR/HR programs.</p> <p>Interior and exterior signage is required for all VHRs.</p> <p>The ordinance requires all residential properties to have trash service</p> <p>The City collects a permit application fee and an inspection fee</p>		
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	<p>prior to issuing VHR permits.</p> <p>Educational information is implemented through the “Leave No Impact Program”.</p> <p>Transient Occupancy Tax is utilized to fund City services and capital projects related to public safety, auto and non-auto transportation infrastructure, water quality improvement projects, housing, parks and recreation and land use planning.</p> <p>STPUD collects water and sewer fees based on the number of fixtures within the unit and service fees based on usage.</p>		
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**ENFORCEMENT**

**Guidance:** To receive 40 points, a local jurisdiction must demonstrate that that they have an **Implementation** program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program **Funding** (10 points), effective **Penalties** (5 points), and an **Education** program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.

<p><b>Example Implementation Best Practices (15 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</li> <li>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</li> <li>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</li> <li>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</li> <li>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</li> <li>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</li> </ol>	<p>A local contact must be available 24/7.</p> <p>Permit and violation fees, and TOT contribute to the cost of enforcement and implementation of the VHR/HR programs.</p>	<p><b>40 points (max)</b></p>	
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<p>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</p> <p>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</p> <p><b>Example Funding Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</li> <li>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</li> <li>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</li> </ol> <p><b>Example Education Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</li> <li>2. The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</li> <li>3. The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</li> <li>4. The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</li> <li>5. The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>6. The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</li> </ol> <p><b>Example Penalties Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>1. The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</li> <li>2. The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</li> <li>3. The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</li> <li>4. The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</li> <li>5. The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <ol style="list-style-type: none"> <li>1. The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</li> </ol>	<p>A VHR permit may be revoked after 3 adjudicated violations.</p> <p>Signage is required.</p> <p>Educational information is implemented through the “Leave No Impact Program”.</p> <p>Operating a vacation home rental property without a permit is subject to a \$1,000 fine.</p> <p>The City maintains a VHR hotline to receive reports of violations. The Police Department tracks and reports all complaints including processing any appeals through the administrative citation process. Fines associated with citations range between \$250 and \$1000 per violation. Either the property owner or renter can be issued a citation.</p> <p>City engages with Host Compliance for Address Identification, Rental Activity and Active Ads.</p>		
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	Permit numbers are required to be displayed on all advertisements		
<b>TOTAL</b>		<b>100 points (max)</b>	

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

Attachment F  
STR Neighborhood Compatibility Guidelines – Washoe County

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

Adopted by TRPA Governing Board on October 23, 2019  
(Print on Tabloid 11" by 17" Paper)

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

Local jurisdiction: Washoe County

Date: February 13, 2023 Prepared by: Courtney Weiche, Senior Planner

<b>LOCAL JURISDICTION SHORT-TERM RENTAL NEIGHBORHOOD COMPATIBILITY GUIDELINES</b>			
<b>Example STR Neighborhood Compatibility Best Practices</b>	<b>Local Jurisdiction Response</b>	<b>Points (Max.)</b>	<b>Points Awarded</b> <i>(to be determined by TRPA/PRC)</i>
<p><i>The purpose for using best practices is to attain and maintain threshold standards and implement Regional Plan goals and policies as specified in the TRPA Compact. The threshold standards include vegetation, recreation, water quality, soils/SEZ conservation, fisheries, scenic resources, air quality, noise and wildlife. The Regional Plan includes land use, transportation, conservation, recreation, and public services and facilities goals and policies (<a href="http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf">http://www.trpa.org/wp-content/uploads/Adopted-Regional-Plan_20190722.pdf</a>). Local jurisdictions may pick from the "menu" of examples of best practices below or develop their own best practices to earn points provided the practices achieve the purpose described above and in the guidance statement below.</i></p>			
<b>LOCATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that STRs will be located consistent with: 1) Regional Plan <b>Land Use</b> goals and policies, including directing STRs towards Town Centers, tourist lodging and/or commercial areas, major non-auto dependent transportation corridors and/or near tourist-oriented regional recreational amenities (10 points); 2) address <b>Residential Compatibility</b> issues such as the over saturation ("clustering") of STRs and the construction of large STRs in residential neighborhoods (10 points); and 3) by supporting Regional Plan <b>Transportation</b> goals and policies, including directing STRs to areas where alternative transportation options (shared-use paths, bike lanes/routes, and public transit) are available (10 points). Examples of best practices that a local jurisdiction may implement to address these locational components are provided below.</p>			
<p><b>Example Land Use Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within Town Centers.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within designated tourist lodging and/or commercial areas.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile.</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs in and/or adjacent to tourist-oriented regional recreation amenities that can be accessed without an automobile, such as a ski resort, golf course, or major trailhead with available public transit from/to Town Center(s).</li> <li>The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs that clearly reinforce the development pattern and uses as designated by the Regional Plan goals and policies and/or adopted Regional Plan or Area Plan planned land use map.</li> </ol> <p><b>Example Residential Compatibility Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program includes requirements to allow STR use in residential areas only if the home is occupied by a primary resident the majority of the year (i.e., make STRs an accessory use).</li> <li>The STR neighborhood compatibility program includes a requirement to allow STR use only if managed by a licensed professional property manager.</li> </ol>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p><b>While not required, a reduction in fees is applied for STRs</b></p>	<p><b>30 points</b> <b>(max)</b></p>	

<p>3. The STR neighborhood compatibility program limits the size of STRs and/or includes additional requirements for larger STRs (e.g., special use permit, prohibition on use of large new homes with 4-5 bedrooms as STRs through a deed restriction, requirement for a business license for large STRs, limit total number, require separation distance, require additional permit and/or mitigation fees, etc.).</p> <p>4. The STR neighborhood compatibility program limits the total number of STRs in each jurisdiction (e.g., ratio of STRs to occupied housing, maximum number issued by lottery or on a first come/first served basis, etc.).</p> <p>5. The STR neighborhood compatibility program limits the number of STRs in designated neighborhoods.</p> <p>6. The STR neighborhood compatibility program establishes a waiting period after home construction or sale for STR permit eligibility in neighborhoods vs. other areas (e.g., five year waiting period for properties with single-family zoning and no waiting period for properties in Town Centers).</p> <p>7. The STR neighborhood compatibility program establishes a ratio of long-term to short-term rentals.</p> <p>8. The STR neighborhood compatibility program requires minimum spacing between STRs in residential areas, such as requiring at least 500 feet between parcels with STRs, to address clustering.</p> <p>9. The STR neighborhood compatibility program limits the number of STRs per parcel.</p> <p>10. The STR neighborhood compatibility program requires a two-day minimum stay for STRs in residential areas to lessen impact of move-ins and move-outs.</p> <p>11. The STR neighborhood compatibility program caps the number of nights per year a unit may be rented as an STR in residential areas, such as 30 days per year.</p> <p>12. The STR neighborhood compatibility program caps the number of times an STR may be rented in residential areas, such as four times per month.</p> <p><b>Example Transportation Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.</p> <p>2. The STR neighborhood compatibility program uses transit occupancy tax collected from STRs or other revenue sources to offset tourist impacts (e.g. increase transit availability, provide on-demand transit in residential areas, etc.).</p> <p>3. The STR neighborhood compatibility program limits the total number of cars allowed per STR, regardless of the size or number of bedrooms, to a maximum amount equal to or less than the minimum amount of parking spaces required by local ordinance.</p> <p><b>Example Other Best Practices (Can substitute for up to 30 points from above)</b></p> <p>1. The local government has created a working group to develop policies and programs for location of STRs, those policies and programs are consistent with the threshold standards and Regional Plan goals and policies, and the local government has implemented those policies and programs.</p>	<p><b>with property managers. Occupancies above 20 require a special use permit and are limited to commercial regulatory zones.</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>Yes, one per parcel.</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>Yes</b></p>		
<b>OPERATIONAL</b>			
<p><b>Guidance:</b> To receive 30 points, a local jurisdiction must demonstrate that they have regulations in place that address, at a minimum, <b>Noise</b> (5 points), <b>Occupancy</b> (2.5 points), <b>Parking</b> (5 points), <b>Refuse</b> (5 points), <b>Defensible Space</b> (2.5 points), <b>Water Quality</b> (2.5), <b>Public Health and Safety</b> (5 points), public/visitor <b>Education</b> (2.5 points), or <b>Other</b> program elements that will further STR neighborhood compatibility. Examples of best practices that a local jurisdiction may implement to address the operational component are provided below.</p>			
<p><b>Example Noise Best Practices (5 points)</b></p> <p>1. The STR neighborhood compatibility program establishes quiet hours (e.g., 10:00 p.m. to 7:00 a.m.).</p>	<p><b>Yes</b></p>	<p><b>30 points (max)</b></p>	

2. The STR neighborhood compatibility program requires a noise management plan.	No		
3. The STR neighborhood compatibility program requires installation of noise monitoring devices.	No		
<b>Example Occupancy Best Practices (2.5 points)</b>			
1. The STR neighborhood compatibility program establishes occupancy limits (e.g., limits the number of visitors by bedrooms, such as 2 per bedroom, unless under 5 years of age, and additional parking is available).	Yes		
<b>Example Parking Best Practices (5 points)</b>			
1. The STR neighborhood compatibility program requires adequate improved off-street parking.	Yes		
2. The STR neighborhood compatibility program requires snow removal.	No		
3. The STR neighborhood compatibility program requires a parking management plan that includes a location for snow storage.	No		
<b>Example Refuse Best Practices (5 points)</b>			
1. The STR neighborhood compatibility program requires proper garbage containment, such as bear boxes and trash service.	Yes		
<b>Example Defensible Space Best Practices (2.5 points)</b>			
1. The STR neighborhood compatibility program requires defensible space inspections and maintenance.	Yes		
2. The STR neighborhood compatibility program prohibits outdoor fires, fire pits, charcoal BBQ grills, etc.	Yes		
<b>Example Water Quality Best Practices (2.5 points)</b>			
1. The STR neighborhood compatibility program requires stormwater Best Management Practices be installed/recertified at authorization and reauthorization.	No		
2. The STR neighborhood compatibility program requires mitigation of all excess on-site coverage.	No		
<b>Example Public Health and Safety Best Practices (5 points)</b>			
1. The STR neighborhood compatibility program requires public health and safety inspections for new permits and permit renewals (require appropriate handrails, adequate electrical for hot tubs, CO2 and smoke detectors, exit signs, etc.).	Yes		
2. The STR neighborhood compatibility program limits the total number of STR permits based on emergency medical services, fire, and law enforcement resources & availability.	No		
3. The STR neighborhood compatibility program uses transient occupancy tax revenues and permit fees to fund needed public services, such as law/code enforcement and fire.	No		
4. The STR neighborhood compatibility program charges commercial water and sewer fees for STRs to cover the cost and impact of increased usage.	No		
5. The STR neighborhood compatibility program complies with public accommodation requirements in state law.	No		
<b>Example Education Best Practices (2.5 points)</b>			
1. The STR neighborhood compatibility program requires all renters to be provided with education about being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.	Yes		
2. The STR neighborhood compatibility program requires interior and exterior signage with permit information and regulations.	No exterior signage is permitted. An interior placard is required to provide this information.		
3. The STR neighborhood compatibility program requires permit numbers to be on all STR advertisements.	Yes		
4. The STR neighborhood compatibility program requires STR permit holders and/or renters to read rules and responsibilities, and to sign an acknowledgement.	Yes		
<b>Example Other Best Practices (Can substitute for up to 30 points from above)</b>			
1. The STR neighborhood compatibility program requires an STR permit and annual renewal.	Yes		
2. The STR neighborhood compatibility program provides a web-based permitting service and annual renewal service.	Yes		

<p>3. The STR neighborhood compatibility program requires permit fees, inspection fees, &amp; annual renewal fees.</p> <p>4. The STR neighborhood compatibility program requires permit holders to have insurance that is specifically for STRs.</p> <p>5. The STR neighborhood compatibility program requires permit applicants to identify and disclose HOA CC&amp;R regulations that limit the length of a lease or rentals.</p> <p>6. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>7. The STR neighborhood compatibility program requires on-site professional management.</p> <p>8. The STR neighborhood compatibility program provides incentives for full-time hosted/shared or professionally managed STRs (e.g., fee discounts, permit exemptions, etc.).</p> <p>9. The STR neighborhood compatibility program only allows permanent residents to operate STRs.</p> <p>10. The local government has created a working group to develop policies and programs for operation of STRs and implemented those policies and programs.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>		
<b>ENFORCEMENT</b>			
<p><b>Guidance:</b> To receive 40 points, a local jurisdiction must demonstrate that that they have an <b>Implementation</b> program in place for enforcing locational and operational STR requirements, including bringing illegal STRs into conformance and addressing “bad actors” (15 points), adequate enforcement program <b>Funding</b> (10 points), effective <b>Penalties</b> (5 points), and an <b>Education</b> program (10 points). Examples of best practices that a local jurisdiction may implement to address the enforcement component are provided below.</p>			
<p><b>Example Implementation Best Practices (15 points)</b></p> <p>1. The STR neighborhood compatibility program requires a full-time certified local contact (or professional management firm) be available anytime an STR is occupied.</p> <p>2. The STR neighborhood compatibility program provides a 24 hour/7 day a week enforcement hotline.</p> <p>3. The STR neighborhood compatibility program utilizes a rental activity monitoring service or program to identify STRs that do not have permits or certificates and uses that information to require compliance with applicable regulations and requirements.</p> <p>4. The STR neighborhood compatibility program prohibits repeat violators from applying for additional STR permits.</p> <p>5. The STR neighborhood compatibility program provides a web-based format for community members to report STR violations.</p> <p>6. The STR neighborhood compatibility program grants fee and permit condition waivers or reduced requirements for full-time hosted STRs (e.g., fee discounts, permit condition exemptions, etc.).</p> <p>7. The STR neighborhood compatibility program provides timely resolution of complaints and violations.</p> <p>8. The STR neighborhood compatibility program includes unscheduled and non-complaint based inspections to encourage compliance.</p> <p><b>Example Funding Best Practices (10 points)</b></p> <p>1. The STR neighborhood compatibility program uses permit fees, transient occupancy tax or room tax revenues, money generated from fines, or other revenue services to fund STR code enforcement.</p> <p>2. The STR neighborhood compatibility program has higher fees for larger homes to fund potentially greater enforcement costs resulting from the higher number of occupants.</p> <p>3. The STR neighborhood compatibility program allows for cost recovery to be built into STR permit fees and fines to fund code enforcement staff.</p>	<p>A “local responsible party” must be available at all times during an occupied stay at an STR.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes. Fees are based on the Tier type required for the maximum no. of occupants.</p> <p>Yes</p>	<p><b>40 points (max)</b></p>	

<p><b>Example Education Best Practices (10 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program requires interior and exterior signage with the local contact name and phone number.</li> <li>The STR neighborhood compatibility program requires that neighbors be notified and given an opportunity to comment prior to a permit being issued.</li> <li></li> <li>The STR neighborhood compatibility program requires that neighbors that share a common wall approve STR permits.</li> <li>The STR neighborhood compatibility program requires permit numbers be on all STR advertisements.</li> <li>The STR neighborhood compatibility program provides education on being a good neighbor, fire safety, Lake Tahoe stewardship, geotourism, parking, and public transportation options.</li> <li>The STR neighborhood compatibility program includes a system to track and report complaints (type of complaint, location, response time, resolution, number of complaints at that location, owner, etc.) and uses the results for enforcement (e.g., condition and/or deny new and/or renewal of permits, etc.).</li> </ol> <p><b>Example Penalties Best Practices (5 points)</b></p> <ol style="list-style-type: none"> <li>The STR neighborhood compatibility program revokes STR permits for repeat violations or for STRs that do not meet public health and safety standards.</li> <li>The STR neighborhood compatibility program increases violation fines for repeated violations by the STR permit holder, property owners, and/or visitors.</li> <li>The STR neighborhood compatibility program places a lien on a property if fines for violations have not been paid.</li> <li>The STR neighborhood compatibility program includes mandatory eviction provisions for violations in rental agreements.</li> <li>The STR neighborhood compatibility program includes a certified local contact requirement and the local government has the right to revoke a certificate if a certain number of unresolved complaints are lodged against the property being managed by the certificate holder.</li> </ol> <p><b>Example Other Best Practices (Can substitute for up to 40 points from above)</b></p> <ol style="list-style-type: none"> <li>The local government has created a working group to develop policies and programs for STR enforcement and implemented those policies and programs.</li> </ol>	<p>No exterior signage is permitted. An interior placard is required to provide this information.</p> <p>Required for Tier 2 permits (11-20 persons) and SUP (above 20) only.</p> <p>No Yes Yes Yes Yes Yes No Yes No No Yes</p>		
<b>TOTAL</b>		<b>100 points (max)</b>	

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





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STAFF REPORT

Date: April 12, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Windance West Shore PTN LTD New Multiple-Parcel/Multiple-Use Pier  
8477 Meeks Bay Avenue, El Dorado County, California  
Assessor's Parcel Number 016-091-020, Lots 23, 24, 25  
TRPA File Number ERSP2022-0045

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Summary and Staff Recommendation:

A new multiple-parcel/multiple-use pier is proposed to serve three littoral parcels located at 8477 Meeks Bay Avenue in Tahoma, California. The proposed pier will extend 160 feet from High Water elevation of 6,229.1 and includes two catwalks and one boatlift. The proposed pier complies with development and location standards for multiple-parcel piers serving three littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff summary and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment B).

For the motions to pass, an affirmative vote of at least five members from the State of California and at least nine members of the Board is required.

Shoreline Review Committee:

TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on July 21, 2022. The project has received approval from California Department of Fish and Wildlife, U.S. Army Corps, and the Lahontan Regional Water Quality Control Board. Approval from the California State Lands Commission is pending, with a Commission hearing set for April 2023.

Project Description/Background:

The project applicant received an allocation for a new multiple-parcel pier based on the multiple-parcel prioritization criteria during the 2021 new pier allocation distribution. The new multiple-parcel pier will serve three adjacent littoral parcels located at 8477 Meeks Bay Avenue in Tahoma, California. Currently this property is assigned one assessor parcel number, but has three embedded legal lots of record, which are individually eligible for development. A certificate of compliance has been issued by El Dorado

County and issuance of new assessor parcel numbers for each individual lot is forthcoming. There is a single-family dwelling on center lot 24, which crosses the property lines onto both adjacent lots. A lot line adjustment application has been submitted to TRPA to resolve this encroachment (TRPA file LLAD2023-0047). Additionally, an application is also under review by TRPA for a new single-family residence on lot 23 (TRPA file ERSP2022-1868). Lot 25 is vacant but is eligible for development and therefore has shorezone development potential. Existing shorezone development for the project area includes a total of two mooring buoys (mooring numbers 5705 and 5706).

The proposed project involves constructing a new pier to extend 160 feet from the High-Water elevation of 6,229.1, with two 3-foot by 30-foot catwalks located on the north and south sides of the pier. The proposed pierhead is 15 feet wide and 45 feet long and extends 30 feet past the TRPA pierhead line. Existing mooring buoy number 5706 will be converted to a boatlift, which is designed as a no-profile boatlift embedded within the pierhead. A total of 15 steel piles will be installed, creating 8.8 square feet of lakebed disturbance. The pier will extend from center lot 24, where existing lake access stairs will be reconfigured to access the new pier. The realigned access stairs will create an additional 17 square feet of Class 1b land coverage (to be mitigated with restoration credits at a rate of 1.5:1). An additional 140 square feet of existing Class 1b coverage will be relocated at a ratio of 1.5:1, therefore requiring 70 square feet of Class 1b coverage to be permanently retired. Steel stairs are proposed on both sides of the pier to provide lateral access to the public through the public trust. The project area is within Plan Area Statement 149-Rubicon where piers are an allowed use. The pier complies with all development and location standards for a multiple-use pier serving three parcels and is consistent with the TRPA Code of Ordinances chapters 80 through 85.

As a result of this project, TRPA will recognize following shorezone development within the project area:

- APN 016-091-020, Lot 24: One mooring buoy & one boatlift
- All APNs: One Multiple-Parcel Pier

#### Recognition of a Multiple-Parcel Pier:

New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which state "An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted." As a result of the project, the project area consisting of three parcels will be deed restricted to a maximum of one pier. A multiple-use pier is defined as "A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access." This pier is considered multiple-parcel for the purposes of obtaining a multiple-parcel pier allocation due to the retirement of future shorezone development potential and is designed to multiple-use pier standards.

The Governing Board may find the pier will be a multiple-parcel/multiple-use pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

#### 2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel/multiple-use piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will

distribute allocations for new single-parcel and multiple-parcel piers. In 2021, TRPA awarded four allocations for new single-parcel piers and eight allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The eight applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 9, Rubicon Bay, which is currently out of attainment with the TRPA Scenic Thresholds. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 229.7 square feet which is within the 460 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 286.7 square feet (including accessory structures), which means that 573.4 square feet of visible mass will be mitigated by retiring potential visible area within the project area, as shown in the table below. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project areas as existing has a Composite Scenic Score of 26, so this requirement has been met.

Project Area Visible Mass Calculations:

Total Allowable Visible Area (score of 26)	1,877 square feet
<u>Upland Visible Area</u>	<u>-1,094 square feet</u>
Remaining Allowable Visible Area	783 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-573 square feet</u>
New Remaining Allowable Visible Area	210 square feet

- B. Fish Habitat: The proposed pier will be constructed in marginal fish habitat, and as such habitat restoration is not required.

As required by Chapter 36: *Mitigation Fee Requirements* of the TRPA Code of Ordinances, which requires \$60.00 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$9,600 for the construction of 160 additional feet of pier length. (Refer to Attachment B – Draft Permit)

Deed Restriction: The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The three parcels associated with the project area will be deed restricted against future shorezone development and limited to one shared pier and the maximum number of moorings allowed per parcel.

- C. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers and 20-feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements.
- D. Pier Length: TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels.” The proposed pier extends 30 feet beyond the pierhead line, which is the limiting factor for determining pier length.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation for scenic impacts. Additionally, the property will be deed restricted limiting the three subject properties to one shared pier. The IEC is provided as Attachment C.

Public Comment:

Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Regional Plan Compliance:

The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information:

For questions regarding this agenda item, please contact Julie Roll, Senior Planner, at (775) 589-5247 or [jroll@trpa.gov](mailto:jroll@trpa.gov).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Initial Environmental Checklist
- D. 2018 Shorezone Code Conformance Table
- E. Proposed Site Plans and Elevations

Attachment A  
Required Findings/Rationale

Attachment A

Required Findings/Rationale  
Windance New Multiple-Parcel Pier Construction

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 30, 80, 83, 84, and 85 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statement 149- Rubicon, the Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (Attachment C). No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available online ([laketahoeinfo.org](http://laketahoeinfo.org)) and will be made available at the Governing Board hearing.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and El Dorado County to ensure the project will meet or exceed all federal,

state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 30- Land Coverage

(a) The relocation is to an equal or superior portion of the parcel or project area, as determined by references to the following factors:

1. Whether the area of relocation already has been disturbed
2. The slope of and natural vegetation on the area of relocation
3. The fragility of the soil on the area of relocation
4. Whether the area of relocation appropriately fits the scheme of use of the property
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore
6. The project otherwise complies with the land coverage mitigation program set forth in section 30.6

The existing lake access stairs will be relocated to provide access to the proposed pier in accordance with Code Section 85.5.4 (Access to Structures in the Nearshore or Foreshore). The existing configuration is an "L" shape walkway and deck, extending from lot 24 onto lot 23. The access is entirely located on low capability land, mostly lakeward of the backshore boundary. The proposed configuration will extend from lot 24 perpendicular to the shoreline, and the southern leg of the stairs will be removed. The relocation will be entirely within Class 1b-backshore, and the overall amount of coverage will be reduced.

(b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

A restoration plan for the area where coverage is being removed is required by Special Condition 5.A.ii of the draft permit. The area must be stabilized and revegetated prior to release of the security deposit.

(c) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

The coverage to be relocated with all within the backshore of Lake Tahoe.

(d) If the relocation from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

The coverage being relocated is all within land capability Class 1b (backshore). There is an environmental benefit because 70 square feet of Class 1b coverage will be permanently retired and the total coverage within the backshore will be reduced.

3. Chapter 80 – Shorezone Findings:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat, backshore stability, or onshore wildlife habitat, including waterfowl nesting areas. This area is mapped as marginal fish habitat, which requires no habitat restoration or mitigation.

- (b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 8477 Meeks Bay Avenue (lots 23, 24, 25). There is an existing single-family dwelling located on lot 24, and an application is currently under review for a new single-family dwelling on lot 23. There is an existing lake access stairway that will be modified in order to access the proposed pier.

- (c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

There are a number of private multiple-parcel and single-parcel piers within the immediate vicinity of the subject site. The proposed pier will not extend beyond the length limitations placed on multiple-parcel piers serving three or more residential littoral parcels and will therefore be compatible with the surrounding shorezone facilities.

- (d) Use: The use proposed in the foreshore or nearshore is water dependent.

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be



stored on the pier or shoreline. The applicant has provided a construction management plan as well as a spill prevention plan.

- (f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The new pier will be constructed, and the project area accessed via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shorezone/backshore. All of the pilings will be driven from the barge/amphibious vehicle. Once all of the pilings have been installed, the joists and decking will be constructed from the barge/amphibious vehicle. All steel pilings and accessories will be painted prior to being transported to the project site. All material storage will be on the primary or a secondary barge. Any upland access required would be fitted with temporary Best Management Practices (BMPs), in consultation with TRPA Compliance staff. The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe yellow cress.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier will extend beyond the pierhead line by approximately 30 feet, but in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. The project was taken to the Shoreline Review Committee on July 22, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on July 22, 2022, and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and El Dorado County.

- (i) Additional Findings for Coverage or Disturbance in the Backshore: The amount of land coverage is the minimum necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use in the nearshore or foreshore.

There is an existing stairway leading down from the residence on lot 24 to the lake. The stairway will be reconfigured to connect to the proposed pier, which will create an additional 17 square feet of coverage (to be mitigated with restoration credits at a rate of 1.5:1). 140 square feet of class 1b land coverage will be relocated as part of the modification, which requires retirement of coverage at a ratio of 1.5:1. As a result of the project, 70 square feet of Class 1b coverage will be permanently retired.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect existing cliffs from accelerated erosion.

The project area is located within Shorezone Tolerance District 4. The backshore area is currently stabilized with a combination of vegetation and rock. There is an existing stairway that provides access from the residence down the steep bluff to the lake. The stairway will be modified to provide access to the proposed pier. There is currently no evidence of erosion on the bluff, and since the pier would be constructed from a barge on the lake, there is no concern about the project increasing future erosion. No vegetation will be removed during construction, so the current condition will be maintained.

- (b) Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss, or erosion.

The project is unlikely to cause or accelerate erosion in the backshore. The pier will be constructed entirely from a barge/ amphibious vehicle on the lake. The project area will not be accessed from the upland, except as necessary using the existing wooden stairway. Construction staging and storage of equipment and material will not occur anywhere on the shoreline or on the upland portion of the property. Temporary erosion control devices will be required during construction of the new stair access. All disturbed areas will be permanently stabilized and revegetated.

- (c) Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

Access to the upland portion of the parcel will be via the existing wooden stairway only. The pier will be constructed using a barge/amphibious vehicle, so there will be minimal impact to the backshore. All construction storage and staging will be on the primary or a secondary barge, per the construction management plan prepared by the applicant.

- (d) Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.

No mooring buoys will be added as part of this project. There are two existing buoys, currently accessed by the existing wooden stairway. One of the buoys will be removed in exchange for a boatlift on the pier.

- (e) Access to piers, floating platforms, and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

The construction management plan outlines the strategy for construction of the pier using a barge and amphibious vehicle in order to avoid impacts to the backshore. All materials will be stored on the barge. Any access from the lake to the upland will be via the existing access stairs only.

4. Chapter 84 Development Standards Lakeward of High Water in the Shorezone and Lakezone

- (a) Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.

The deck height is proposed at a max elevation of 6,233.0 feet.

5. Chapter 85- Development Standards in the Backshore

- (a) Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provide that TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

Most of the coverage for the relocated access path will be relocated within the project area, however an additional 17 square feet of coverage is needed to connect the existing stairs to the proposed pier. This is the minimum amount necessary to provide access, as all other unneeded coverage will be removed and relocated. To mitigate the additional 17 square feet of coverage, the applicant will transfer in restoration credits to the property at a rate of 1.5:1 (26 square feet).

Attachment B  
Draft Permit



DRAFT PERMIT

PROJECT DESCRIPTION: New Multiple-Parcel Pier/Multiple-Use

APNs: 016-091-020, Lots 23, 24, & 25

PERMITTEES: Windance West Shore PTN LTD

FILE #: ERSP2022-0045

COUNTY/LOCATION: El Dorado County/8477 Meeks Bay Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **April 26, 2023**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **April 26, 2026**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

**NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:**

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

(PERMIT CONTINUED ON NEXT PAGE)

DRAFT PERMIT  
APNS: 016-091-020, Lots 23, 24, 25  
FILE NO. ERSP2022-0045

Project Security Posted (1): Amount \$ 10,000 Type Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (2): Amount \$ 249 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Shorezone Mitigation Fee (3): Amount \$ 9,600 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (4): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

- (1) See Special Condition 5.H
- (2) Subject to change, see the TRPA filing fee schedule for the current security administration fee.
- (3) See Special Condition 5. I
- (4) See special Condition 5.J

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

***SPECIAL CONDITIONS***

1. This permit authorizes a new multiple-parcel/multiple-use pier to serve three littoral parcels located at 8477 Meeks Bay Avenue (lots 23, 24, 25) in El Dorado County, California. Currently this property is assigned one assessor parcel number, but has three embedded legal lots of record, which are individually eligible for development. A certificate of compliance has been issued by El Dorado County and issuance of new assessor parcel numbers for each individual lot is forthcoming. There is a single-family dwelling on center lot 24, which crosses the property lines onto both adjacent lots. A lot line adjustment application has been submitted to TRPA to resolve this encroachment (TRPA file LLAD2023-0047). Additionally, an application is under review for a new single-family residence on lot 23 (TRPA file ERSP2022-1868).

The proposed pier extends 160 feet from High Water elevation of 6,229.1 and includes two 3-foot by 30-foot catwalks, on the north and south side of the pier. The proposed pierhead is 15 feet wide and 45 feet long and extends 30 feet past the TRPA pierhead line. Existing mooring buoy number 5706 will be converted to a boatlift, which is designed as a no-profile boatlift embedded within the pierhead. A total of 15 steel piles will be installed, creating 8.8 square feet of lakebed disturbance. The pier will extend from center lot 24, where existing lake access

stairs will be modified to connect to the new pier. Steel stairs are proposed on both sides of the pier to provide lateral access to the public through the public trust. The project area is within Plan Area Statement 149-Rubicon where piers are an allowed use. The pier complies with all development and location standards for a multiple-use pier serving three parcels and is consistent with TRPA Code of Ordinances Chapters 80 through 85.

A project area will be created between the three subject parcels so that they will always be treated as if merged for the purpose of calculating coverage. The realigned access stairs will create an additional 17 square feet of Class 1b land coverage (to be mitigated with restoration credits at a rate of 1.5:1). An additional 140 square feet of existing Class 1b coverage will be relocated at a ratio of 1.5:1, therefore requiring 70 square feet of Class 1b coverage to be permanently retired.

2. Existing shorezone development for the project area includes a total of two moorings buoys (numbers 5705 and 5706), registered to parcel 016-091-020. Mooring buoy 5706 will be converted to a boatlift as part of this project. As a result of this project, TRPA will recognize following shorezone development within the project area:

APN 016-091-020, Lot 24 one mooring buoy, one boatlift  
 All APNs: one multiple-parcel pier

3. The proposed project is located within Scenic Shoreline Unit 9, Rubicon Bay, which is currently out of attainment with the TRPA Scenic Thresholds. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 229.7 square feet which counts towards the 460 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 286.7 square feet (including accessory structures), which means that 573.4 square feet of visible mass will be mitigated by retiring potential visible area within the project area, as shown in the table below. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project areas as existing has a Composite Scenic Score of 26, so this requirement has been met.

Visible Mass Calculations (Lot 24):

Total Allowable Visible Area (score of 26)	1,877 square feet
<u>Upland Visible Area</u>	<u>-1,094 square feet</u>
Remaining Allowable Visible Area	783 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-573 square feet</u>
New Remaining Allowable Visible Area	210 square feet

4. The Standard Conditions of Approval listed in Attachment S and Attachment R shall apply to this permit.
5. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

- A. The site plans shall be revised as follows:
- i. Indicate the proposed color of the composite decking (must be matte medium to dark grey)
  - ii. Provide a stabilization/restoration plan for the area where the wooden stairways will be removed.
  - iii. Replace sheets L1.0 (Existing coverage) and L1.0 (Proposed coverage) with the revised coverage overlay map for the final plan set.
- B. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.
- C. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
- D. The permittee shall record a TRPA prepared deed restriction that will create a project area for subject parcels (016-091-020, lots 23, 24, 25) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- E. The permittee shall record a deed restriction to create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- F. The permittee shall record a deed restriction to create a project area for the purposes of calculating land coverage. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- G. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30<sup>th</sup> prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
- H. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.



- I. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$9,600 for the construction of 160 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
- J. The subject property, APN 016-091-020- Lot 24, has 3,565 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area Emerald Bay or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by .0125, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area Emerald Bay

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- K. The permittee shall transfer 26 square feet of restoration credits to the property as mitigation for creation of 17 square feet of additional land coverage on low capability land.
  - L. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
6. Pile driving operations and other piling installation methods (i.e., pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
7. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The

foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

8. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
9. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.
10. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
11. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
12. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
13. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

**END OF PERMIT**

Attachment C  
Initial Environmental Checklist



Print Form

## INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

I. Assessor's Parcel Number (APN)/Project Location

016-091-020 (Lots 23, 24 & 25)

Project Name

WINDANCE WEST SHORE PTN LTD

County/City

El Dorado

**Brief Description of Project:**

A new multiple-parcel pier is proposed to be located lakeward of the existing single-family residence at this property. A second, new single-family residence is proposed on Lot 23 under a separate permit application.

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. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

**II. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes                       No  
 No, With Mitigation       Data Insufficient

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?

- Yes  No  
 No, With Mitigation  Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. The creation of objectionable odors?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Increased use of diesel fuel?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

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?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

**Temporary BMP's shall be employed during pier construction in order to avoid potential discharge.**

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes       No  
 No, With Mitigation       Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes       No  
 No, With Mitigation       Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes       No  
 No, With Mitigation       Data Insufficient



#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes  No  
 No, With Mitigation  Data Insufficient

- 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)?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes       No  
 No, With Mitigation       Data Insufficient

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?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes       No  
 No, With Mitigation       Data Insufficient

**5. Wildlife**

Will the proposal result in:

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)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

**6. Noise**

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 7. Light and Glare

Will the proposal:

- a. Include new or modified sources of exterior lighting?

**Yes, turtle lights are proposed on the pier decking and further detailed on Sheet P2.0 of the enclosed plan set.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 8. Land Use

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

### 9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

### 10. Risk of Upset

Will the proposal:

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?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

**11. Population**

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**12. Housing**

Will the proposal:

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: 1

Number of Proposed Dwelling Units: 1

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes  No  
 No, With Mitigation  Data Insufficient

### 13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes       No  
 No, With Mitigation       Data Insufficient

#### 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?

a. Fire protection?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Police protection?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Schools?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Parks or other recreational facilities?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes       No  
 No, With Mitigation       Data Insufficient



f. Other governmental services?

- Yes       No  
 No, With Mitigation       Data Insufficient

**15. Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

**16. Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Communication systems?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

**See attached response.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

**See attached response.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

**The new pier will modify the view of the shoreline. Through compliance to design and scenic standards no negative impact to the Shoreline Unit will result.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

**See attached Scenic Quality Analysis Document.**

- Yes  No  
 No, With Mitigation  Data Insufficient

**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

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?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes  No  
 No, With Mitigation  Data Insufficient

**21. Findings of Significance.**

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?

- Yes  No  
 No, With Mitigation  Data Insufficient

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.)

- Yes       No  
 No, With Mitigation       Data Insufficient

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?)

- Yes       No  
 No, With Mitigation       Data Insufficient

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

- Yes       No  
 No, With Mitigation       Data Insufficient

**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: (Original signature required.)

Wyett D. G.  
Person Preparing Application      At RAVER County      Date: 1-19-22

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

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 Procedure

Yes

No

\_\_\_\_\_  
Signature of Evaluator

Date: \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator



## **ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE**

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (\*) notes threshold subjects.

a) Land \*

Does the proposal result in any additional land coverage?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b) Air Quality \*

Does the proposal result in any additional emission?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c) Water \*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d) Does the proposal result in an increase in the volume of discharge?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e) Noise \*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f) Aesthetics \*

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes                       No  
 No, With Mitigation       Data Insufficient

g) Recreation \*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes                       No  
 No, With Mitigation       Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes                       No  
 No, With Mitigation       Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes                       No  
 No, With Mitigation       Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes                       No  
 No, With Mitigation       Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes                       No  
 No, With Mitigation       Data Insufficient

m) Utilities

Does the proposal result in additional water use?

- Yes                       No  
 No, With Mitigation       Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

- Yes                       No  
 No, With Mitigation       Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**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: **(Original signature required.)**

Julie Roll

Digitally signed by Julie Roll  
DN: cn=Julie Roll, o=TriStar Regional Planning Agency, ou, email=jroll@trpa.gov, c=US  
Date: 2023.04.19 13:34:36 -0700

Person Preparing Application

At Douglas  
County

Date: 4/19/23

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

Attachment D  
2018 Shorezone Code Conformance Table

**Attachment D**

**Windance West Shore PTN LTD Multiple Use Pier Conformance Review Table**

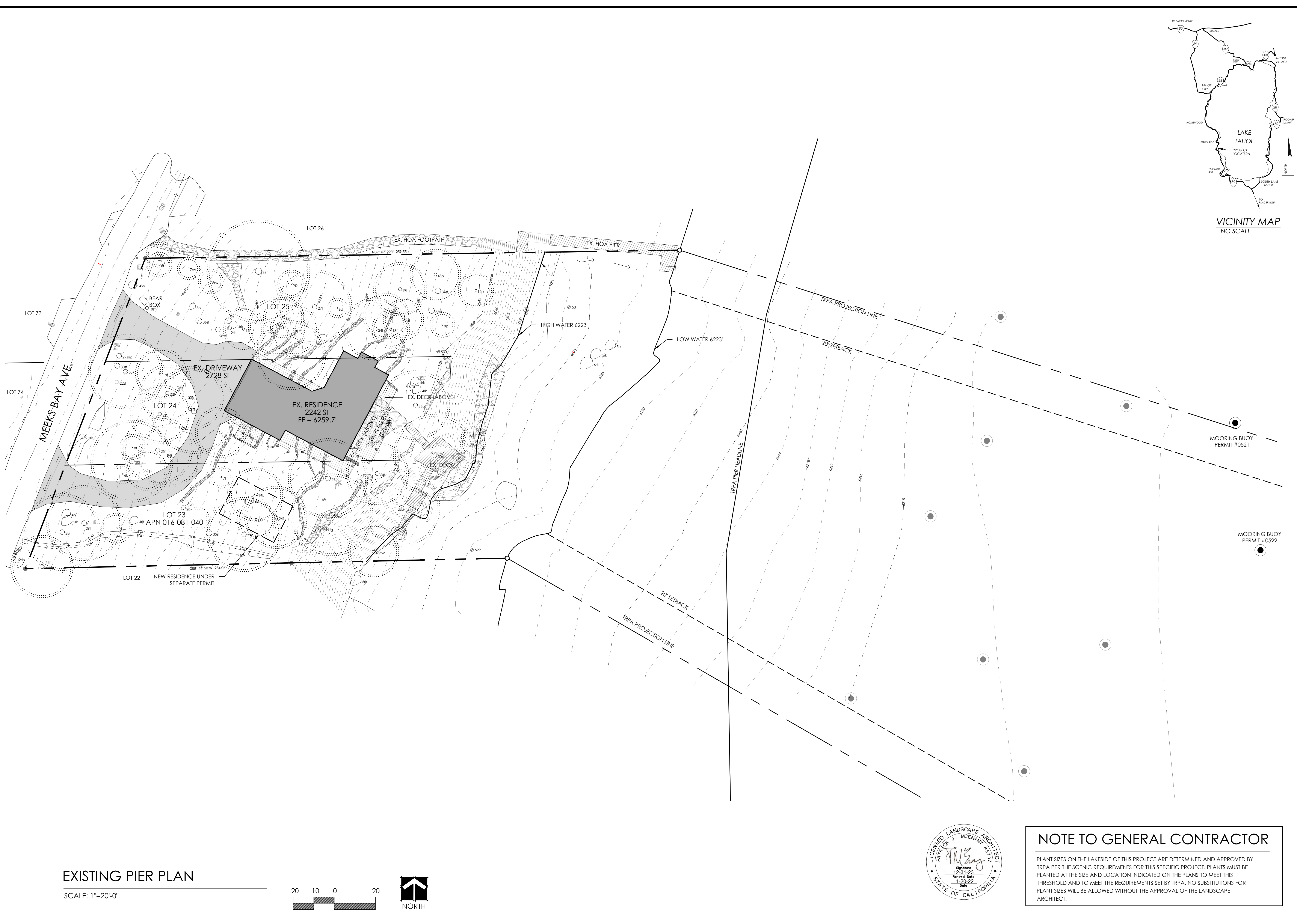
**Table 1: Pier Conformance Review Under 2018 Shorezone Code**

<b>Standard</b>	<b>2018 Shorezone Code</b>	<b>Proposed Pier</b>	<b>Conformance</b>
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	1/2 mile north of the nearest SMPZ	<b>In conformance</b>
Fish Habitat	No mitigation required for marginal fish habitat	No habitat mitigation required for marginal fish habitat. Shorezone Mitigation fee of \$9,600 for additional 160 linear feet	<b>In conformance</b>
Length	Pierhead may extend 30 feet past 6,219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels.	<b>160'</b> - extends approximately 30 feet past the TRPA pierhead Line and elevation 6,219'.	<b>In conformance</b>
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	<b>In Conformance</b>
Width	Maximum 15' wide excluding catwalks	6' wide for the first 100'; widening to 15' at the pierhead	<b>In conformance</b>
Catwalk	Maximum of two catwalks, maximum size 3' by 45'	Two catwalks, both 3' x 30' in size	<b>In conformance</b>
Boatlift	One boat lift per littoral parcel (max. 3)	One boatlift	<b>In conformance</b>
Pier Height	6,232' maximum or up to 6,234' if findings made	6,232'	<b>In conformance</b>
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	<b>In conformance</b>
Superstructures	Prohibited	NA	<b>In conformance</b>

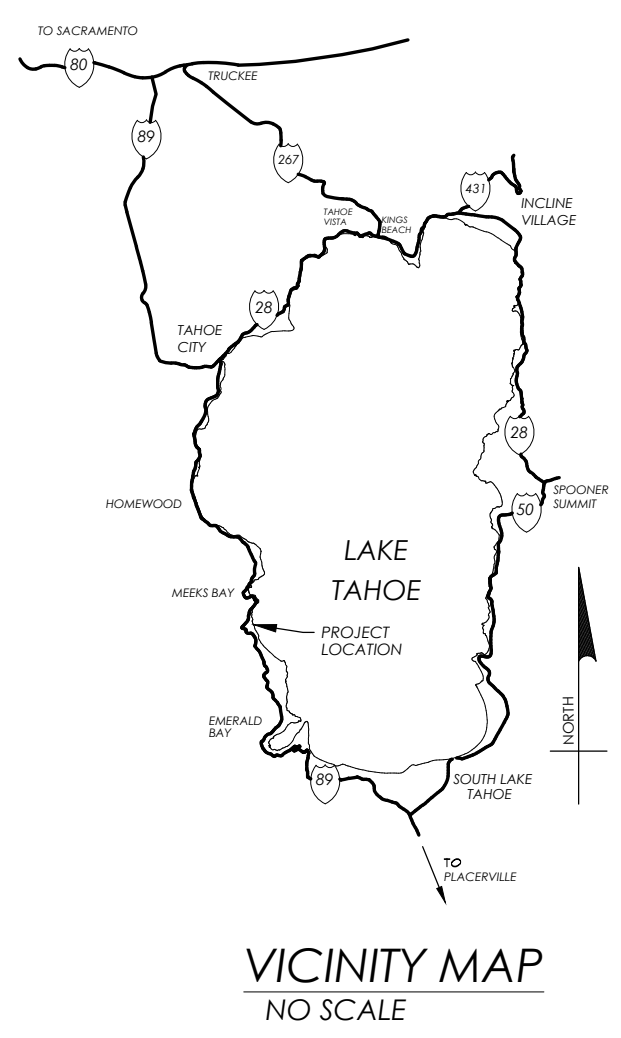
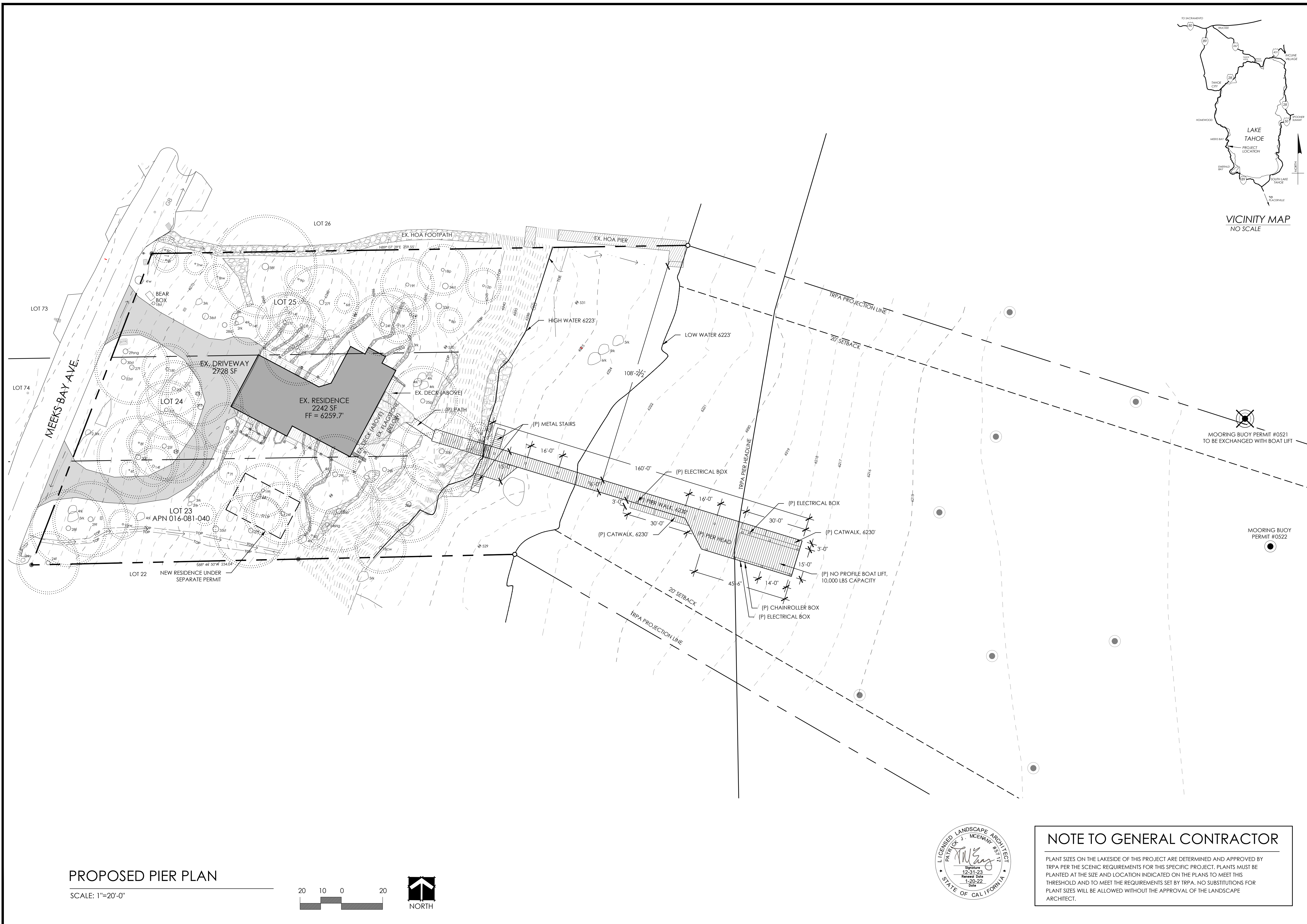
Colors & Materials	Dark colors that blend with background	Medium to dark gray matte decking	<b>In conformance</b>
Visual Mass Limitation	460 sf of visible mass allowed for piers serving 3 or more primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	229.7 square feet	<b>In conformance</b>
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retiring allowable visible area. 573.4 square feet of visible mass will be mitigated.	<b>In conformance</b>
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	<b>In conformance</b>

Attachment E  
Proposed Site Plans and Elevations









**Ogilvy Consulting**  
LAND USE & DEVELOPMENT STRATEGIES  
850 North Lake Boulevard, Suite 17  
Tahoe City, California 96145  
530.583.5800  
info@ogilvylanduse.com

**HIGH WEST**  
LANDSCAPE ARCHITECTS  
10069 WEST RIVER ST.  
SUITE #4C  
TRUCKEE, CA 96161  
28 VINE ST.  
RENO, NV 89503  
530.553.4000  
CA. LIC. 4568.5717  
NV. LIC. 630

**Hirt Pier**  
8477 Meeks Bay Avenue  
Tahoma, CA 96142  
El Dorado County APN: 016-081-040

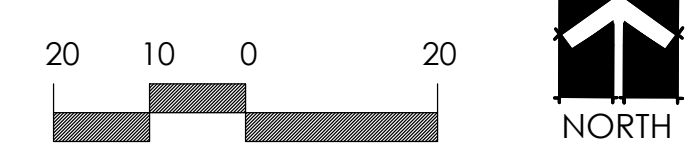
Date: 1-20-22  
Revisions:

**PROPOSED  
PIER PLAN**

JOB:  
DRAWN BY: SH  
SCALE: AS NOTED

SHEET  
**P2.0**

**PROPOSED PIER PLAN**  
SCALE: 1"=20'-0"



**NOTE TO GENERAL CONTRACTOR**  
PLANT SIZES ON THE LAKESIDE OF THIS PROJECT ARE DETERMINED AND APPROVED BY TRPA PER THE SCENIC REQUIREMENTS FOR THIS SPECIFIC PROJECT. PLANTS MUST BE PLANTED AT THE SIZE AND LOCATION INDICATED ON THE PLANS TO MEET THIS THRESHOLD AND TO MEET THE REQUIREMENTS SET BY TRPA. NO SUBSTITUTIONS FOR PLANT SIZES WILL BE ALLOWED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.



**Existing Impervious Coverage Table**

APN	Lot	Area	Total SF	% Allowable	SF Allowable
16-091-020	(1) Lot 25	IPES 908	8,769 SF	29%	2,543 SF
	Lot 25	Class 1b (Backshore)	1,183 SF	1%	12 SF
	Lot 24	Bailey Class 1a	8,272 SF	1%	83 SF
	Lot 24	Class 1b (Backshore)	4,035 SF	1%	40 SF
	Lot 23	IPES 842	6,944 SF	27%	1,875 SF
	Lot 23	Class 1b (Backshore)	2,235 SF	1%	22 SF

**Existing Coverage**

Lot 25 IPES 908		Lot 25 Backshore	
Type	Area	Type	Area
Residence	25 SF	None	0 SF
Decks/Stairs (Redux)	9 SF		
Bear Box	11 SF		
AC Pave	796 SF		
<b>Total</b>	<b>841 SF</b>	<b>Total</b>	<b>0 SF</b>

Lot 24 (Bailey)		Lot 24 Backshore	
Type	Area	Type	Area
Residence	2217 SF	Decks/Stairs (Redux)	125 SF
Decks/Stairs (Redux)	277 SF		
Stone Patio	336 SF		
AC Pave	958 SF		
<b>Total</b>	<b>3788 SF</b>	<b>Total</b>	<b>125 SF</b>

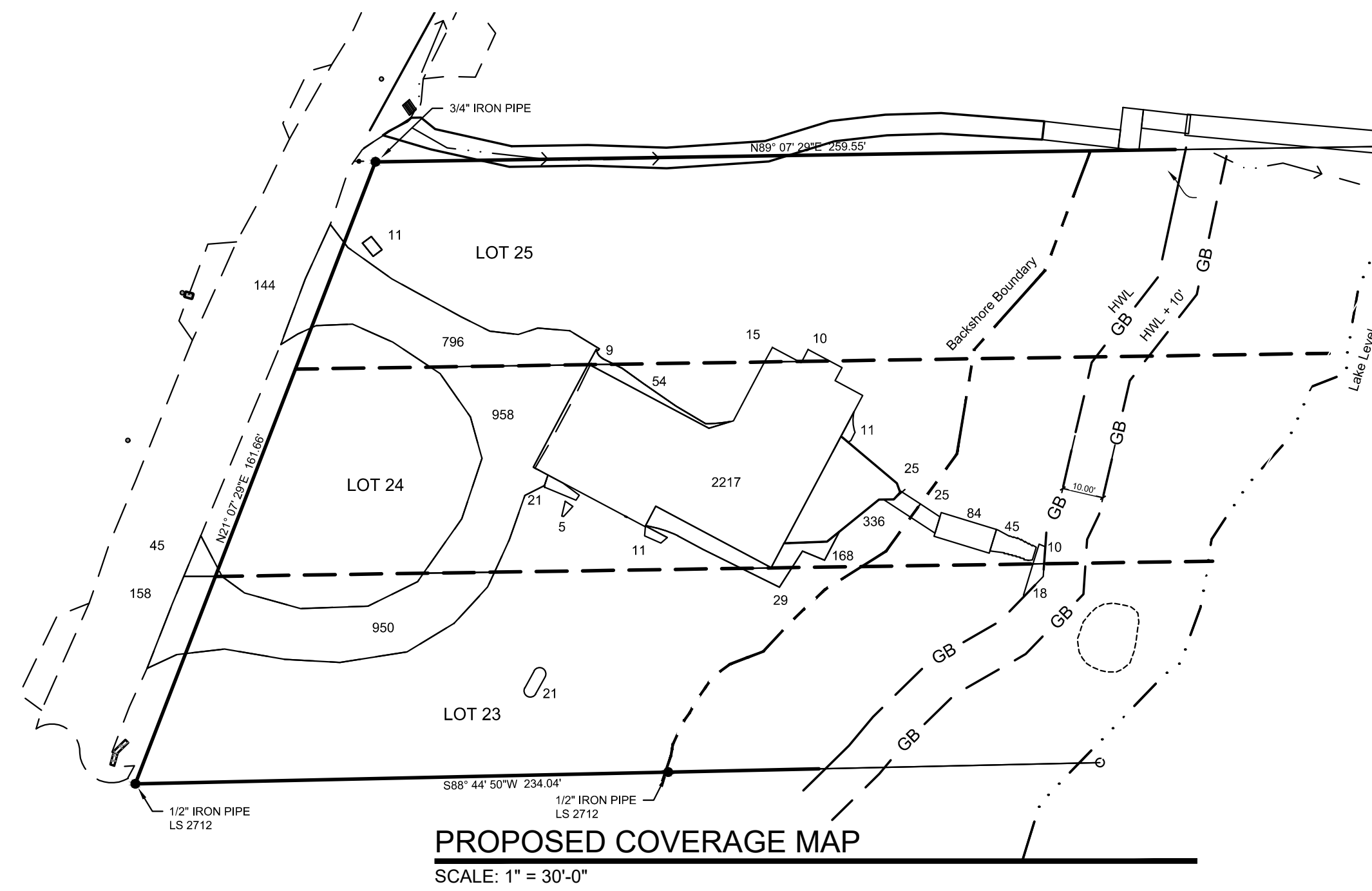
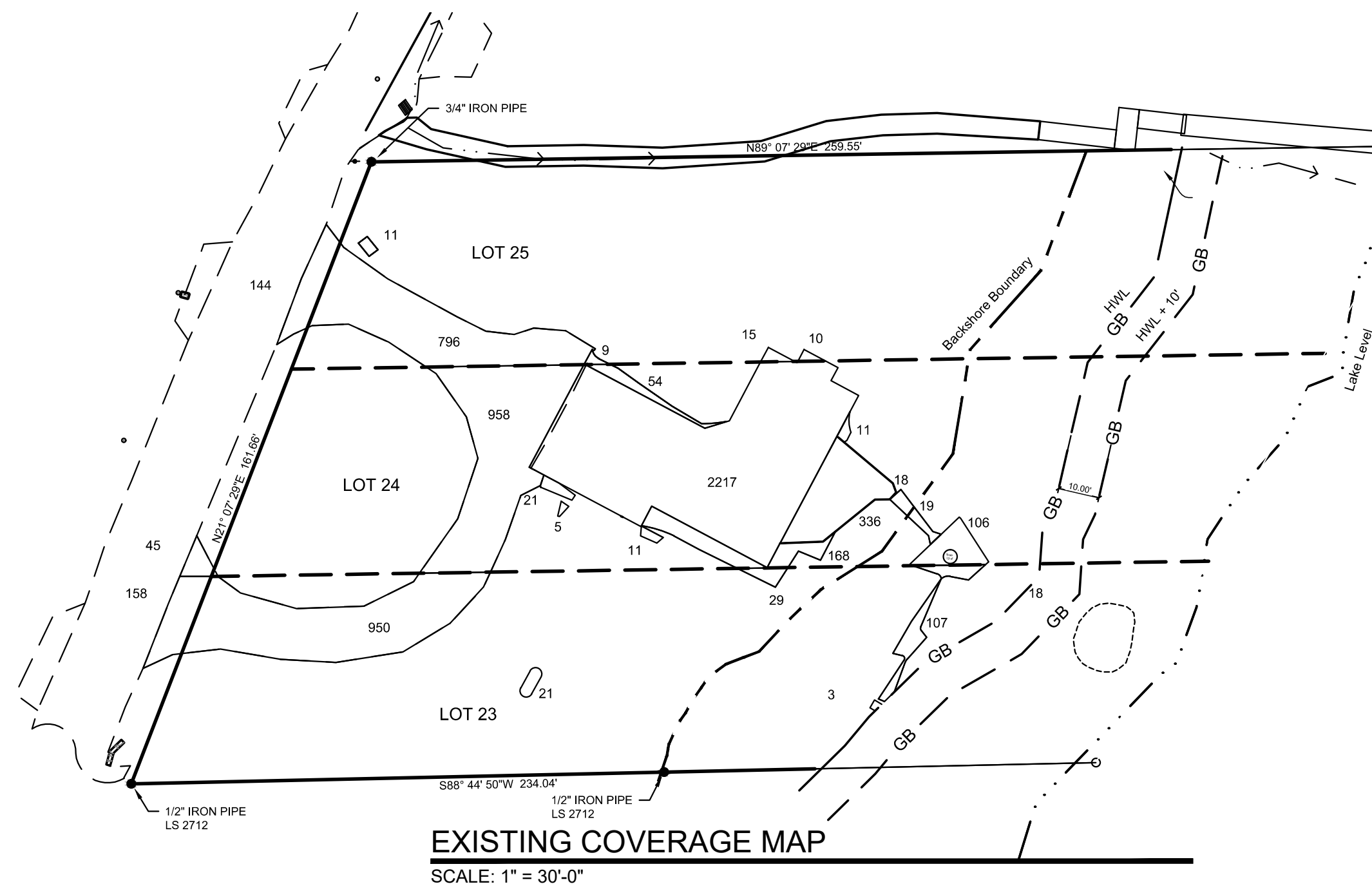
Lot 23 IPES 842		Lot 23 Backshore	
Type	Area	Type	Area
Deck (Redux)	29 SF	Deck/Stairs (Redux)	107 SF
LPG Tank	21 SF	Conc Lndg	3 SF
AC Pave	950 SF		
<b>Total</b>	<b>1,000 SF</b>	<b>Total</b>	<b>110 SF</b>

Total Class 1b/Backshore land coverage (base allowable + existing) = 237 SF

**Existing Offsite Coverage**

Lot 25 = 144 SF  
 Lot 24 = 45 SF  
 Lot 23 = 158 SF

(1) Per IPES Score LCAP 2021-0273 & LCAP 2021-0274



**Proposed Impervious Coverage Table**

APN	Lot	Area	Total SF	% Allowable	SF Allowable
16-091-020	(1) Lot 25	IPES 908	8,769 SF	29%	2,543 SF
	Lot 25	Class 1b (Backshore)	1,183 SF	1%	12 SF
	Lot 24	Bailey Class 1a	8,272 SF	1%	83 SF
	Lot 24	Class 1b (Backshore)	4,035 SF	1%	40 SF
	Lot 23	IPES 842	6,944 SF	27%	1,875 SF
	Lot 23	Class 1b (Backshore)	2,235 SF	1%	22 SF

**Proposed Coverage**

Lot 25 IPES 908		Lot 25 Backshore	
Type	Area	Type	Area
Residence	25 SF	None	0 SF
Decks/Stairs (Redux)	9 SF		
Bear Box	11 SF		
AC Pave	796 SF		
<b>Total</b>	<b>841 SF</b>	<b>Total</b>	<b>0 SF</b>

Lot 24 (Bailey)		Lot 24 Backshore	
Type	Area	Type	Area
Residence	2217 SF	Decks/Stairs	168 SF (2)
Decks/Stairs (Redux)	259 SF (2)	Stone Path	22 SF (2)
Stone Patio	370 SF		
AC Pave	958 SF		
<b>Total</b>	<b>3804 SF (2)</b>	<b>Proposed</b>	<b>190 SF (2)</b>

Lot 23 IPES 842		Lot 23 Backshore	
Type	Area	Type	Area
Deck (Redux)	29 SF	Deck/Stairs	18 SF (2)
LPG Tank	21 SF		
AC Pave	950 SF		
<b>Total</b>	<b>1000 SF</b>	<b>Proposed</b>	<b>18 SF (2)</b>

**Class 1b/Backshore Coverage Relocation**

Class 1b/Backshore land coverage (base allowable + existing) = 247 SF

Proposed coverage over existing: 54 SF  
 Proposed coverage relocated: 140 SF  
 Coverage retired for mitigation (1.5/1): 70 SF

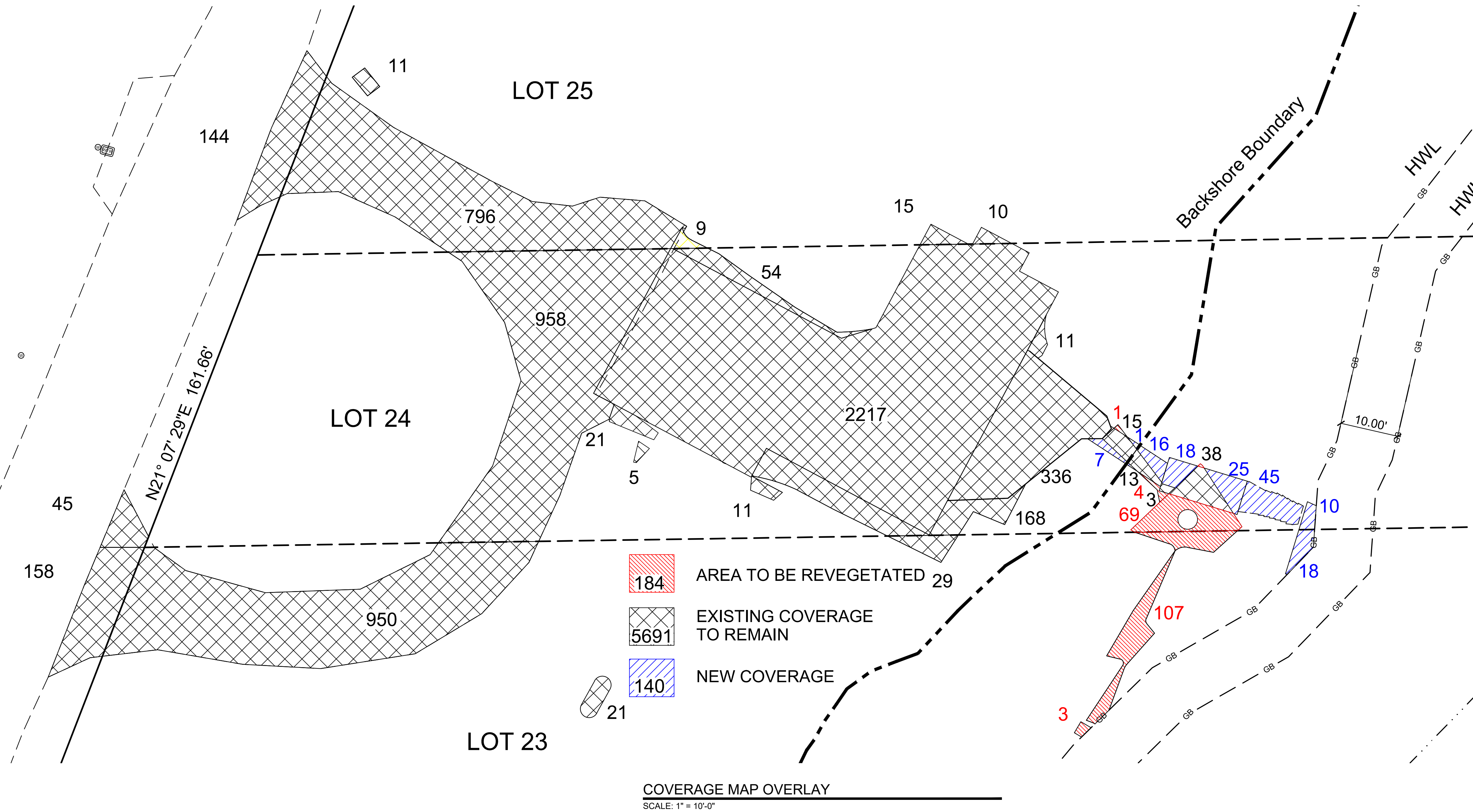
Total required Class 1b coverage: 264 SF

**Existing Offsite Coverage**

Lot 25 = 144 SF  
 Lot 24 = 45 SF  
 Lot 23 = 158 SF

(1) Per IPES Score LCAP 2021-0273 & LCAP 2021-0274

(2) Denotes modified within scope of this project





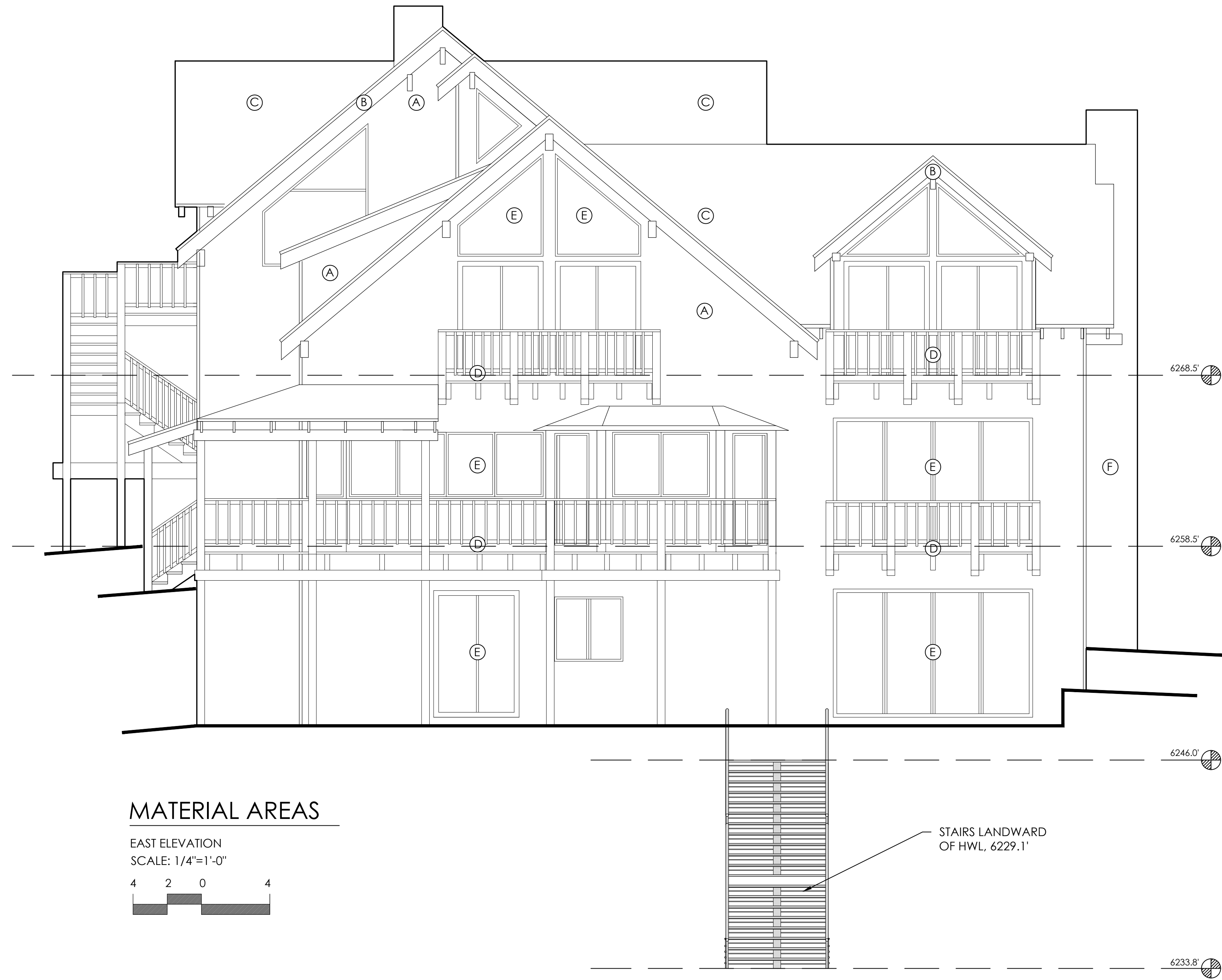


**MATERIALS - RESIDENCE**

SIDING/TRIM	1019.3 SF (48.5%)
FRAMING & FASCIA	222.6 SF (10.6%)
SHINGLE ROOF	168.8 SF (8.0%)
GUARDRAILS	173.6 SF (8.3%)
GLASS	430.6 SF (20.5%)
STONE	84.9 SF (4.0%)
<b>TOTAL AREA</b>	<b>2099.8 SF (100%)</b>

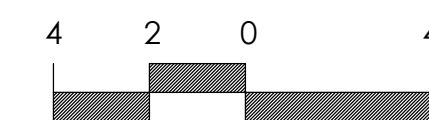
**MATERIALS - STAIRS**

WOOD/COMPOSITE	28.9 SF (100%)
<b>TOTAL AREA</b>	<b>28.9 SF (100%)</b>



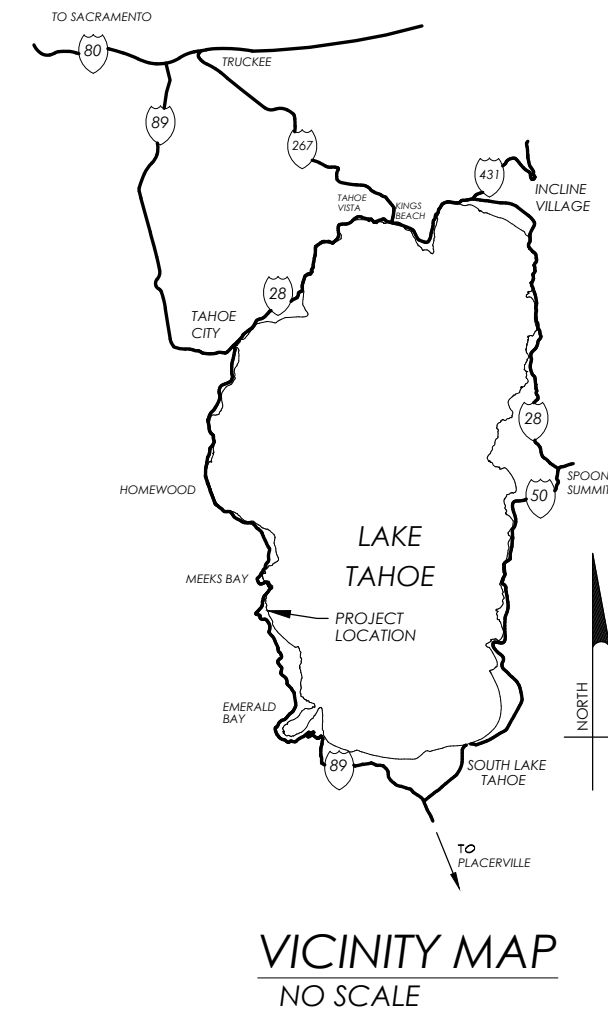
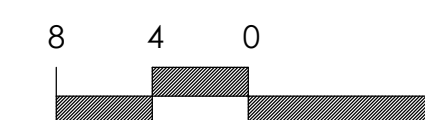
**MATERIAL AREAS**

EAST ELEVATION  
SCALE: 1/4"=1'-0"



**PLANES**

EAST ELEVATION  
SCALE: 1/8"=1'-0"



**Ogilvy Consulting**  
LAND USE & DEVELOPMENT STRATEGIES

850 North Lake Boulevard, Suite 17  
Tahoe City, California 96145  
530.583.5800  
info@ogilvylanduse.com



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28 VINE ST.  
RENO, NV 89503  
530.553.4000  
CA. LIC. 4568, 5717  
NV. LIC. 630

**Hirt Residence**

8477 Meeks Bay Avenue  
Tahoma, CA 96142  
El Dorado County APN: 016-081-040

Date: 1-20-22

Revisions:

**MATERIALS AND PLANES**

JOB:

DRAWN BY:  
SH

SCALE:

AS NOTED

SHEET

**L2.0**



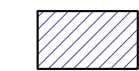



## VISIBILITY - RESIDENCE

TOTAL AREA	2099.8 SF
<b>TOTAL VISIBLE AREA</b>	1064.7 SF
TOTAL ALLOWABLE VISIBLE AREA	XX SF
TOTAL PERIMETER	235'-1" LF
<b>TOTAL VISIBLE PERIMETER</b>	93'-9" LF
TOTAL PERCENTAGE VISIBLE PERIMETER	39.9 %

## VISIBILITY - STAIRS

TOTAL AREA	28.9 SF
<b>TOTAL VISIBLE AREA</b>	28.9 SF
TOTAL ALLOWABLE VISIBLE AREA	XX SF
TOTAL PERIMETER	40'-4" LF
<b>TOTAL VISIBLE PERIMETER</b>	40'-4" LF
TOTAL PERCENTAGE VISIBLE PERIMETER	100 %

-  VISIBLE AREA- RESIDENCE
-  EXISTING VEGETATION

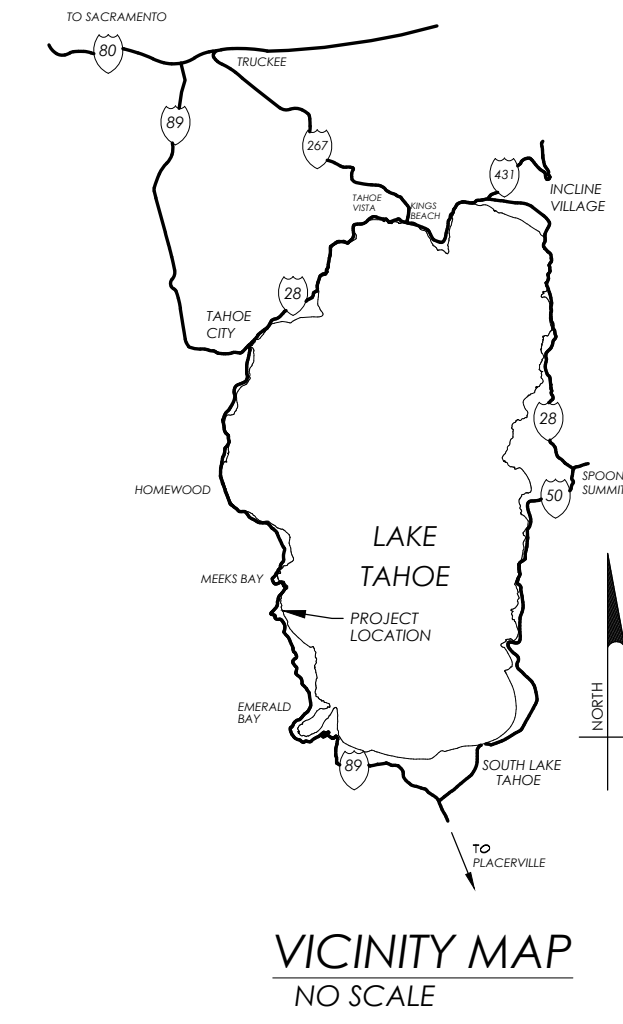
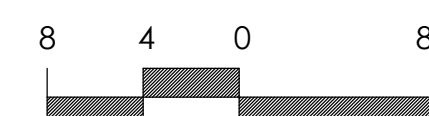


IMAGE SOURCE: IMG\_1839

## VISIBILITY - RESIDENCE

EAST ELEVATION  
SCALE: 1/8"=1'-0"



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Date: 1-20-22  
Revisions:

## VISIBILITY

JOB: \_\_\_\_\_  
DRAWN BY: SH  
SCALE: AS NOTED

SHEET  
**L3.0**





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STAFF REPORT

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Bley/Cornell/Ronning/White New Multiple-Parcel/Multiple-Use Pier  
95, 99, 105, 111 Chipmunk Street, Placer County, California  
Assessor's Parcel Numbers 090-231-014, 090-231-015, 090-231-038, 090-231-039  
TRPA File Number ERSP2022-0043

---

Summary and Staff Recommendation: A new multiple-parcel/multiple-use pier is proposed to serve four littoral parcels located at 95, 99, 111, and 115 Chipmunk Street, in Kings Beach, California. The proposed pier will extend 270 feet from High Water elevation of 6,229.1 and includes one catwalk and four boatlifts. The proposed pier complies with development and location standards for multiple-parcel piers serving four littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions: In order to approve the proposed project, the Board must make the following motions, based on the staff summary and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment B).

For the motions to pass, an affirmative vote of at least five members from the State of California and at least nine members of the Board is required.

Shoreline Review Committee: TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on November 17, 2022. California State Lands Commission, U.S. Army Corps of Engineers, and California Department of Fish and Wildlife have not received applications for the proposed project and therefore provided no comments on the project. It is likely that the other applicable agencies will receive applications after TRPA approval, and the group will revisit the project at that time. This is fairly common practice with shorezone applications. Due to the breadth and complexity of environmental considerations that are a part of TRPA's review of shorezone projects, it is typical that other agencies with jurisdiction in Lake Tahoe will not receive applications until TRPA is well into the review and approval process. This is to avoid costly and time-consuming amendments to applications made to other agencies. As such, it's expected that the Shoreline Review Committee will discuss this project again once other agencies have received applications to ensure project consistency across all agencies involved.

Project Description/Background: The project applicant received an allocation for a new multiple-parcel pier based on the multiple-parcel prioritization criteria during the 2021 new pier allocation distribution. The new multiple-parcel pier will serve four adjacent littoral parcels located at 95, 99, 105, and 111 Chipmunk Street in Kings Beach, California. There is a single-family dwelling on each of the four parcels. Existing shorezone development for the project area includes a total of six moorings:

APN 090-231-014: two mooring buoys  
APN 090-213-015: one mooring buoy  
APN 090-231-038: two mooring buoys  
APN 090-231-039: one mooring buoy

Two additional moorings were allocated to the project area during the 2021 mooring lottery:

APN 090-231-015 Allocation Number TRPA-20-MOOR-112  
APN 090-231-039 Allocation Number TRPA-20-MOOR-146

The proposed project involves constructing a new pier to extend 270 feet from the High-Water Line elevation of 6,229.1, with a 3-foot by 15-foot catwalk at the pierhead. The proposed pierhead is 15 feet wide and 75 feet long and extends 33.6 feet from the TRPA pierhead line. Four boatlifts will be installed to serve each of the four parcels associated with the pier. Two existing moorings (one each from parcels 090-231-014 and 090-231-038) will be converted to boatlifts. The pier will straddle the property line between assessor parcel numbers 090-231-014 and 090-231-039, and access stairs will be constructed on these parcels, creating a total of 50 square feet of additional land coverage. Existing unverified stairs will be removed, and coverage transferred to the property to provide access. Per an approval by the California State Lands Commission, access to the public trust will be available underneath the pier. The pier complies with all development and location standards for a multiple-parcel pier serving four parcels. The proposed project is located within the Placer County Tahoe Basin Area Plan – Brockway Subdistrict where piers are an allowed use.

Recognition of a Multiple-Parcel Pier: New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which state “An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.” As a result of the project, the project area consisting of four parcels will be deed restricted to a maximum of one pier. A multiple-use pier is defined as “A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.” This pier is considered multiple-parcel for the purposes of obtaining a multiple-parcel pier allocation due to the retirement of future shorezone development potential and is designed to multiple-use pier standards.

The Governing Board may find the pier will be a multiple-parcel/multiple-use pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

2018 Shoreline Plan: The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel/multiple-use piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will distribute allocations for single-parcel and multiple-parcel piers. In 2021, TRPA



awarded four allocations for new single-parcel piers and eight allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The eight applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 22, Brockway, which is not in attainment with the TRPA Scenic Threshold. Up to 520 square feet of visible mass is allowed for multiple-parcel piers serving four or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 377.94 square feet which counts towards the 520 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 735.21 square feet (including accessory structures), which means that 1,470 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area will achieve a Composite Scenic Score of 26 within 6 months of project completion by implementing darkening the color of one residence and planting vegetative screening.

Project Area Visible Mass Calculations:

Total Allowable Visible Area (composite score of 26)	4,900 square feet
<u>Upland Visible Area</u>	<u>-3,405 square feet</u>
Remaining Allowable Visible Area	1,495 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-1,470 square feet</u>
New Remaining Allowable Visible Area	25 square feet

- A. Fish Habitat: The proposed pier will be located in feed and cover fish habitat. The new pier will have 25 new pilings for a total of 19.4 square feet of new lake bottom disturbance, to be mitigated at a 1:1 ratio. The proposed fish habitat mitigation is construction of three rock pyramids at nine square feet each, resulting in 27 square feet of fish habitat mitigation. None of the proposed fender piles will create lake bottom disturbance because they do not extend to the lake bottom. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

As required by Chapter 36: *Mitigation Fee Requirements* of the TRPA Code of Ordinances, which requires \$60.00 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$16,200 for the construction of 270 additional feet of pier length. (Refer to Attachment B – Draft Permit)

Deed Restriction: The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The four parcels associated with the project area will be

deed restricted against future shorezone development and limited to one shared pier and the maximum number of moorings allowed per parcel.

APN 090-231-014 one mooring buoy, one boatlift

APN 090-213-015 one mooring buoy, one boatlift

APN 090-231-038 one mooring buoy, one boatlift

APN 090-231-039 one mooring buoy, one boatlift

All APNs: one pier

- B. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers and 20-feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements.
- C. Pier Length: TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels.” The proposed pier extends 33.6 feet beyond the pierhead line, which is the limiting factor for determining pier length.

Environmental Review: The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation for scenic impacts. Additionally, the property will be deed restricted limiting the four subject properties to one shared pier. The IEC is provided as Attachment C.

Public Comment: Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Regional Plan Compliance: The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information: For questions regarding this agenda item, please contact Julie Roll, Senior Planner, at (775) 589-5247 or [jroll@trpa.gov](mailto:jroll@trpa.gov).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Initial Environmental Checklist
- D. 2018 Shorezone Code Conformance Table
- E. Proposed Site Plans and Elevations

Attachment A  
Required Findings/Rationale

Attachment A

Required Findings/Rationale  
Bley/Cornell/Ronning/White New Multiple-Parcel Pier Construction

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 80, 83, 84, and 85 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Placer County Tahoe Basin Area Plan – Brockway Residential Subdistrict, the Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an IEC. No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available online ([laketahoeinfo.org](http://laketahoeinfo.org)) and will be made available at the Governing Board hearing.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County to ensure the project will meet or exceed all federal,

state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 80 – Shorezone Findings:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat (as conditioned), backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

- (b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 95, 99, 105, and 111 Chipmunk Street.

- (c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

There are a number of private multiple-parcel and single-parcel piers within the immediate vicinity of the subject site. The proposed pier will not extend beyond the length limitations placed on multiple-parcel piers serving four or more residential littoral parcels and will therefore be compatible with the surrounding shorezone facilities.

- (d) Use: The use proposed in the foreshore or nearshore is water dependent.

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of

disposal. No containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

- (f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The new pier will be constructed, and the project area accessed via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shoreline/backshore. All of the pilings will be driven from the barge/amphibious vehicle. Once all of the pilings have been installed, the joists and decking will be constructed from the barge/amphibious vehicle. All steel pilings and accessories will be painted prior to being transported to the project site. All material storage will be on the barge/amphibious vehicle. Any upland access required would be fitted with temporary Best Management Practices (BMPs). The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe Yellow Cress.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier will extend beyond the pierhead line by approximately 33.6 feet, but in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. The project was taken to the Shoreline Review Committee on November 17, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on November 17, 2022 and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and Placer County.

- (i) Additional Findings for Coverage or Disturbance in the Backshore: The amount of land coverage is the minimum necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use in the nearshore or foreshore.

Access stairs are proposed and will require 41 square feet of coverage in land capability 1b, lakeward of the backshore boundary and 9 square feet of Class 5 coverage. The access is necessary for connection of the upland residences to the new pier. The permittee will be required to obtain restoration credits from the at a ratio of 1.5 to 1 times the amount of low land capability coverage required for the proposed access.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm.

The proposed project is located in Shorezone Tolerance District 7, where vehicular access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm. The pier will be constructed entirely from a barge/ amphibious vehicle on the lake. Access to the project area from the upland is prohibited except for necessary access paths for construction workers, and construction staging of equipment and material will not occur anywhere on the shoreline or on the upland portion of the property.

4. Chapter 84 Development Standards Lakeward of High Water in the Shorezone and Lakezone

- (a) Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.

The deck height is proposed at a max elevation of 6,233.0 feet. The project engineer determined that given the height of the most lake ward pilings that the deck elevation should be raised to an elevation of 6,233 to ensure that wave action forces at the time of a high wind event with the long fetch and predominant wind out of the southwest did not create lateral forces on those pilings.

5. Chapter 85- Development Standards in the Backshore

- (a) Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provide that TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

Approximately 50 square feet of coverage will be required to provide access from the upland parcels to the new pier. There are currently authorized stairs that will be removed and replaced with a short walkway/staircase to the pier. Coverage will be created in both Class 5 and Class 1b; all coverage created on low capability land will be mitigated by purchase of restoration credits at a rate of 1.5:1. The proposed coverage is the minimum necessary to provide access from the upland to the pier.



Attachment B  
Draft Permit



DRAFT PERMIT

PROJECT DESCRIPTION: New Multiple-Parcel Pier/Multiple-Use

APNs: 090-231-014, 090-231-015, 090-231-038, 090-231-039

PERMITTEES: Bley/Cornell/Ronning/White

FILE #: ERSP2022-0043

COUNTY/LOCATION: Placer County/95, 99, 105, 111 Chipmunk Street

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **April 26, 2023**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **April 26, 2026**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

(PERMIT CONTINUED ON NEXT PAGE)

DRAFT PERMIT  
APNS: 090-231-014, 090-231-015, 090-231-038, 090-231-039  
FILE NO. ERSP2022-0043

Project Security Posted (1): Amount \$ 10,000 Type Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (2): Amount \$ 242 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Shorezone Mitigation fee (3): Amount \$ 16,200 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (4): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (5): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (6): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (7): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Scenic Monitoring Security (8): Amount \$ 5,000 Type \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Security Administrative Fee (2): Amount \$ 242 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Scenic Inspection Fee (8): Amount \$ 141 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

- (1) See Special Condition 5.H.
- (2) Subject to change, see the TRPA filing fee schedule for the current security administration fee
- (3) See Special Condition 5. I.
- (4) see special Condition 5.J.
- (5) See Special Condition 5.K.
- (6) See Special Condition 5.L.
- (7) See Special Condition 5.M.
- (8) See Special Condition 5.N.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

**SPECIAL CONDITIONS**

1. This permit authorizes a new multiple-parcel/multiple-use pier to serve four littoral parcels located at 95, 99, 105, 111 Chipmunk Street in Placer County, California. The proposed pier extends 270 from High Water elevation of 6,229.1 and includes one 3-foot by 15-foot catwalk at the pierhead and four boatlifts to serve each of the four parcels associated with the pier. The pierhead is 15 feet wide and 75 feet long and extends 33.6 feet from the TRPA pierhead line. The pier will be located on the property line between parcels 090-231-014 and 090-231-039. Existing unverified stairs will be removed and replaced with new access stairs, creating coverage on parcel 090-231-014 (14 square feet in Class 1b and 9 square feet in Class 5) and parcel 090-231-039 (27 square feet in Class 1b). For coverage created on low capability land, The permittee must obtain restoration credits at a ratio of 1 to 1.5 times the amount of coverage. The pier complies with all development and location standards for a multiple-use pier serving four parcels and is consistent with TRPA Code of Ordinances chapters 80 through 85.

2. Existing shorezone development for the project area includes a total of six moorings:

- APN 090-231-014 two mooring buoys (mooring ID numbers 8054, 8572)
- APN 090-213-015 one mooring buoy (mooring ID number 11162)
- APN 090-231-038 two mooring buoys (mooring ID numbers 11688, 11689)
- APN 090-231-039 one mooring buoy (mooring ID number 8037)

Two additional moorings were allocated to the project area during the 2021 mooring lottery:

- APN 090-231-015 Allocation Number TRPA-20-MOOR-112
- APN 090-231-039 Allocation Number TRPA-20-MOOR-146

Two existing mooring buoys (one each from parcels 090-231-014 and 090-231-038) will be removed and converted to boatlifts. Therefore, the project area consisting of four parcels will be deed restricted against future shorezone development and limited to the following shorezone development:

- APN 090-231-014 one mooring buoy, one boatlift
- APN 090-213-015 one mooring buoy, one boatlift
- APN 090-231-038 one mooring buoy, one boatlift
- APN 090-231-039 one mooring buoy, one boatlift
- All APNs: one multiple-parcel pier

3. The four parcels associated with this project shall be considered a project area for scenic mitigation purposes. The proposed contrast rating scores for the parcels are as follows:

- APN 090-231-014 Contrast Rating Score of 22
- APN 090-231-015 Contrast Rating Score of 19
- APN 090-231-038 Contrast Rating Score of 28

APN 090-231-039 Contrast Rating Score of 28  
 All APNS Composite Contrast Rating Score 26

The proposed pier has a total visible mass of 377.94 square feet which counts towards the 520 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 735.21 square feet (including accessory structures), which means that 1,470 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area will achieve a Composite Scenic Score of 26 within 6 months of project completion by darkening the color of one residence and planting vegetative screening.

Project Area Visible Mass Calculations:

Total Allowable Visible Area	4,900 square feet
<u>Upland Visible Area</u>	<u>-3,405 square feet</u>
Remaining Allowable Visible Area	1,495 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-1,470 square feet</u>
New Remaining Allowable Visible Area	25 square feet

4. The Standard Conditions of Approval listed in Attachment S and Attachment R shall apply to this permit.
5. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. The site plans shall be revised as follows:
    - i. Revise the coverage table for APN 090-231-014 to state that 9 square feet of coverage and 21 square feet of restoration credits to be transferred to the site for access to the pier.
    - ii. Revise the coverage table for APN 090-231-039 to state that 41 square feet of restoration credits to be transferred to the site for access to the pier.
    - iii. Include a note on the coverage table for parcel 090-231-038: No new coverage to be added- proposed coverage table shows an increase in coverage in order to reconcile inaccuracies on the past coverage verification.
    - iv. Include a note on the site plan that states “public access is available underneath the pier,” as previously approved in writing by California State lands Commission on 7/13/22.
    - v. Include the Munsell colors on the scenic screening plans.
    - vi. Include detail of fish habitat mitigation (three rock pyramids) with a note that rocks used for fish habitat mitigation must be washed and clean of sediment.
    - vii. Provide a BMP plan (and corresponding infiltration calculations) for parcel 090-231-038, which does not currently have a BMP certificate of completion.
  - B. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.

- C. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
- D. The permittee shall record a TRPA prepared deed restriction that will create a project area for subject parcels (090-231-014, 090-231-015, 090-231-038, 090-231-039) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The deed restriction shall also create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the Placer County Recorder's Office and provide either the original recorded deed restriction or a certified copy of the recorded deed restriction to TRPA prior to permit acknowledgement.
- E. The project will create a total of 14 square feet of Class 1b coverage and 9 square feet of Class 5 coverage on parcel 090-231-014. The permittees shall transfer 9 square feet of coverage (Class 1-5 or IPES 726 or below) and 21 square feet of restoration credits to parcel 090-231-014 for minimum access to the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3. Note that all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.
- F. The project will create a total of 27 square feet of Class 1b coverage on parcel 090-231-039. The permittees shall transfer 41 square feet of restoration credits to parcel 090-231-039 for minimum access to the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3. Note that all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.
- G. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30<sup>th</sup> prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
- H. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- I. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$16,200 for the construction of 270 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
- J. The subject property, APN 090-231-014, has 951 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on

this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by .0025, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- K. The subject property, APN 090-231-015, has 586 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0012, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- L. The subject property, APN 090-231-038, has 1,775 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.



To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0075, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- M. The subject property, APN 090-231-039, has 573 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 9 (Agate Bay - California), or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0012, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 9 (Agate Bay - California).

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- N. The shorezone scenic security of \$5,000 shall be required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. An \$141 non-refundable inspection/review fee is due at permit acknowledgement.

- O. Provide a sample of the proposed stain color for the Bley residence (APN 090-231-038). It shall correspond to Munsell color rating 3/4 7.5YR, in accordance with the contrast ratings sheet.
  - P. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
6. Pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
7. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions. If substantial changes to the approved plan are found by the TRPA Compliance Inspector, a post construction scenic analysis may be required.

A contrast rating score of 26 must be achieved within the project area to comply with the required scenic mitigation and qualify for security return. The project has a maximum of 5 years from final inspection to meet the necessary requirements. When the scenic mitigation requirements have been met, the following documentation shall be submitted at:

<https://www.trpa.gov/inspections-and-securities/>

- Post construction photos taken from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions. The photos must demonstrate that the proposed vegetative screening has been achieved.
8. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees

incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

9. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
10. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.
11. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
12. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
13. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
14. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

**END OF PERMIT**

Attachment C  
Initial Environmental Checklist



**TAHOE  
REGIONAL  
PLANNING  
AGENCY**

**OFFICE**  
128 Market St  
Stateline, NV  
  
Phone: (775) 588-4547  
Fax: (775) 588-4577

**MAIL**  
PO Box 5310  
Stateline, NV 89449-5310  
  
www.trpa.org  
trpa@trpa.org

**HOURS**  
Mon-Wed: 10am-1pm  
9am-12pm / 1pm-4pm  
Closed Tuesday  
  
New Applications Until 3:00 pm

**INITIAL ENVIRONMENTAL CHECKLIST  
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

I. Assessor's Parcel Number (APN)/Project Location 090-231-014, 015, 038 & 039

Project Name White, Cornell, Ronning and Bley New Four Parcel Pier County/City Placer County/Kings Beach

**Brief Description of Project:**

Construction of new, four parcel pier (Please refer to project description for details).

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. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

**II. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

- a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes       No  
 No, With Mitigation       Data Insufficient

- b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes       No  
 No, With Mitigation       Data Insufficient

- c. Unstable soil conditions during or after completion of the proposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

- d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes       No  
 No, With Mitigation       Data Insufficient

- e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

<input type="checkbox"/> Yes	<input type="checkbox"/> No

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

**2. Air Quality**

Will the proposal result in:

a. Substantial air pollutant emissions?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

b. Deterioration of ambient (existing) air quality?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. The creation of objectionable odors?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

e. Increased use of diesel fuel?

- Yes       No  
 No, With Mitigation       Data Insufficient

**3. Water Quality**

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

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?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-year flood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes       No  
 No, With Mitigation       Data Insufficient



f. Alteration of the direction or rate of flow of ground water?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes       No  
 No, With Mitigation       Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes       No  
 No, With Mitigation       Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes       No  
 No, With Mitigation       Data Insufficient

#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

[Empty response box for question f]

- Yes       No  
 No, With Mitigation       Data Insufficient

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?

[Empty response box for question g]

- Yes       No  
 No, With Mitigation       Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

[Empty response box for question h]

- Yes       No  
 No, With Mitigation       Data Insufficient

**5. Wildlife**

Will the proposal result in:

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)?

[Empty response box for question a]

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

[Empty response box for question b]

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

**6. Noise**

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes       No  
 No, With Mitigation       Data Insufficient

**7. Light and Glare**

Will the proposal:

a. Include new or modified sources of exterior lighting?

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

**8. Land Use**

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient



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

[Empty text box for response]

- Yes       No  
 No, With Mitigation       Data Insufficient

**9. Natural Resources**

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

[Empty text box for response]

- Yes       No  
 No, With Mitigation       Data Insufficient

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

[Empty text box for response]

- Yes       No  
 No, With Mitigation       Data Insufficient

**10. Risk of Upset**

Will the proposal:

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?

[Empty text box for response]

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

[Empty text box for response]

- Yes       No  
 No, With Mitigation       Data Insufficient

**11. Population**

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**12. Housing**

Will the proposal:

- 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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (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?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: 4

Number of Proposed Dwelling Units: 4 total



b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes       No  
 No, With Mitigation       Data Insufficient

**13. Transportation/Circulation**

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes       No  
 No, With Mitigation       Data Insufficient

**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?

a. Fire protection?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Police protection?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Schools?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Parks or other recreational facilities?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Other governmental services?

- Yes       No  
 No, With Mitigation       Data Insufficient

**15. Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

**16. Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Communication systems?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

<input type="checkbox"/> Yes	<input type="checkbox"/> No

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient



b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient

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


	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> No, With Mitigation	<input type="checkbox"/> Data Insufficient



**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: (Original signature required.)

 At Placer County Date: 1/15/22  
Person Preparing Application

**Applicant Written Comments:** (Attach additional sheets if necessary)

Please refer to attached written response.

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

**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 Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure.

\_\_\_\_\_

Yes

No

\_\_\_\_\_  
Signature of Evaluator

Date: \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator

Attachment D  
2018 Shorezone Code Conformance Table

**Attachment D**

**Bley/Cornell/Ronning/White Multiple Use Pier Conformance Review Table**

**Table 1: Pier Conformance Review Under 2018 Shorezone Code**

<b>Standard</b>	<b>2018 Shorezone Code</b>	<b>Proposed Pier</b>	<b>Conformance</b>
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	1/3 mile away from the nearest SMPZ located at Kings Beach	<b>In conformance</b>
Fish Habitat	Mitigation at 1:1 for Feed/Cover fish habitat	Restore fish habitat adjacent to project, mitigation of \$16,200 for additional 270 linear feet	<b>In conformance</b>
Length	Pierhead may extend 30 feet past 6,219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels.	<b>270'</b> - extends 33.6 feet past the TRPA pierhead Line	<b>In conformance</b>
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	<b>In Conformance</b>
Width	Maximum 15' wide excluding catwalks	7' wide for the first 195'; widening to 15' to the end of the pier.	<b>In conformance</b>
Catwalk	Maximum of 3' by 30'	3' x 15'	<b>In conformance</b>
Boatlift	One boat lift per littoral parcel (max. 4)	Four boatlifts	<b>In conformance</b>
Pier Height	6,232' maximum or up to 6,234' if findings made	6,233', findings for additional height made	<b>In conformance</b>
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	<b>In conformance</b>
Superstructures	Prohibited	NA	<b>In conformance</b>

(Boat House)			
Colors & Materials	Dark colors that blend with background	Dark Gray decking, flat black structural components	<b>In conformance</b>
Visual Mass Limitation	520 sf of visible mass allowed for piers serving 4 or more primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	377.94 square feet	<b>In conformance</b>
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retiring allowable visible area. 1,00 square feet of visible mass will be mitigated.	<b>In conformance</b>
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	<b>In conformance</b>

Attachment E  
Proposed Site Plans and Elevations



# CORNELL, WHITE, RONNING & BLEY MULTI-USE PIER PROJECT

## PROJECT INFORMATION:

**OWNERS:** DENNIS CORNELL & CHARLENE NIIZAWA  
95 CHIPMUNK STREET  
KINGS BEACH, CA 96143

CHRISTOPHER & KRISTINE WHITE  
99 CHIPMUNK STREET  
KINGS BEACH, CA 96143

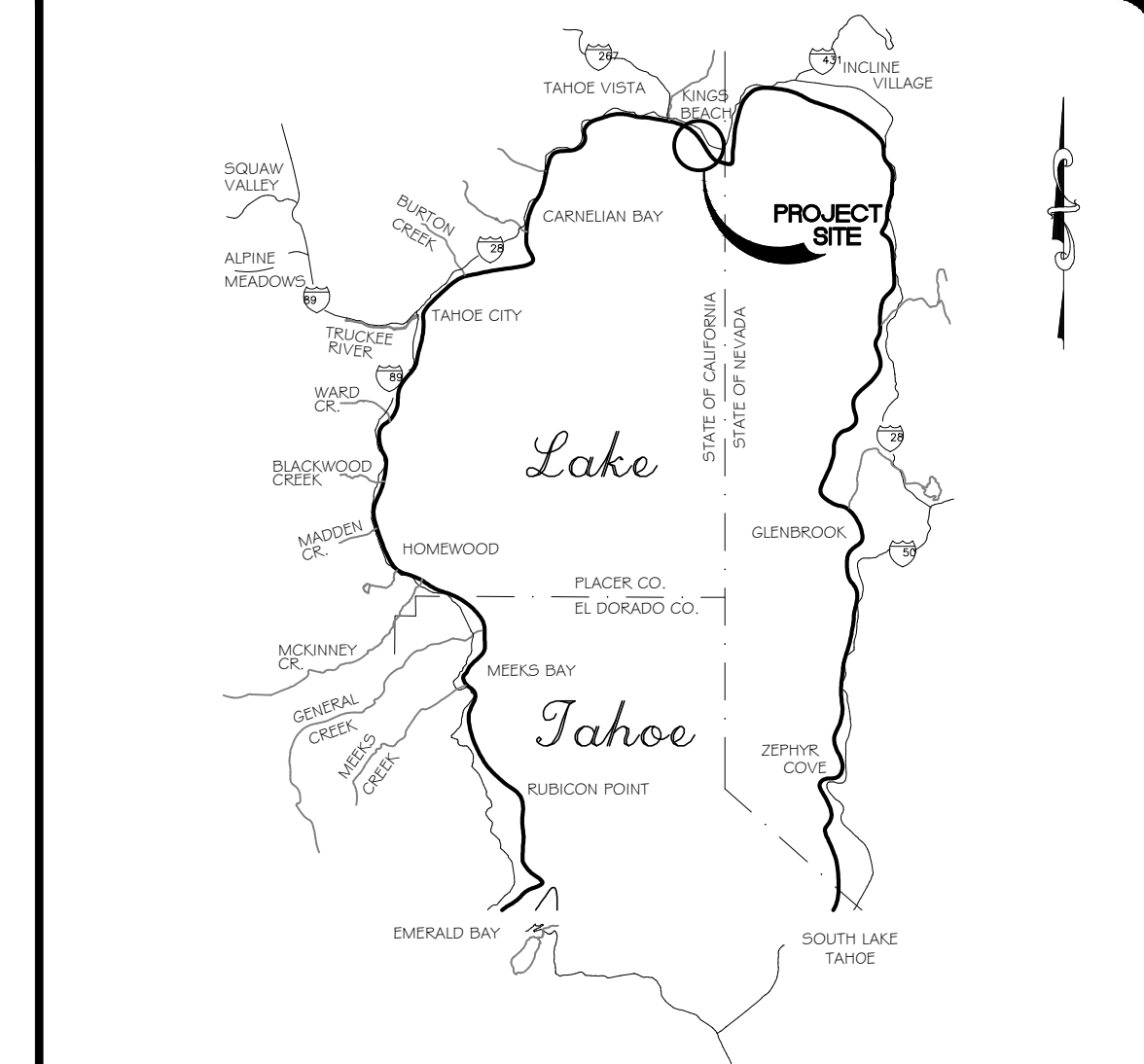
GRABLE RONNING  
105 CHIPMUNK STREET  
KINGS BEACH, CA 96143

RUTH BLEY  
111 CHIPMUNK STREET  
KINGS BEACH, CA 96143

**PLANNER:** KAUFMAN EDWARDS PLANNING & CONSULTING  
ATTN: ABIGAIL EDWARDS  
P.O. BOX 1253  
CARNELIAN BAY, CA 96140  
(530) 546-4402

**ENGINEER:** FERRELL CIVIL ENGINEERING  
ATTN: TIM FERRELL  
P.O. BOX 361  
TAHOE VISTA, CA 96148  
(530) 546-2752

**PROJECT LOCATION:** 95, 99, 105, 111 CHIPMUNK STREET  
KINGS BEACH, CALIFORNIA 96143



## VICINITY MAP

NOT TO SCALE

## SURVEY/GENERAL NOTES:

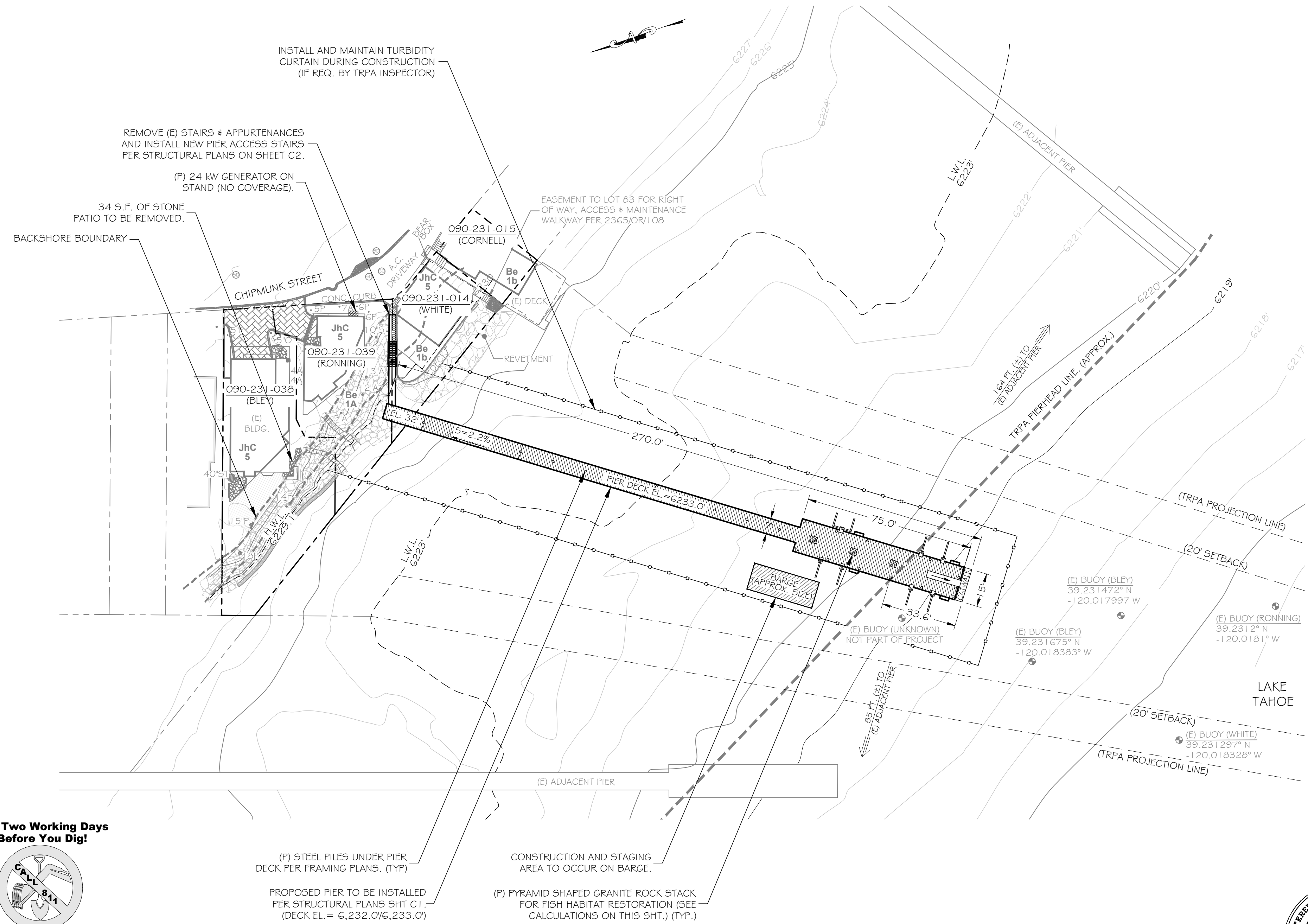
- PIER DESIGN WAS BASED ON SURVEY PROVIDED BY WEBB LAND SURVEYING, INC. DATED: 09/16/2021 (FILE NUMBER #3403). FERRELL CIVIL ENGINEERING WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THIS SURVEY. IF CONFLICT ARISES IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.
- TOPOGRAPHIC SURVEY FOR APN 090-231-014 WAS PROVIDED BY PLANNER, F.C.E. HAS SPICED THE CONTOURS WITH ADJOINING TOPOGRAPHY FOR CLARITY. IF DISCREPANCIES ARISE DURING CONSTRUCTION CONTRACTOR SHALL CONTACT F.C.E. FOR SITE INSPECTION.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UNDERGROUND UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS PART OF THIS SURVEY.
- UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION EVEN ON PRIVATE PROPERTY.
- ALL PILES TO HAVE A MIN. EMBEDMENT OF 8' UNLESS OTHERWISE STATED. IF CONFLICT ARISE IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.
- CONTRACTOR TO VERIFY ALL ASPECTS OF DESIGN PRIOR TO BEGINNING OF WORK. IF CONFLICT ARISES IMMEDIATELY CONTACT F.C.E. FOR RE-DESIGN.

## TRPA NOTES:

- CONTRACTOR TO HAVE THE APPROVED TRPA PERMIT AND STAMPED PLANS ON SITE AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR SHALL COMPLY WITH THE TRPA SPECIAL AND STANDARD CONDITIONS OF APPROVAL SET FORTH IN THE PERMIT.
- PIER PILING, STRUCTURAL STEEL AND CATWALK SHALL ALL BE A MATTE MEDIUM TO DARK GRAY, OR OTHER DARK COLOR CONSISTENT WITH THE COLOR PHOTOGRAPHS SUBMITTED WITH THE APPLICATION MATERIALS.
- CAISSONS AND/OR A TURBIDITY CURTAIN WILL BE INSTALLED AT THE DISCRETION AND APPROVAL OF TRPA INSPECTOR AT PRE-GRADE FIELD INSPECTION.
- THERE WILL BE NO STORAGE OF CONSTRUCTION MATERIALS IN THE SHOREZONE (INCLUDING THE BACKSHORE), EXCEPT ON EXISTING HARD LAND COVERAGE.
- NO CONTAINERS OF FUEL, PAINT, OR OTHER HAZARDOUS MATERIALS MAY BE STORED ON THE PIER STRUCTURE OR SHORELINE.
- STAGING ACTIVITY IS PROHIBITED LAKE-WARD OF THE HIGH WATER LINE EXCEPT BY BARGE, DELIVERY, REMOVAL, AND STAGING OF CONSTRUCTION EQUIPMENT AND MATERIALS SHALL ONLY OCCUR ON THE BARGE UNLESS APPROVED BY TRPA IN THE CONSTRUCTION PLAN.
- DISTURBANCE (TEMPORARY OR PERMANENT) TO THE LAKE SUBSTRATE IS PROHIBITED FOR CONSTRUCTION ACTIVITIES AND MODIFICATIONS TO THIS PIER EXCEPT FOR BOLTS OR SIMILAR DEVICES NECESSARY TO ANCHOR THE APPROVED STRUCTURAL SUPPORT AND FENDER PILING. EXISTING Boulders IN LAKE TAHOE SHALL NOT BE REMOVED OR RELOCATED. CONSTRUCTION ACTIVITIES SHALL NOT INCREASE WATER TURBIDITY NOR CAUSE ANY SUSPENSION OF ANY LAKE SEDIMENTS IN THE WORKS OF LAKE TAHOE.
- MAPPED FISH HABITAT: FEED AND COVER HABITAT.
- MATERIAL FOR ROCK STACKED PYRAMIDS WILL BE WASHED PRIOR TO PLACEMENT IN LAKE TAHOE.

## SHEET INDEX:

- T1 - TITLE SHEET & SITE PLAN
- T2 - ALLOWABLE, EXISTING & PROPOSED COVERAGE
- C1 - (P) PIER LAYOUT & FRAMING PLANS
- C2 - (F) STAIRS LAYOUT & FRAMING PLANS
- D1 - STRUCTURAL DETAILS
- D2 - BUOY EXHIBIT



## SITE OVERVIEW

SCALE: 1"=30'-0"



## PIER MASSING CALCULATIONS

### ALLOWED PIER MASSING CALCULATIONS

PROPOSED PIER DIMENSIONS	(feet/in.)	(feet)
Pier length	270'-0"	270.00
Width of pier head and Catwalks	15'-0"	15.00
Decking height with joists	9"	0.75
Girders depth (W8x25)	6-3/8"	0.53
Girders depth (W8x28)	8"	0.67
10-3/4" Pile height (visible at 6.226' lake level)	5' 8-3/8"	5.72
12" Pile height (visible at 6.226' lake level)	5'-7"	5.58
Pile width	10-3/4"	0.90
Pile width	12"	1.00

### PROPOSED PIER VISUAL MASS

	(sq. ft.)
Decking/framing: 270' x 0.75' (side) =	202.50
Decking/framing: 15' x 0.75' (front) =	11.25
Steel piles: 1' x 5.58' x 6 piles (side) =	33.48
Steel piles: 0.9' x 5.72' x 13 piles (side) =	66.92
Steel Piles: 1' x 5.58' x 4 piles (front) =	22.32
Steel Piles: 0.9' x 5.72' x 1 piles (front) =	5.15
Steel Girders: 0.08 SF x 19 (side) =	1.52
Steel Girders: 0.67' x 15' (front) =	10.05
Catwalk/Ramp: ((15' x 0.75')+(4.5' x 3')) =	24.75
<b>Total Proposed Visual Massing:</b>	<b>377.94</b>
<b>Total Allowed Visual Massing:</b>	<b>520.00</b>

### VISIBLE PIER MASSING TO BE MITIGATED

PROPOSED PIER VISUAL MASS	(sq. ft.)
Decking/framing: 270' x 0.75' (side) =	202.50
Decking/framing: 15' x 0.75' (front) =	11.25
Steel piles: 1' x 5.58' x 6 piles (side) =	33.48
Steel piles: 0.9' x 5.72' x 13 piles (side) =	66.92
Steel Piles: 1' x 5.58' x 4 piles (front) =	22.32
Steel Piles: 0.9' x 5.72' x 1 piles (front) =	5.15
Steel Girders: 0.08 SF x 19 (side) =	1.52
Steel Girders: 0.67' x 15' (front) =	10.05
Catwalk/Guardrail/Ramp: ((9.99)+(15' x 0.75')+(4.5' x 3')) =	34.74
New fender piles: ((0.29' x 6' x 3)+(0.29' x 6' x 1)) =	6.96
Swim ladder: (3.33' ladder strainers + 0.83' rungs) x 2	8.32
(4) - New Boat Lifts (@ 83 SF/Each) =	332.00
<b>Total Visual Massing to be Mitigated:</b>	<b>735.21</b>

### SQUARE FEET OF MITIGATION REQUIRED

Visually Modified Scenic Character Type (1:2 scenic mitigation req.) (735.21 SF x 2) =	1470
<b>Total scenic mitigation required (sq. ft.):</b>	<b>1470</b>

### FISH HABITAT MITIGATION CALCULATIONS

AREA OF DISTURBANCE RESULTING FROM INSTALLATION OF 13-(10-3/4" DIA.) NEW PILING (0.64 X 13)	8.3 SQ. FT.
AREA OF DISTURBANCE RESULTING FROM INSTALLATION OF 14-(12" DIA.) NEW PILING (0.79 X 14)	11.1 SQ. FT.
TOTAL FISH HABITAT RESTORATION REQUIRED (1:1 MITIGATION)	19.4 SQ. FT.
TOTAL PROPOSED FISH HABITAT MITIGATION (THREE ROCK PYRAMIDS AT 9 SQ. FT./EACH)	27.00 SQ. FT.

Call Two Working Days Before You Dig!



Dig Safely. Dig Safely.  
**CALL: 811**

DRAWN BY: HBG DESIGN BY: HBG

CHECKED BY: TKF DWG: P:\PIERS\CHIPMUNK-MULTI.dwg

REVISION	DATE	DESCRIPTION	APPROVED	DATE

**Ferrell Civil Engineering**

CA #C 55546 NV #12927  
P.O. Box 361, Tahoe Vista, CA 96148

ferrell@fcivil.com

ph: 530.546.2752  
fax: 530.546.4469

KINGS BEACH

**TITLE SHEET/SITE PLAN**

PLACER COUNTY

A.P.N: 090-231-015  
090-231-014  
090-231-039  
090-231-038

DATE: MARCH 06, 2023

SCALE: 1"=30'-0"

CALIFORNIA W.O. NO. CHIPMUNK-MULTI-PIER

SHEET

**T1**

OF

**6**



## ALLOWABLE, EXISTING AND PROPOSED COVERAGE CALCULATIONS

**APN 090-231-015**  
Parcel Area: 916 SF

**Allowable Coverage:**  
Backshore (Be1b): 414 SF @ 1% = 4 SF  
Class 5: 502 SF @ 25% = 126 SF  
Total: 130 SF

**Existing/Proposed Coverage:**

	Be1b	Class 5	Total
Residence:	281 SF	317 SF	598 SF
Raised wood porch:	0 SF	15 SF	15 SF
Front wood steps:	0 SF	6 SF	6 SF
Wood deck:	76 SF	0 SF	76 SF
Deck over concrete:	21 SF	0 SF	21 SF
<b>Total:</b>	<b>378 SF</b>	<b>338 SF</b>	<b>716 SF</b>

**APN 090-231-014**  
Parcel Area above highwater line: 1,245 SF

**Allowable Coverage:**  
Backshore (Be1b): 623 SF @ 1% = 6 SF  
Class 5: 622 SF @ 25% = 156 SF  
Total: 162 SF

**Existing/Verified Coverage:**

	Be1b	Class 5	Total
Residence/deck:	416 SF	350 SF	766 SF
Deck:	236 SF	0 SF	236 SF
Driveway:	0 SF	2 SF	2 SF
Stone entry:	0 SF	45 SF	45 SF
Adjoiners deck:	3	36 SF	39 SF
Adjoiners concrete:	23 SF	0 SF	23 SF
Adjoiners building:	0 SF	2 SF	2 SF
<b>Total:</b>	<b>678 SF</b>	<b>435 SF</b>	<b>1,113 SF</b>

Offsite coverage w/3:1 below HWL = 17 SF

**Proposed Coverage:**

	Be1b	Class 5	Total
Residence/deck:	416 SF	350 SF	766 SF
Deck:	236 SF	0 SF	236 SF
Driveway:	0 SF	2 SF	2 SF
Stone entry:	0 SF	45 SF	45 SF
Adjoiners deck:	3	36 SF	39 SF
Adjoiners concrete:	23 SF	0 SF	23 SF
Adjoiners building:	0 SF	2 SF	2 SF
New pier access:	14 SF	9 SF	23 SF
<b>Total:</b>	<b>692 SF</b>	<b>444 SF</b>	<b>1,136 SF</b>

Coverage to be purchased from the Conservancy for pier access = 25 SF

**APN 090-231-038 (Previously 090-231-012)**  
Parcel Area: 3,902 SF

**Allowable Coverage:**  
Backshore (Be1b): 1,571 SF @ 1% = 583 SF  
Class 5: 502 SF @ 25% = 126 SF  
Total: 130 SF

**Verified Coverage (Per TRPA file 19921491 STD):**

	Be1b	Class 1a	Class 5	Total
Residence:	19 SF	0 SF	1,193 SF	1,212 SF
Paver Driveway:	0 SF	0 SF	383 SF	383 SF
Stone patios:	0 SF	0 SF	41 SF	41 SF
Rear deck:	92 SF	0 SF	0 SF	92 SF
Concrete stairs:	0 SF	0 SF	21 SF	21 SF
Stone steps:	15 SF	9 SF	0 SF	24 SF
<b>Total:</b>	<b>126 SF</b>	<b>9 SF</b>	<b>1,638 SF</b>	<b>1,773 SF</b>

**As Built/Proposed Coverage:**

	Be1b	Class 1a	Class 5	Total
Residence:	19 SF	0 SF	1,228 SF	1,247 SF
Paver Driveway:	0 SF	0 SF	451 SF	451 SF
Stone patios:	0 SF	0 SF	91 SF	91 SF
Rear deck:	92 SF	0 SF	0 SF	92 SF
Concrete stairs:	0 SF	0 SF	0 SF	0 SF
Stone steps:	24 SF	9 SF	0 SF	33 SF
<b>Total:</b>	<b>126 SF</b>	<b>9 SF</b>	<b>1,770 SF</b>	<b>1,905 SF</b>

Banked Residential units: 1 RUU

**APN 090-231-039 (Previously 090-231-013)**  
Parcel Area: 2,329 SF

**Allowable Coverage:**  
Backshore (Be1b): 830 SF @ 1% = 8 SF  
Class 1a/1b: 156 SF @ 1% = 2 SF  
Class 5: 1,343 SF @ 25% = 336 SF  
Total: 346 SF

**Existing Coverage:**

	Be1b	Class 1a	Class 5	Total
Residence:	0 SF	0 SF	670 SF	670 SF
Driveway:	0 SF	0 SF	219 SF	219 SF
Stone steps:	30 SF	0 SF	0 SF	30 SF
<b>Total:</b>	<b>30 SF</b>	<b>0 SF</b>	<b>889 SF</b>	<b>919 SF</b>

**Proposed Coverage:**

	Be1b	Class 1a	Class 5	Total
Residence:	0 SF	0 SF	670 SF	670 SF
Driveway:	0 SF	0 SF	219 SF	219 SF
Stone steps:	30 SF	0 SF	0 SF	30 SF
New pier access:	10 SF	17 SF	0 SF	26 SF
<b>Total:</b>	<b>40 SF</b>	<b>17 SF</b>	<b>889 SF</b>	<b>946 SF</b>

Coverage to be purchased from the Conservancy for pier access = 26 SF

A.P.N.	LAKE FRONTAGE
090-231-014	78.9 LF
090-231-015	25.0 LF
090-231-038	57.2 LF
090-231-039	40.5 LF

\*LAKE FRONTAGE MEASURED @ LAKEWARD PROPERTY LINE

COVERAGE NOTE:  
COVERAGE INFORMATION PROVIDED BY: \*KAUFMAN EDWARDS  
PLANNING AND CONSULTING\*

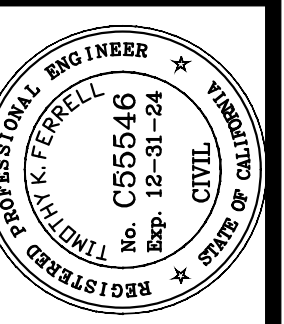
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SCALE: 1" = 10'-0"  
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VERTICAL:  
CAD:

DATE: MARCH 06, 2023

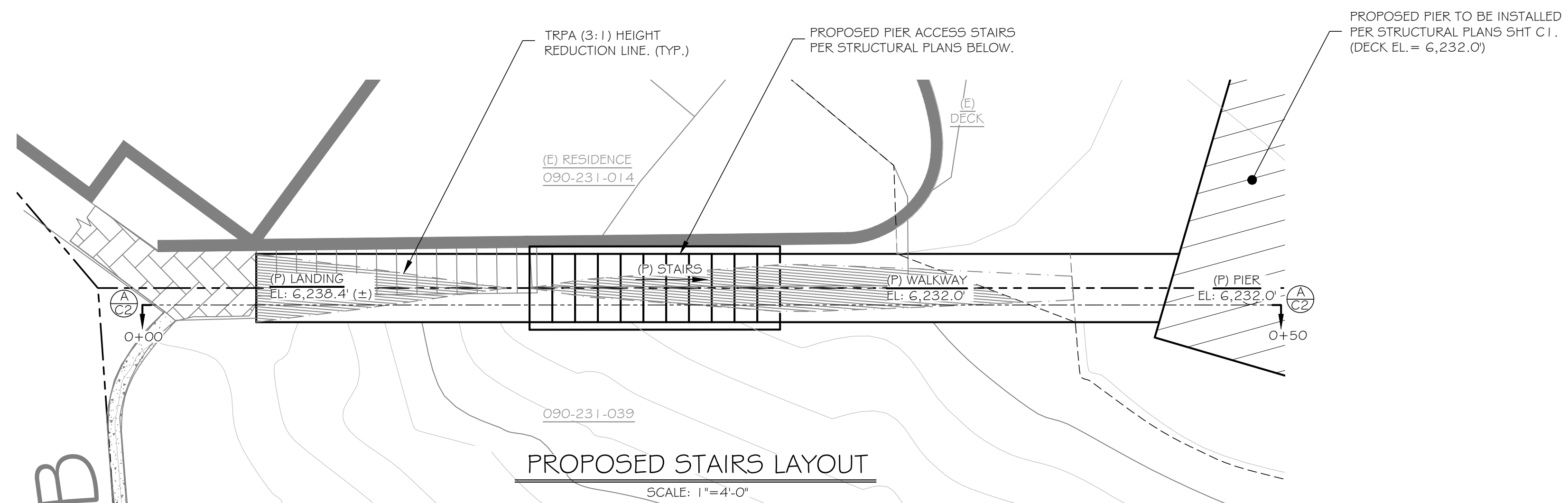
PH: 530.548.2152  
FAX: 530.548.4469  
ferrell@fcivil.com



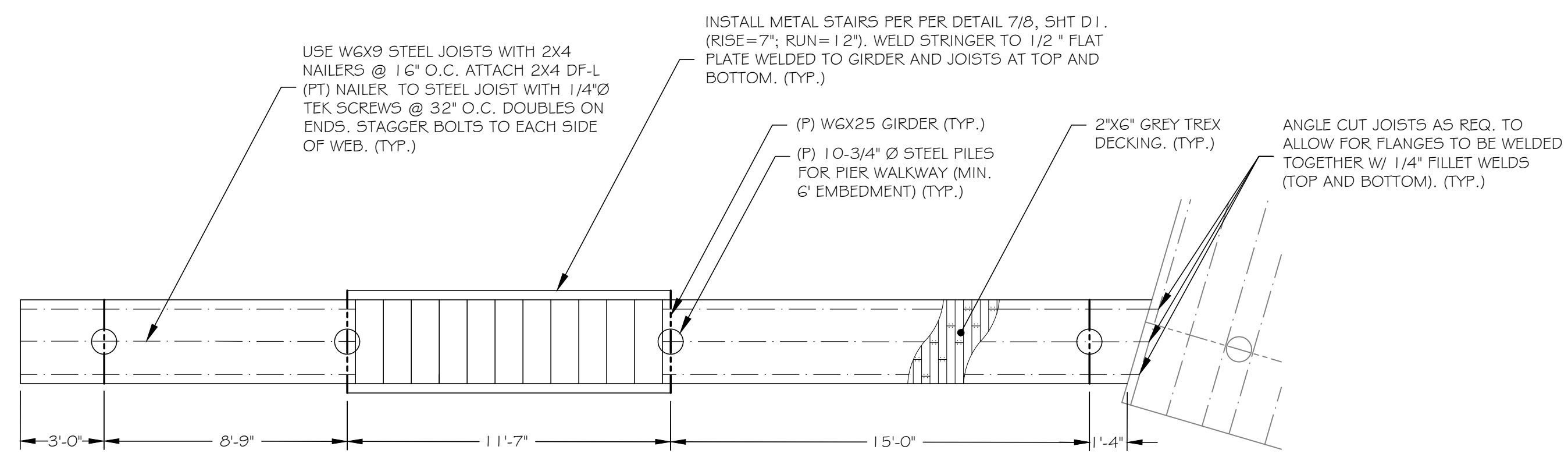
ALLOWABLE, EXISTING & PROPOSED COVERAGE  
CORNELL, WHITE, RONNING & BLEY MULTI-USE PIER PROJECT  
95/99/105/111 CHIPMUNK ST.    A.P.N.: 090-231-015/14/39/38    KINGS BEACH, CA



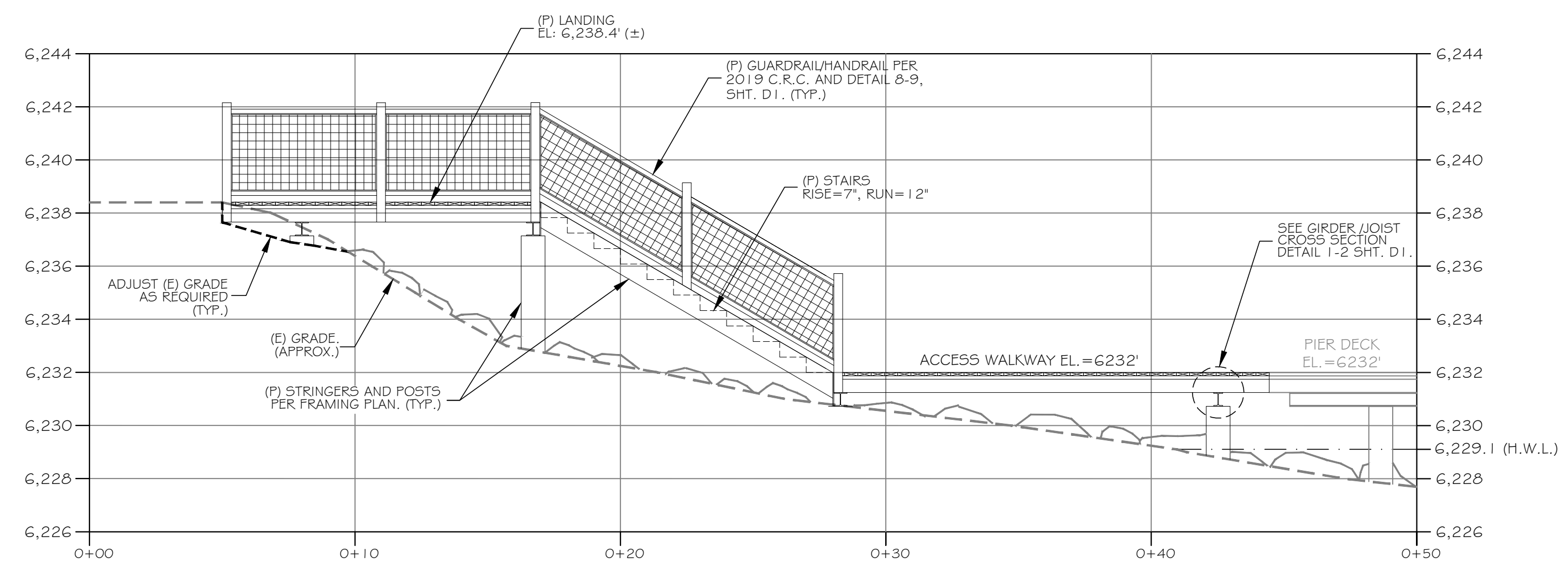




**PROPOSED STAIRS LAYOUT**  
SCALE: 1"=4'-0"



**PROPOSED STAIRS - FRAMING PLAN**  
SCALE: 1"=4'-0"



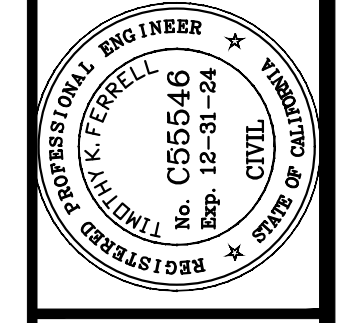
**PROPOSED STAIRS - SECTION A-A**  
SCALE: 1"=4'-0"

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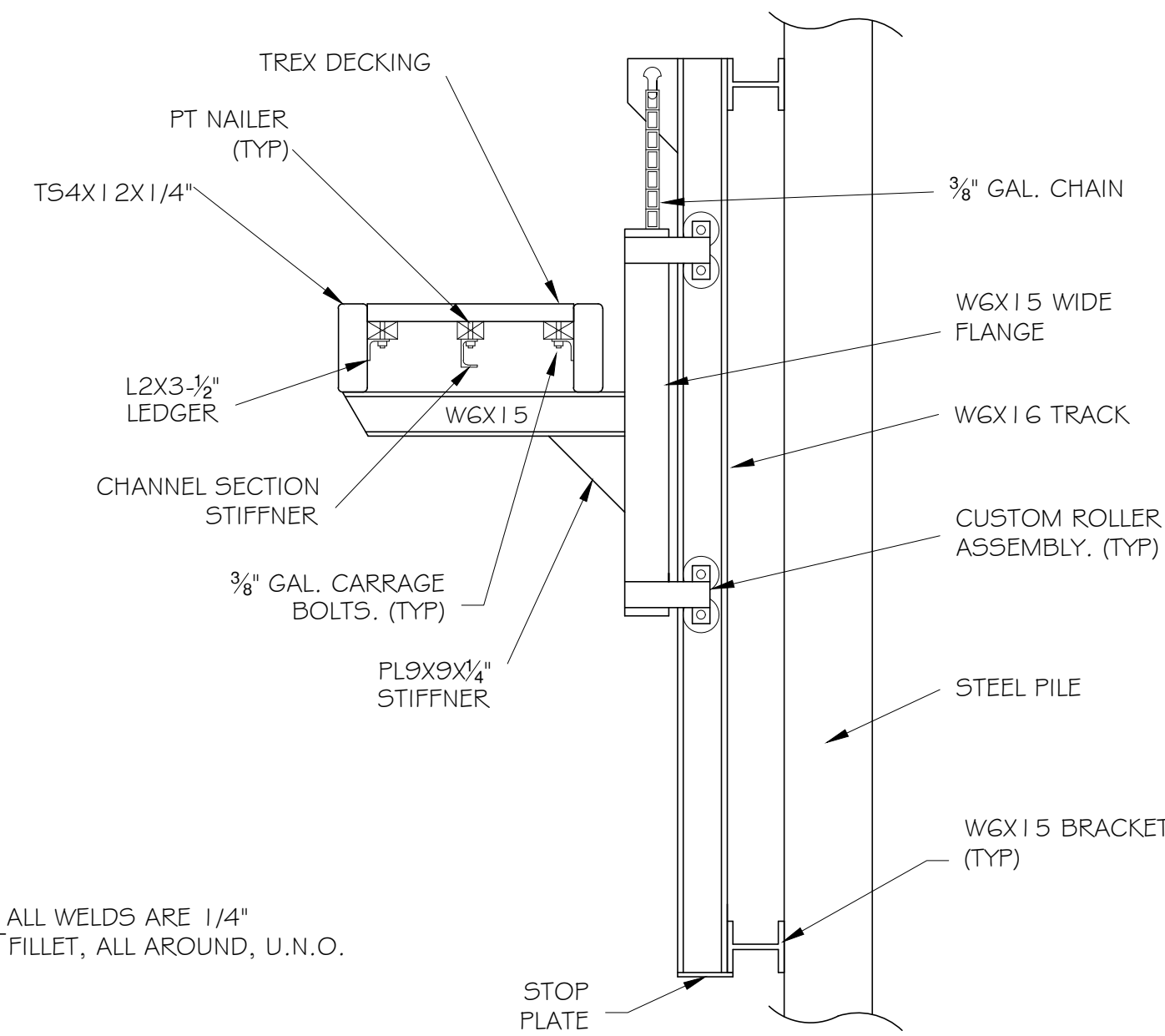
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 DRWN: HEG    PROJEN.: TKF  
 WORK ORDER:  
 SCALE: AS NOTED  
 HORIZONTAL:  
 VERTICAL:  
 CAD:  
 DATE: MARCH 06, 2023

**Ferrell Civil Engineering**

CA #C 55546 NV #12927  
 P.O. Box 381, Tahoe Vista, CA 96148  
 P: 530.546.2752  
 F: 530.546.4469  
 ferrell@fcivil.com



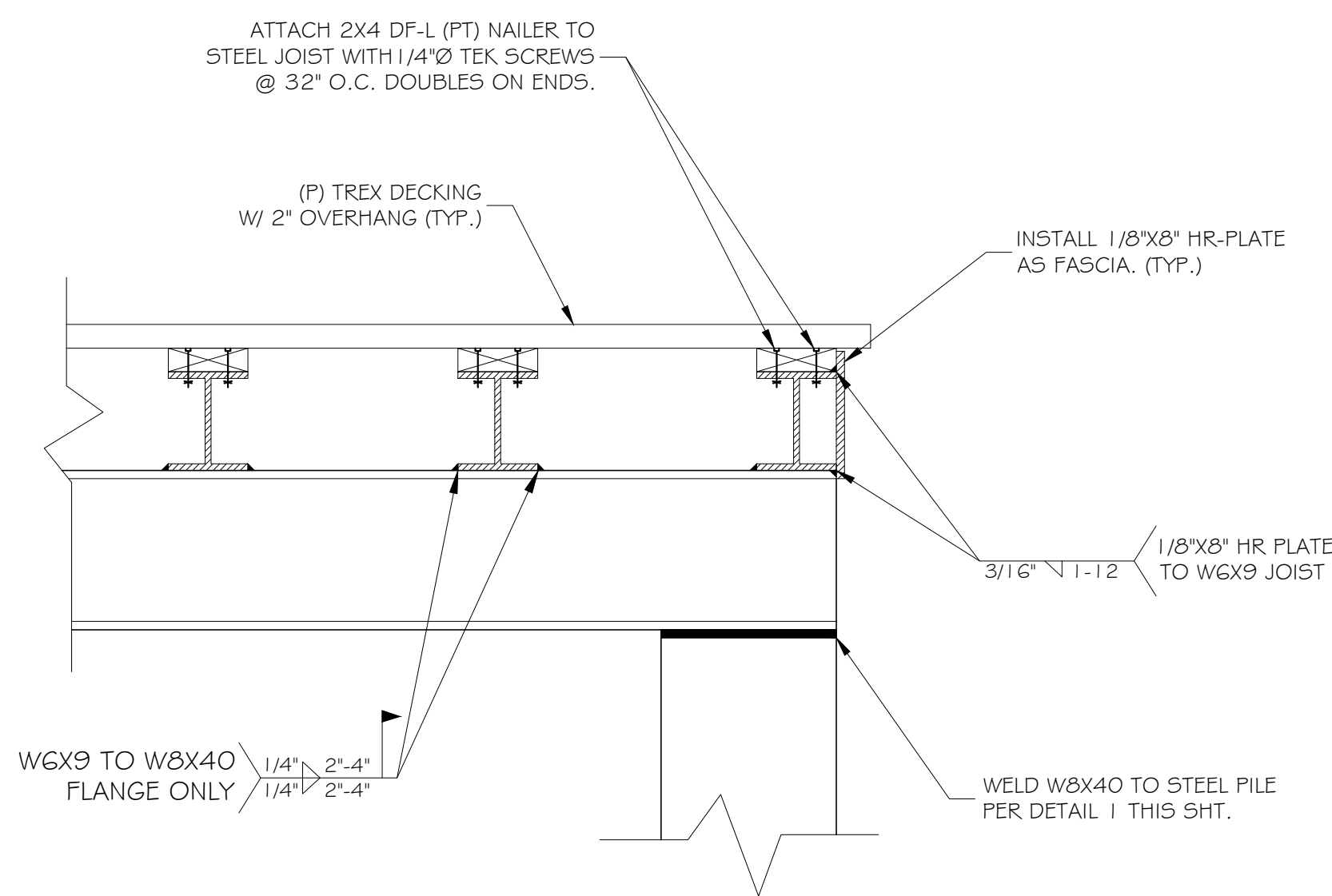
**PROPOSED STAIRS PLANS**  
**CORNELL, WHITE, RONNING & BLEY MULTI-USE PIER PROJECT**  
 95/99/105/111 CHIPMUNK ST.    A.P.N.: 090-231-015/14/39/28    KINGS BEACH, CA



\*\*\*NOTE: ALL WELDS ARE 1/4" FILLET, ALL AROUND, U.N.O.

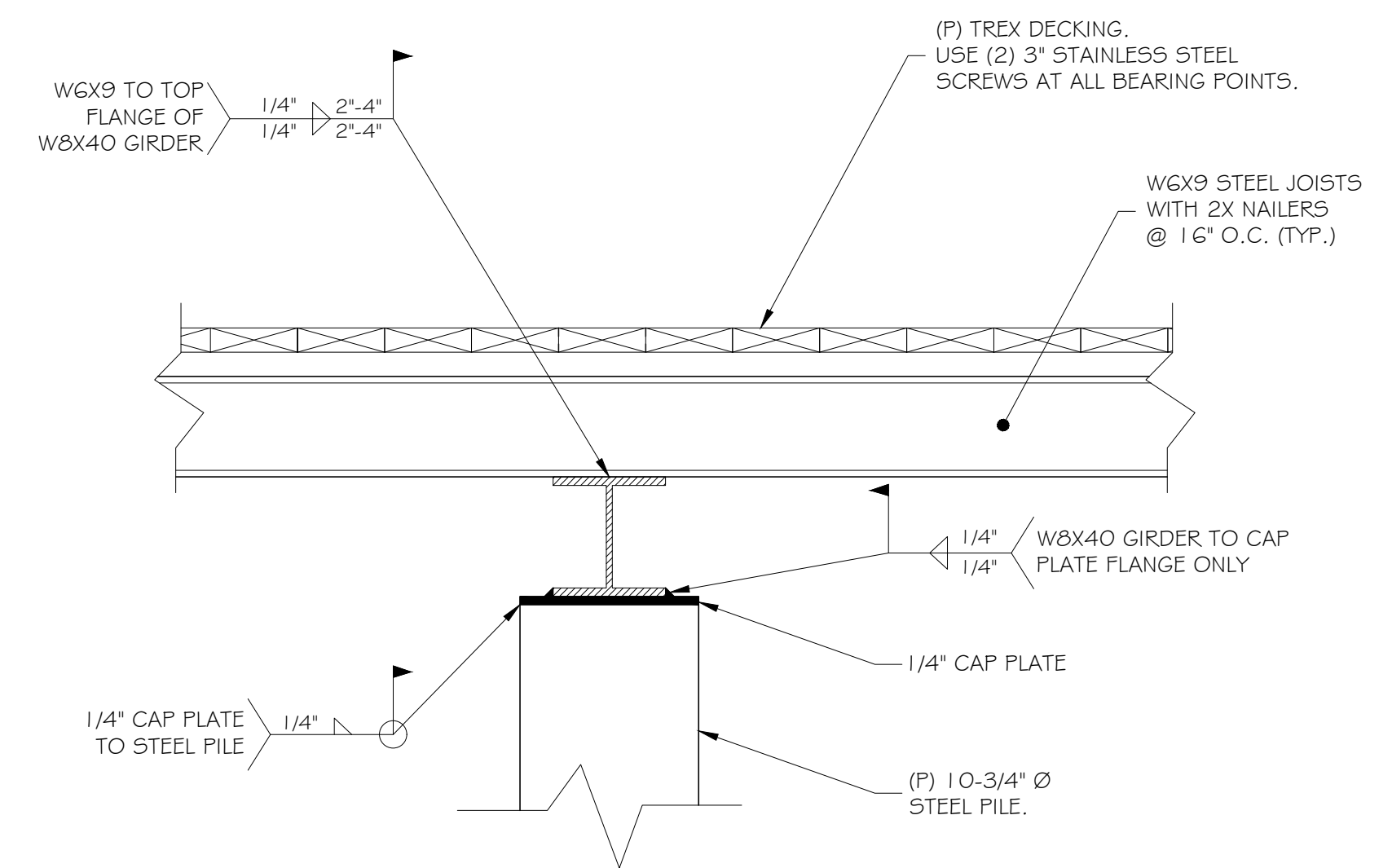
3 ADJUSTABLE CATWALK DETAIL (GENERAL DETAIL)

N.T.S.



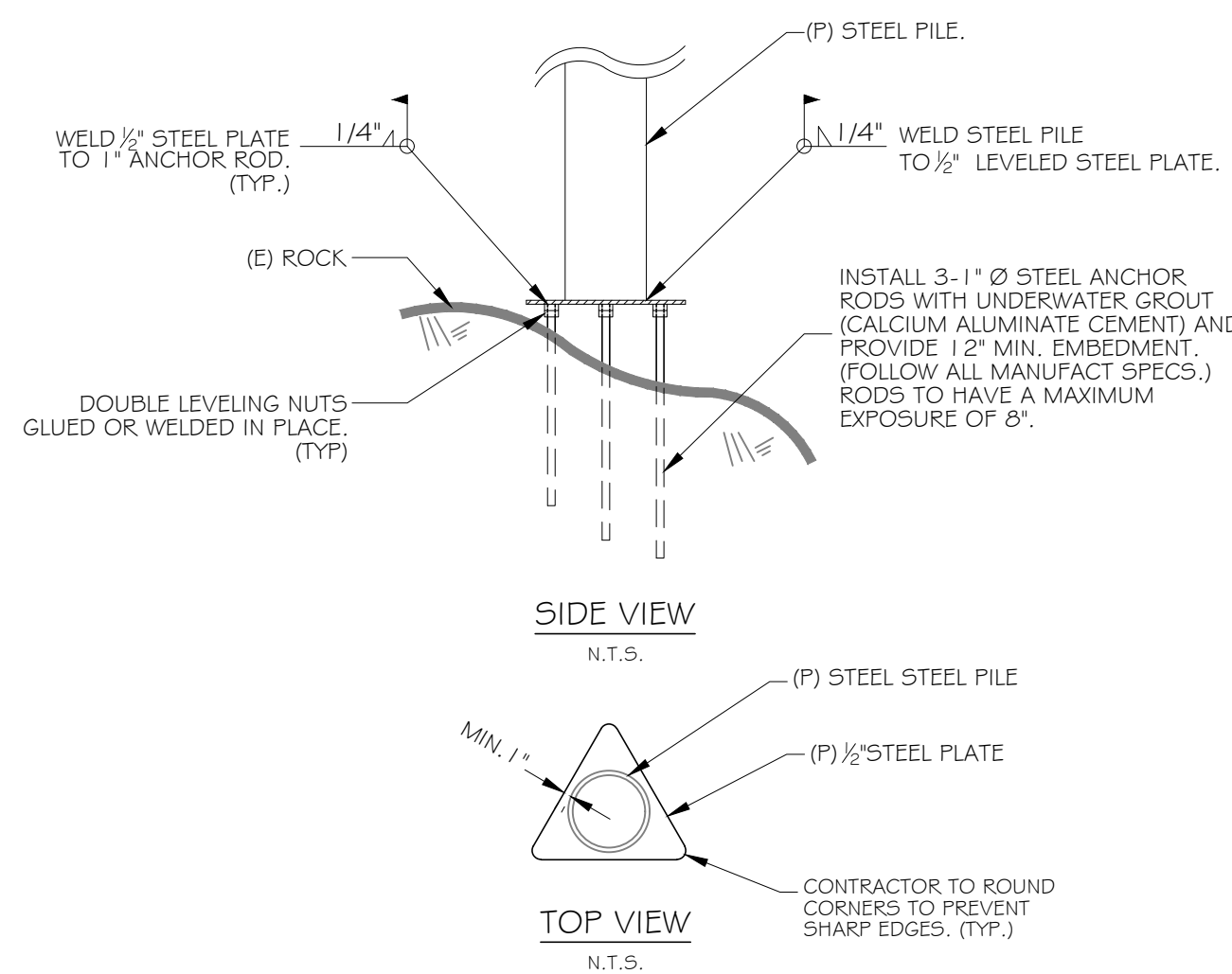
2 CONNECTION DETAIL

N.T.S.



1 GIRDER/JOIST CROSS SECTION

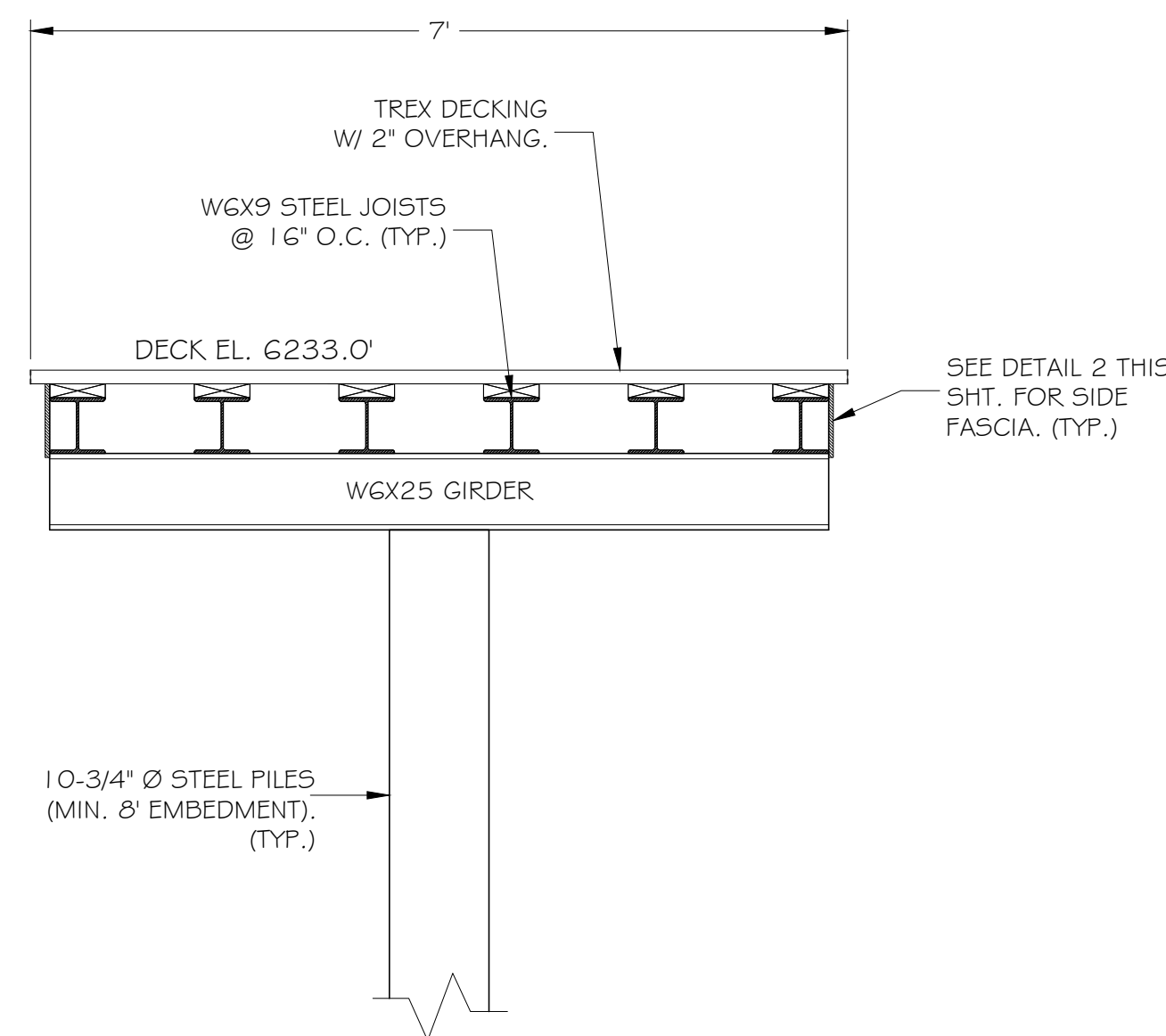
N.T.S.



NOTE: CONTRACTOR TO CONTACT ENGINEER TO DETERMINE THE LOCATION OF PILES TO BE PINNED BEFORE BEGINNING OF WORK.

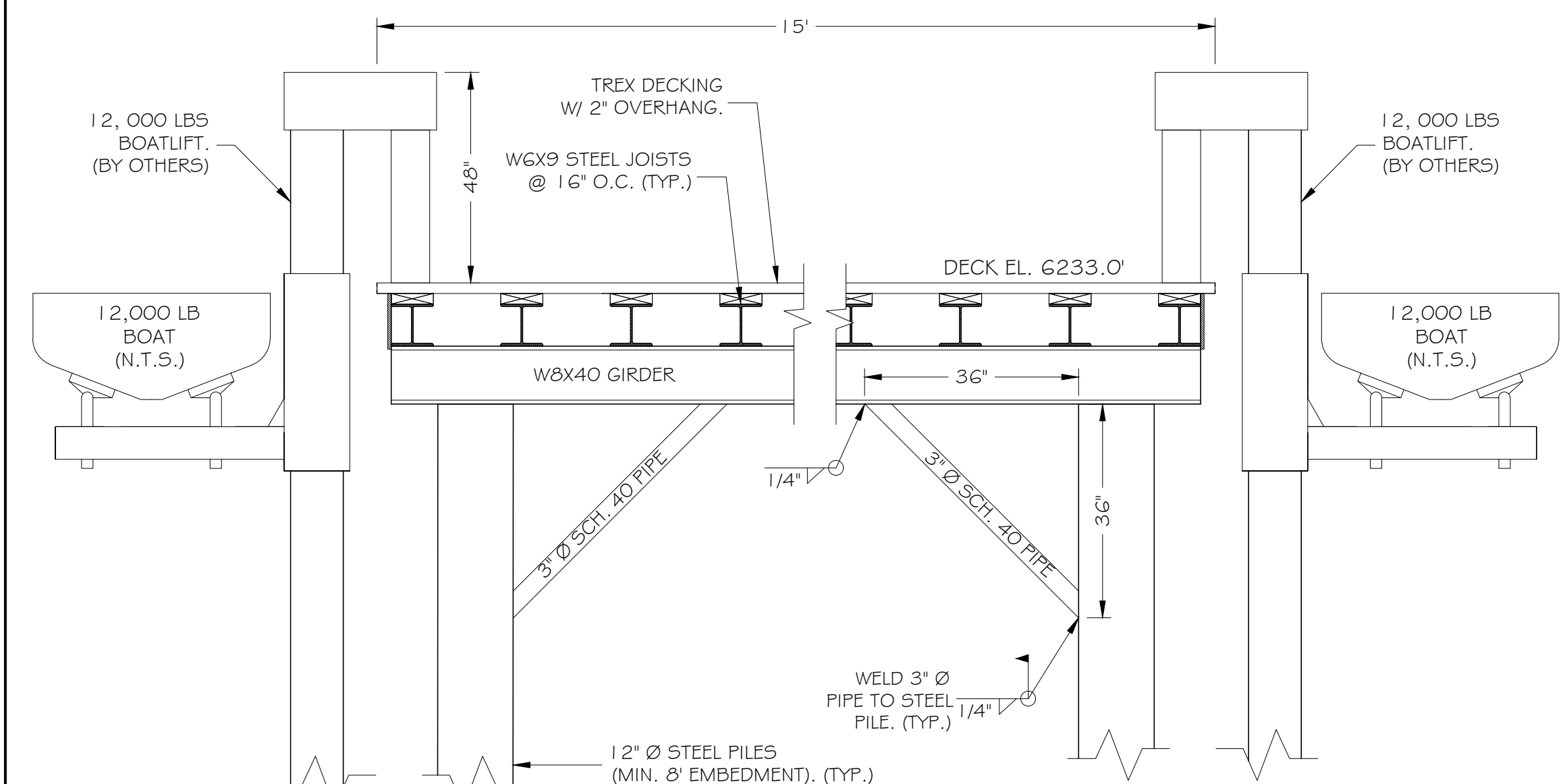
6 PILE PIN CONNECTION DETAIL

N.T.S.



5 SECTION "B-B"

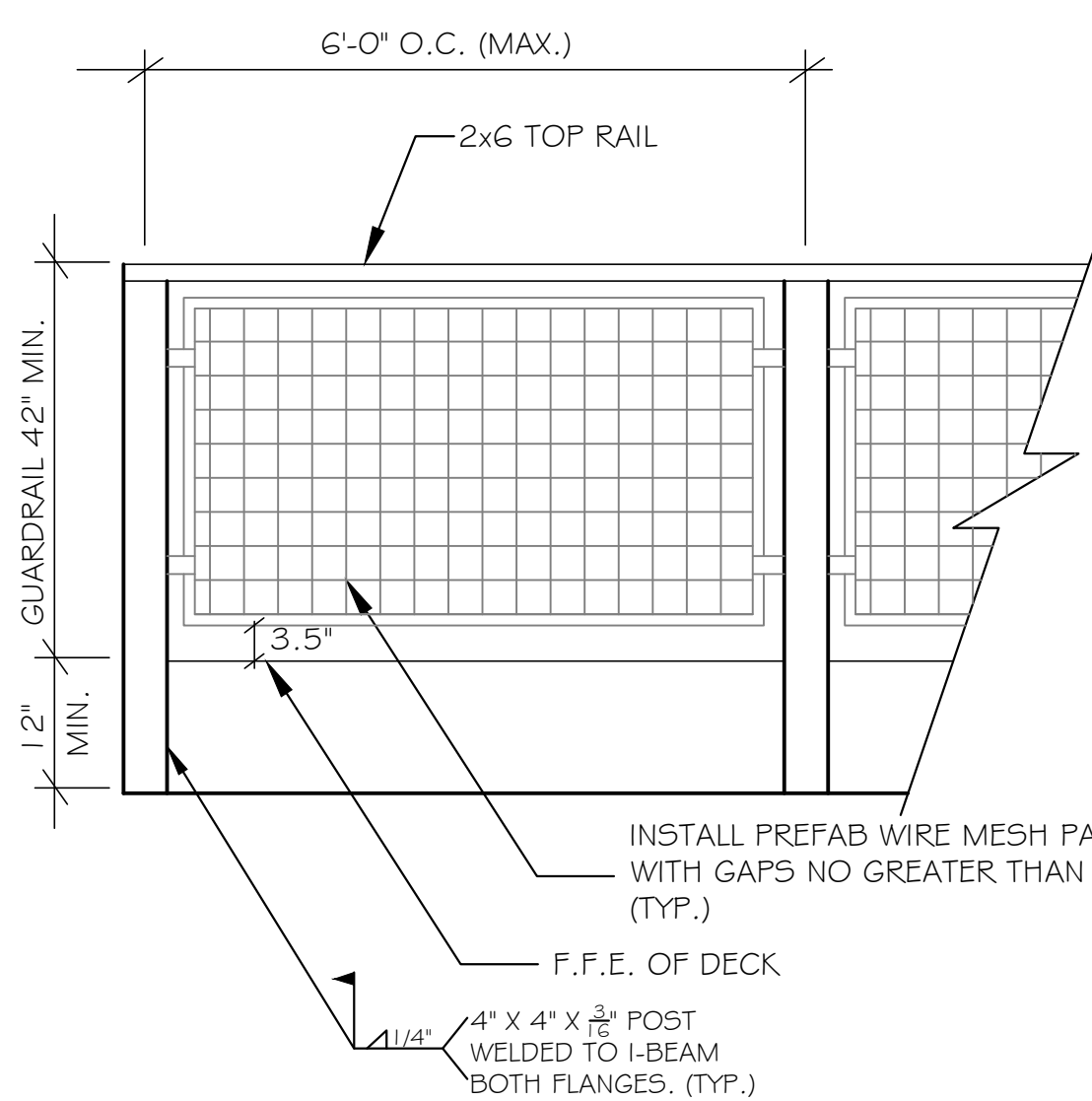
N.T.S.



4 SECTION "A-A"

N.T.S.

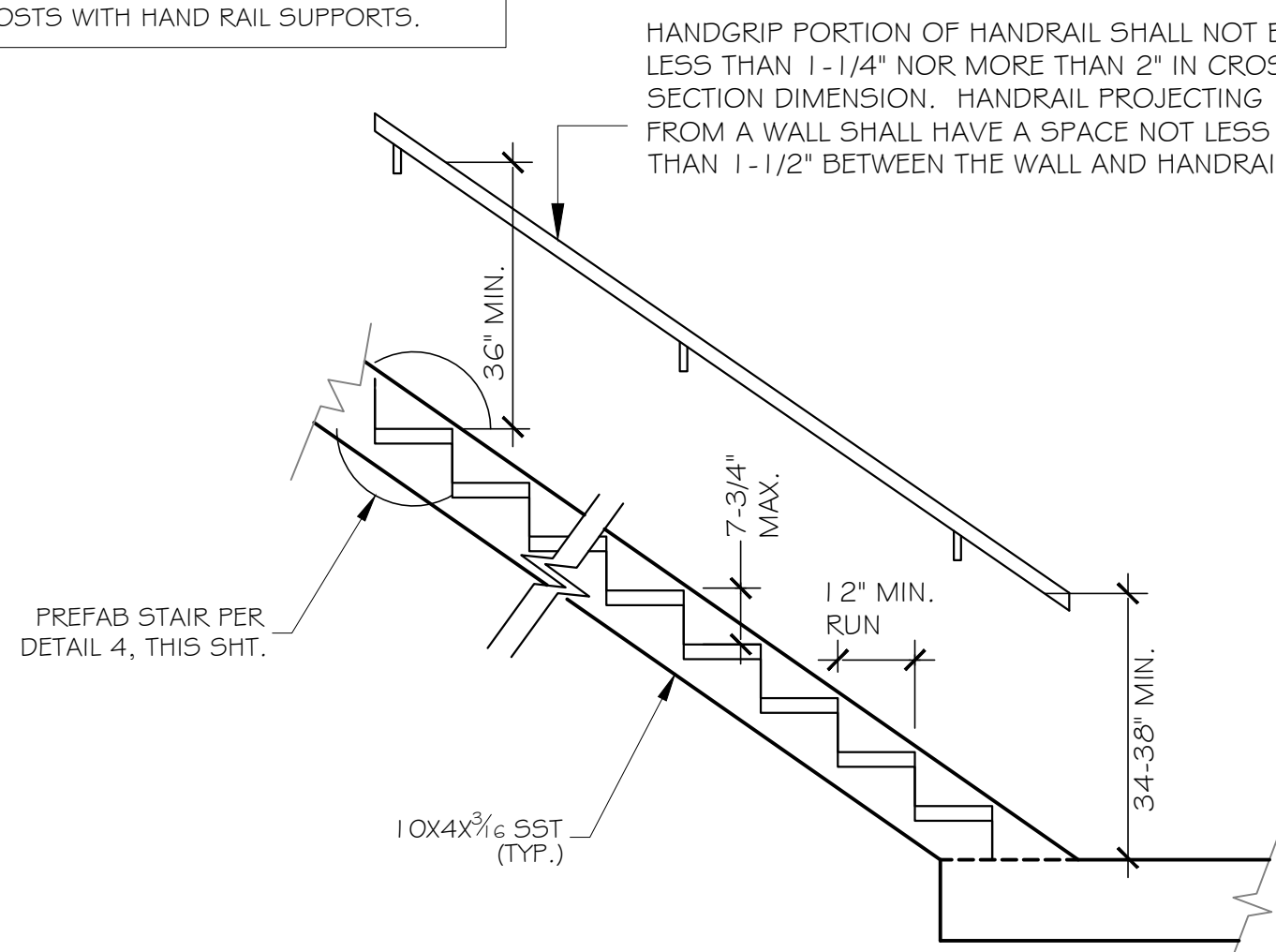
NOTE: ALL RAILING TO BE INSTALLED PER 2019 CBC/IRC



9 GUARD RAIL DETAIL (GENERAL DETAIL)

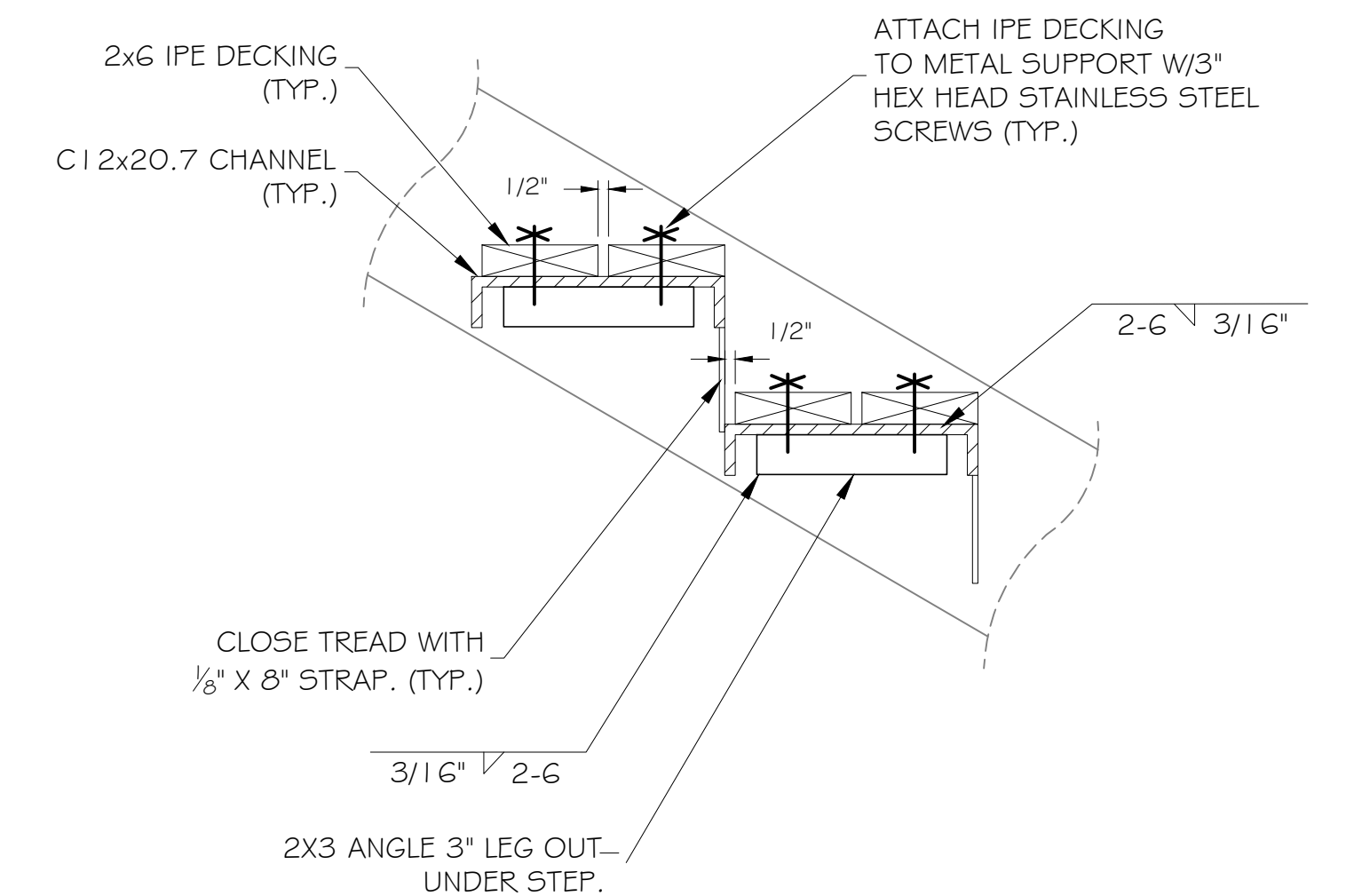
N.T.S.

NOTES: CONTRACTOR TO INSTALL RAILINGS ON BOTH SIDES OF THE STAIRS PER CBC SECTION 1009.1.2 AND 1012; CRC R311.7.7. ATTACH HAND RAIL TO POSTS WITH HAND RAIL SUPPORTS.



8 STAIRS/HANDRAIL DETAIL (GENERAL DETAIL)

N.T.S.

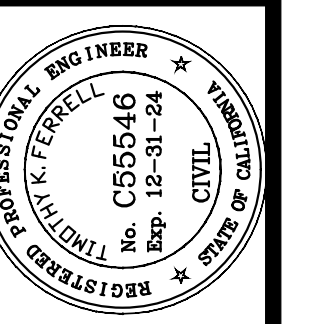


7 STAIR TREAD DETAIL (GENERAL DETAIL)

N.T.S.

REV.	DATE	DESCRIPTION	APPROVED	DATE
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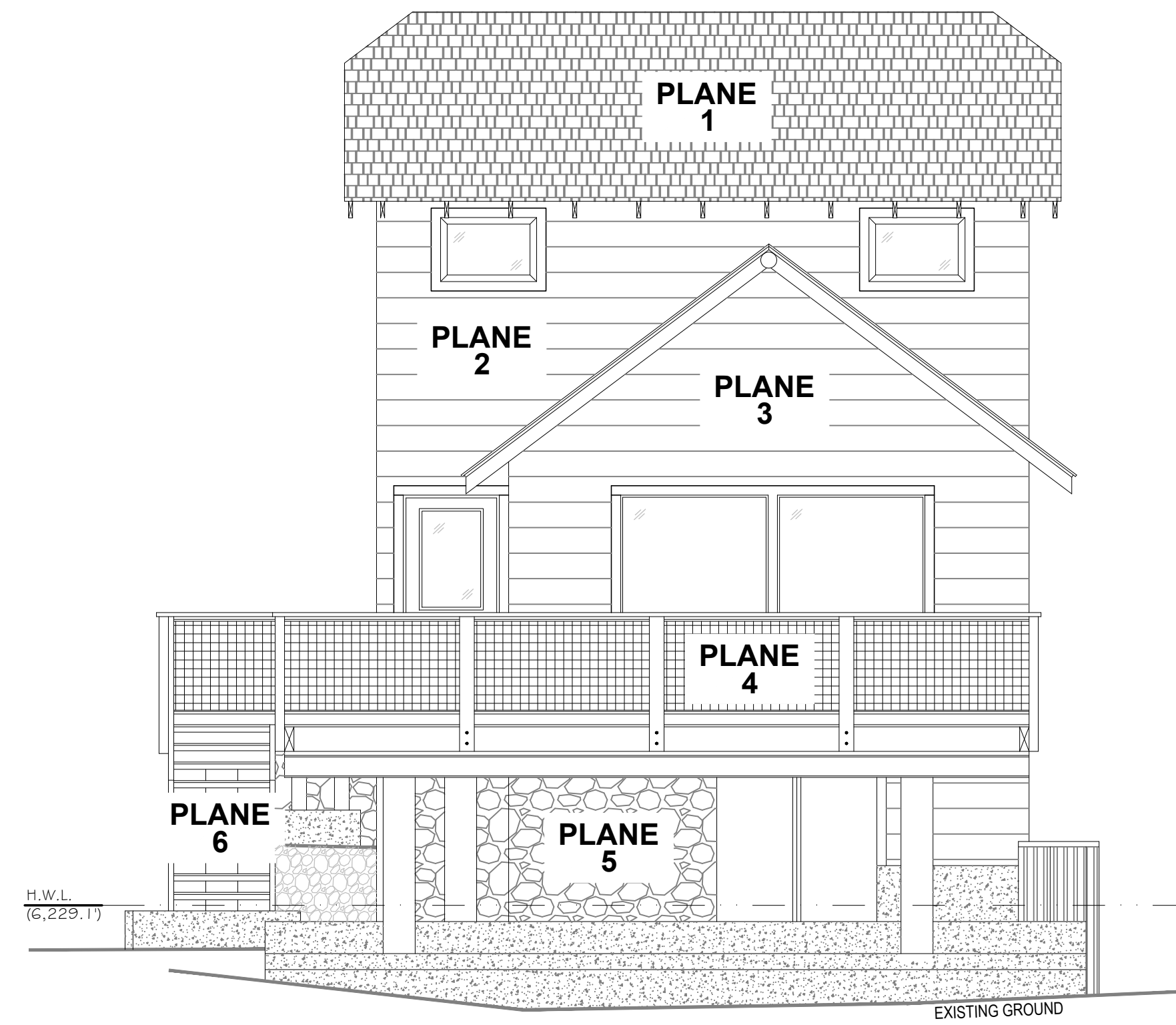
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 DESIG.: HEG  
 PROJEN.: TKF  
 WORK ORDER:  
 SCALE: N.T.S.  
 HORIZONTAL:  
 VERTICAL:  
 CAD:  
 DATE: MARCH 06, 2023



STRUCTURAL DETAILS  
 CORNELL, WHITE, RONNING & BLEY MULTI-USE PIER PROJECT  
 95,997/05/111 CHIPMUNK ST. A.P.N.: 090-231-015/14/39/28  
 KINGS BEACH, CA



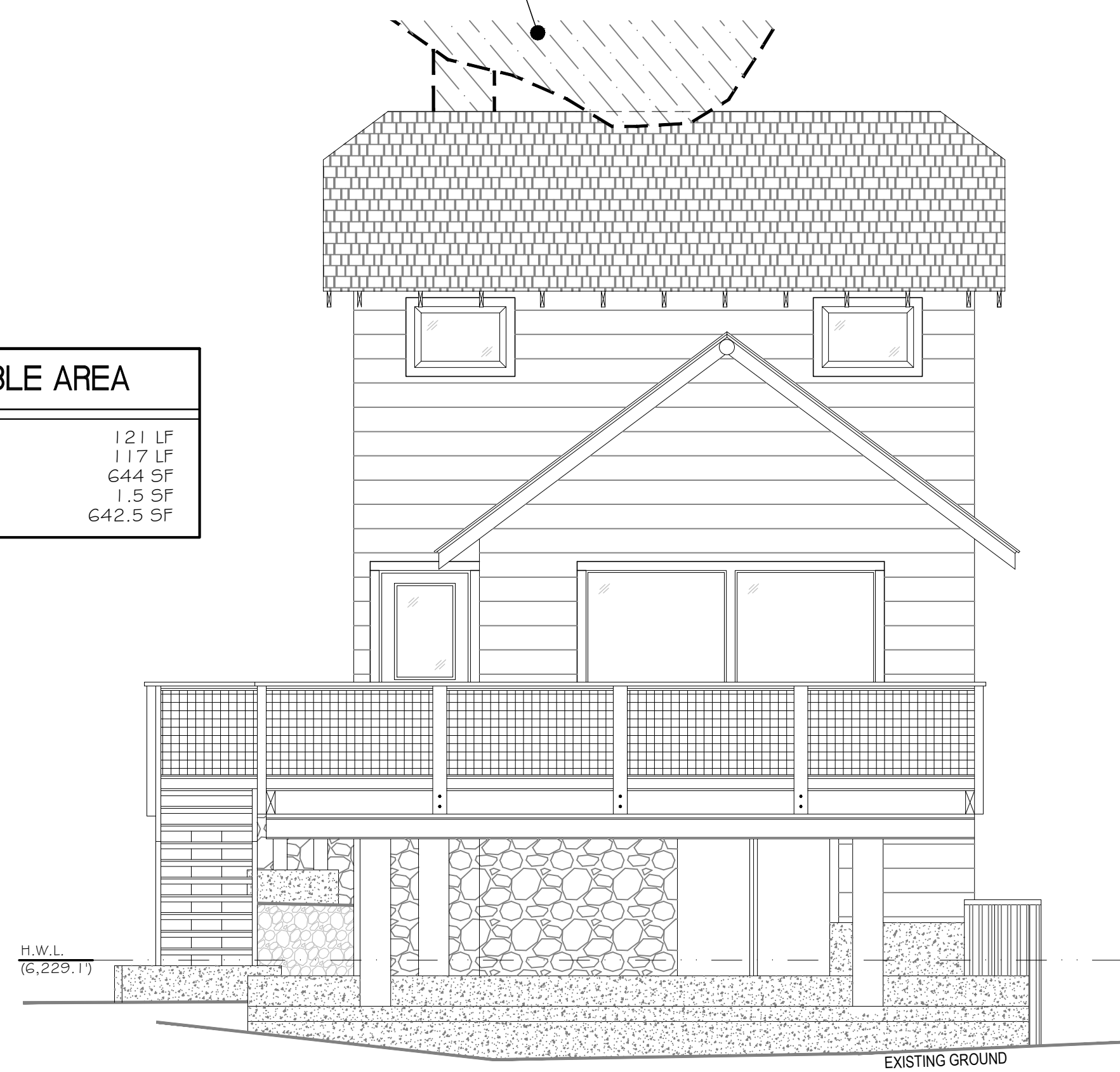




EXISTING LAKEFRONT FACADE	
GLASS:	46 SF
COMPOSITE SHINGLE ROOF:	129 SF
STONE WAINSCOTING:	43 SF
ALUMINUM WINDOWS:	6 SF
HORIZONTAL SIDING:	197 SF
GRAY TRIM:	42 SF
DECK RAILING:	116 SF
DECK SUPPORTS:	32 SF
CONCRETE:	8 SF
MAIN DOOR:	5 SF
STEPS:	20 SF
<b>TOTAL RESIDENCE FACADE</b>	<b>644 SF</b>

**EXISTING FACADE**  
 APN: 090-231-015 (CORNELL)  
 (SCALE: 1/4" = 1'-0")

EXISTING VEGETATION DIGITIZED FROM TRPA  
 APPROVED SCENIC VANTAGE POINT PHOTO.

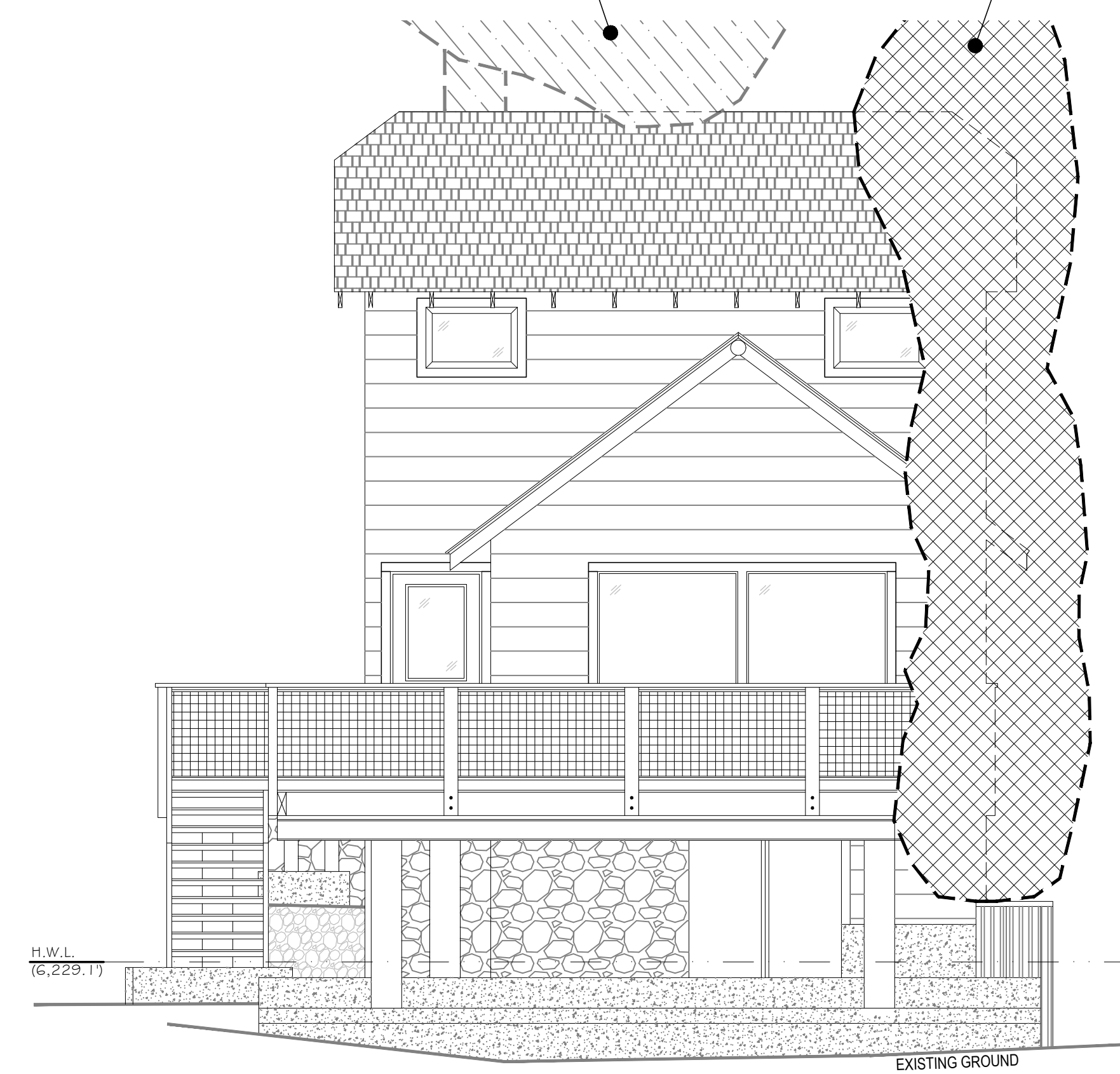


EXISTING VISIBLE AREA	
TOTAL PERIMETER	121 LF
VISIBLE PERIMETER	117 LF
LAKEFRONT FACADE	644 SF
SCREENED AREA	1.5 SF
VISIBLE AREA	642.5 SF

**EXISTING VISIBLE AREA**  
 APN: 090-231-015 (CORNELL)  
 (SCALE: 1/4" = 1'-0")

EXISTING VEGETATION DIGITIZED FROM TRPA  
 APPROVED SCENIC VANTAGE POINT PHOTO.

PROPOSED SCREENING  
 PER LANDSCAPE PLANS (TYP.)

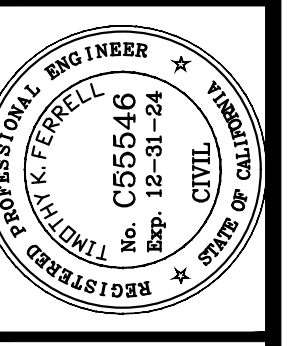


PROPOSED VISIBLE AREA	
TOTAL PERIMETER	121 LF
VISIBLE PERIMETER	82 LF
LAKEFRONT FACADE	644 SF
SCREENED AREA	75.5 SF
VISIBLE AREA	568.5 SF

**PROPOSED VISIBLE AREA**  
 APN: 090-231-015 (CORNELL)  
 (SCALE: 1/4" = 1'-0")

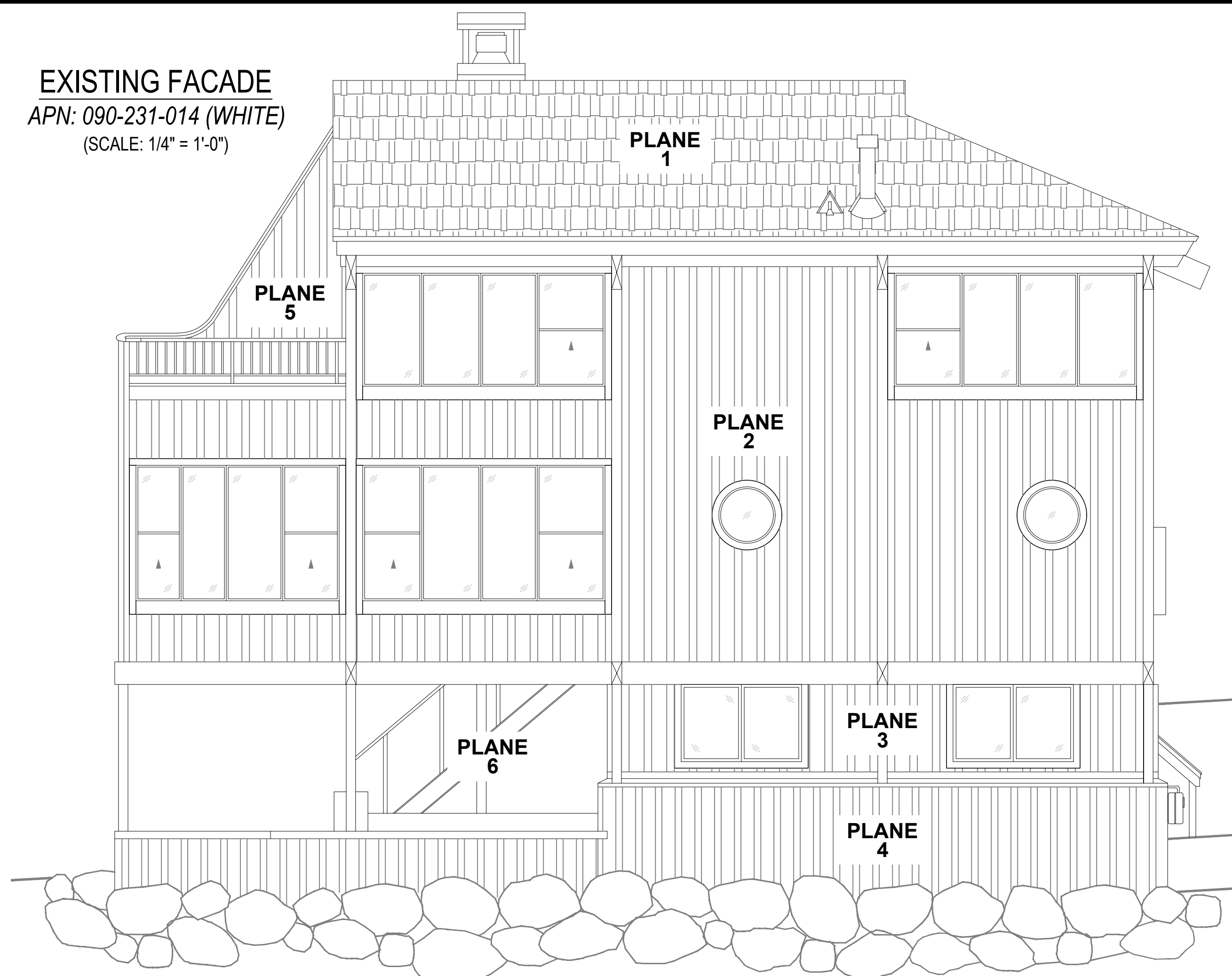
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COMP.: ECE DESIGN: HEG  
 DRWN: HEG PROJEN.: TKF  
 WORK ORDER:  
 SCALE: 1/4" = 1'-0"  
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 VERTICAL:  
 CAD:  
 DATE: MARCH 16, 2023



CORNELL SCENIC EXHIBIT  
 CHIPMUNK MULTIPLE-USE PIER PROJECT  
 APN: 090-231-015/014/039/038  
 95, 99, 105, 111 CHIPMUNK ST. KINGS BEACH, CA

**EXISTING FACADE**  
 APN: 090-231-014 (WHITE)  
 (SCALE: 1/4" = 1'-0")



EXISTING LAKEFRONT FACADE	
GLASS:	242 SF
COMPOSITE SHINGLE ROOF:	262 SF
STEEL SHEET PILE:	258 SF
BLACK ALUMINUM WINDOWS TRIM:	30 SF
HORIZONTAL SIDING:	699 SF
RED WINDOW TRIM:	64 SF
STEPS & BROWN TREX DECK:	86 SF
<b>TOTAL RESIDENCE FACADE</b>	<b>1,641 SF</b>

**EXISTING VISIBLE AREA**  
 APN: 090-231-014 (WHITE)  
 (SCALE: 1/4" = 1'-0")



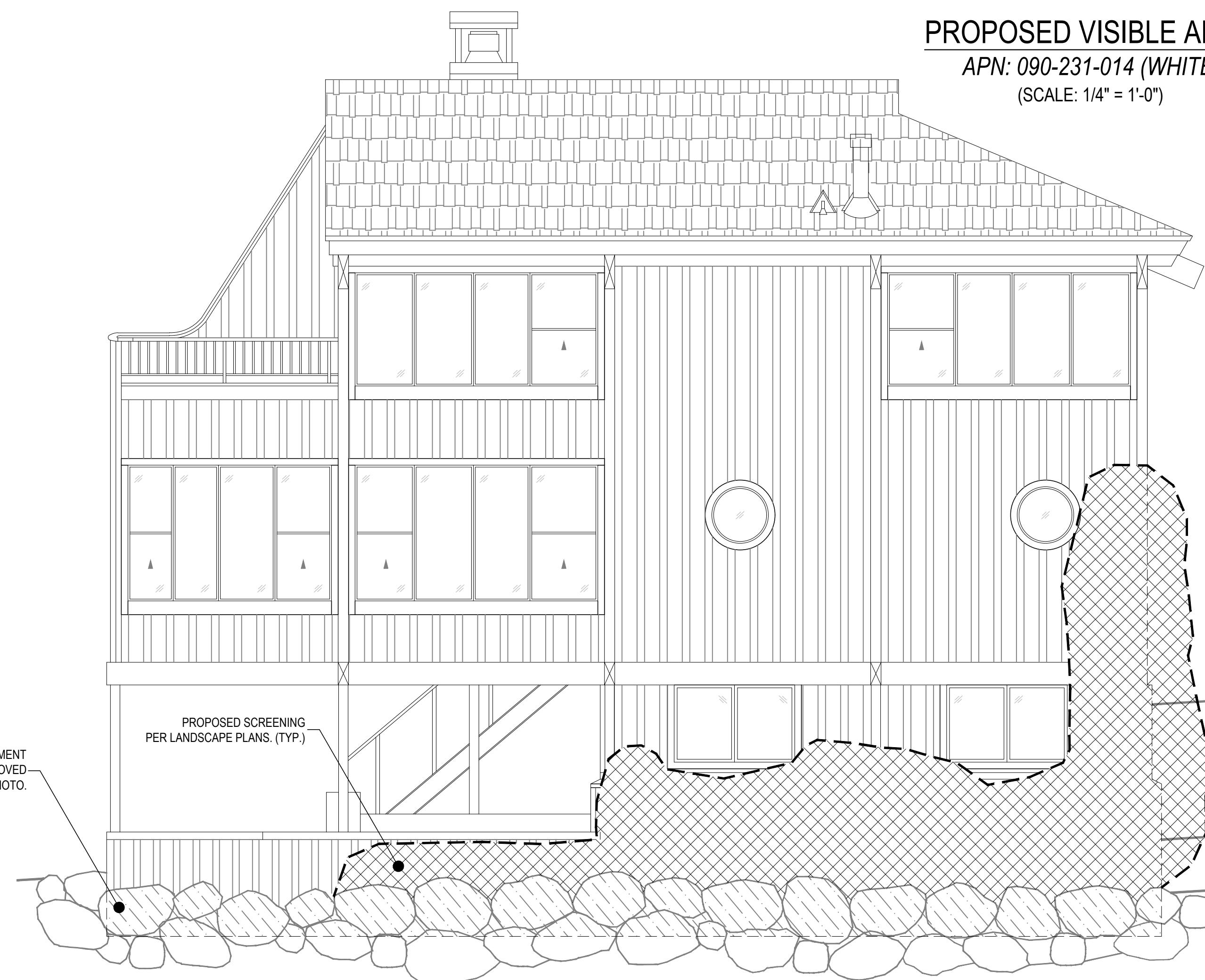
EXISTING VISIBLE AREA	
TOTAL PERIMETER	177 LF
VISIBLE PERIMETER	126 LF
LAKEFRONT FACADE	1,641 SF
SCREENED AREA	101 SF
VISIBLE AREA	1,540 SF

PROPOSED VISIBLE AREA	
TOTAL PERIMETER	177 LF
VISIBLE PERIMETER	107 LF
LAKEFRONT FACADE	1,641 SF
SCREENED AREA	303 SF
VISIBLE AREA	1,338 SF

EXISTING ROCK REVETMENT  
 DIGITIZED FROM TRPA APPROVED  
 SCENIC VANTAGE POINT PHOTO.

EXISTING ROCK REVETMENT  
 DIGITIZED FROM TRPA APPROVED  
 SCENIC VANTAGE POINT PHOTO.

**PROPOSED VISIBLE AREA**  
 APN: 090-231-014 (WHITE)  
 (SCALE: 1/4" = 1'-0")



PROPOSED SCREENING  
 PER LANDSCAPE PLANS. (TYP.)

REV.	DATE	DESCRIPTION	APPROVED DATE
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COMP.: ECE DESIGN: HBG  
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 DATE: MARCH 16, 2023

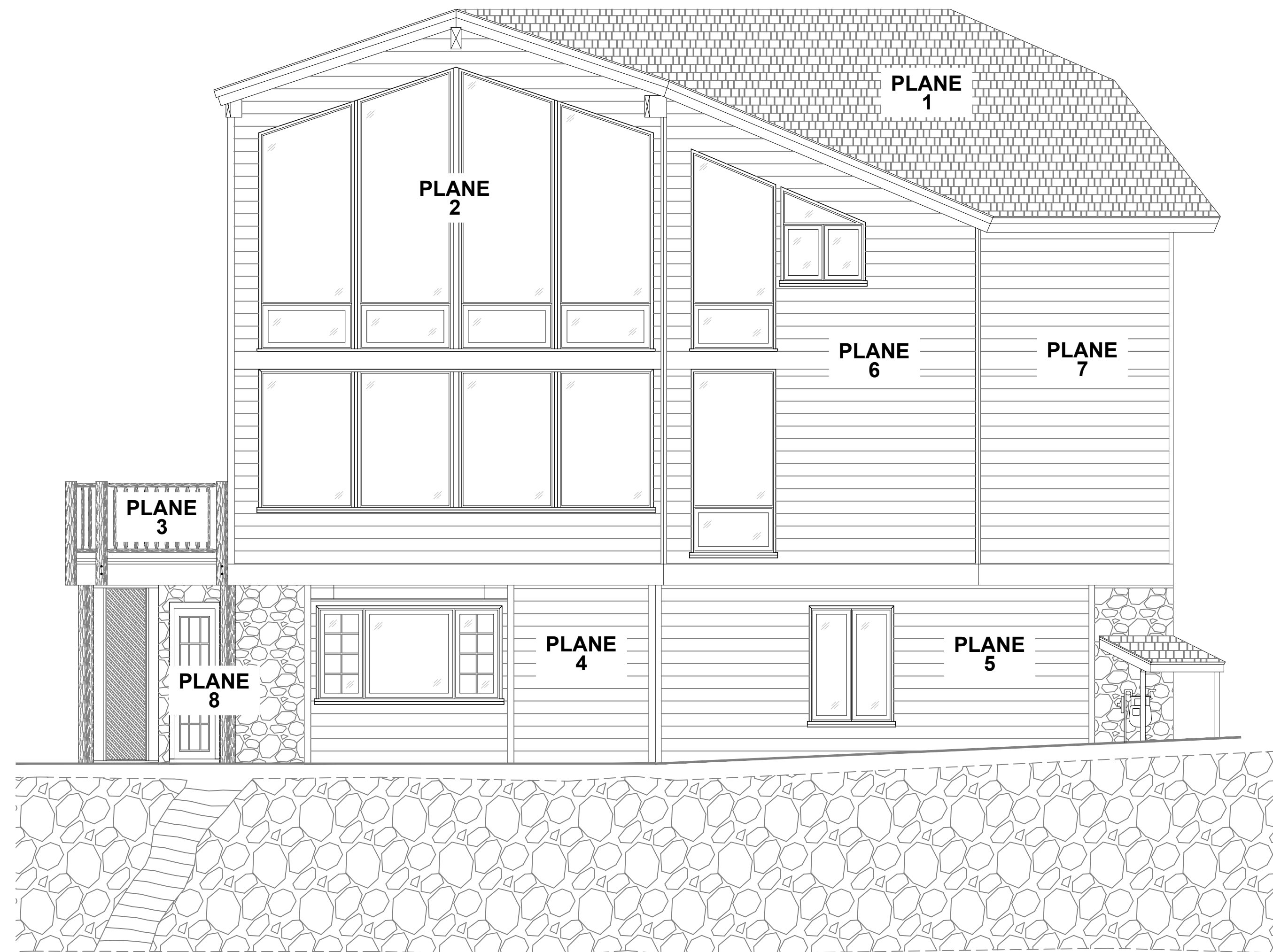
CA #C 55546 NV #12927  
 P.O. Box 381, Tahoe Vista, CA 96148  
 ferrell@ferrell.com

**Ferrell Civil Engineering**

REGISTERED PROFESSIONAL ENGINEER  
 No. C65546  
 Exp. 12-31-24  
 CIVIL  
 STATE OF CALIFORNIA

WHITE SCENIC EXHIBIT  
 CHIPMUNK MULTIPLE-USE PIER PROJECT  
 A.P.N.: 090-231-014/039/038  
 95, 99, 105, 111 CHIPMUNK ST. KINGS BEACH, CA

A2



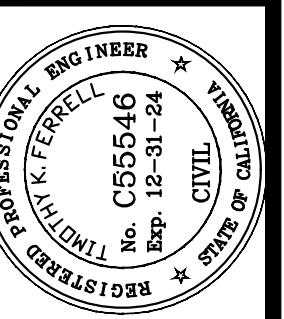
EXISTING LAKEFRONT FACADE	
GLASS:	346 SF
COMPOSITE SHINGLE ROOF:	159 SF
STONE WAINSCOTING:	49 SF
GREEN ALUMINUM WINDOWS TRIM:	45 SF
HORIZONTAL CEDAR SIDING:	844 SF
<b>TOTAL RESIDENCE FACADE</b>	<b>1,443 SF</b>

**EXISTING FACADE**  
 APN: 090-231-039 (RONNING)  
 (SCALE: 1/4" = 1'-0")

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 DRWN: HBG    PROJEN.: TKF  
 WORK ORDER:  
 SCALE: 1/4" = 1'-0"  
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 VERTICAL:  
 CAD:  
 DATE: MARCH 16, 2023

**Ferrell Civil Engineering**  
 CA #C 55546 NV #12927    ph: 530.546.2752  
 P.O. Box 381, Tahoe Vista, CA 96148    fax: 530.546.4469  
 ferrell@fcivil.com



RONNING EXISTING FACADE EXHIBIT  
 CHIPMUNK MULTIPLE-USE PIER PROJECT  
 A.P.N.: 090-231-015/014/039/038    KINGS BEACH, CA  
 95, 99, 105, 111 CHIPMUNK ST.

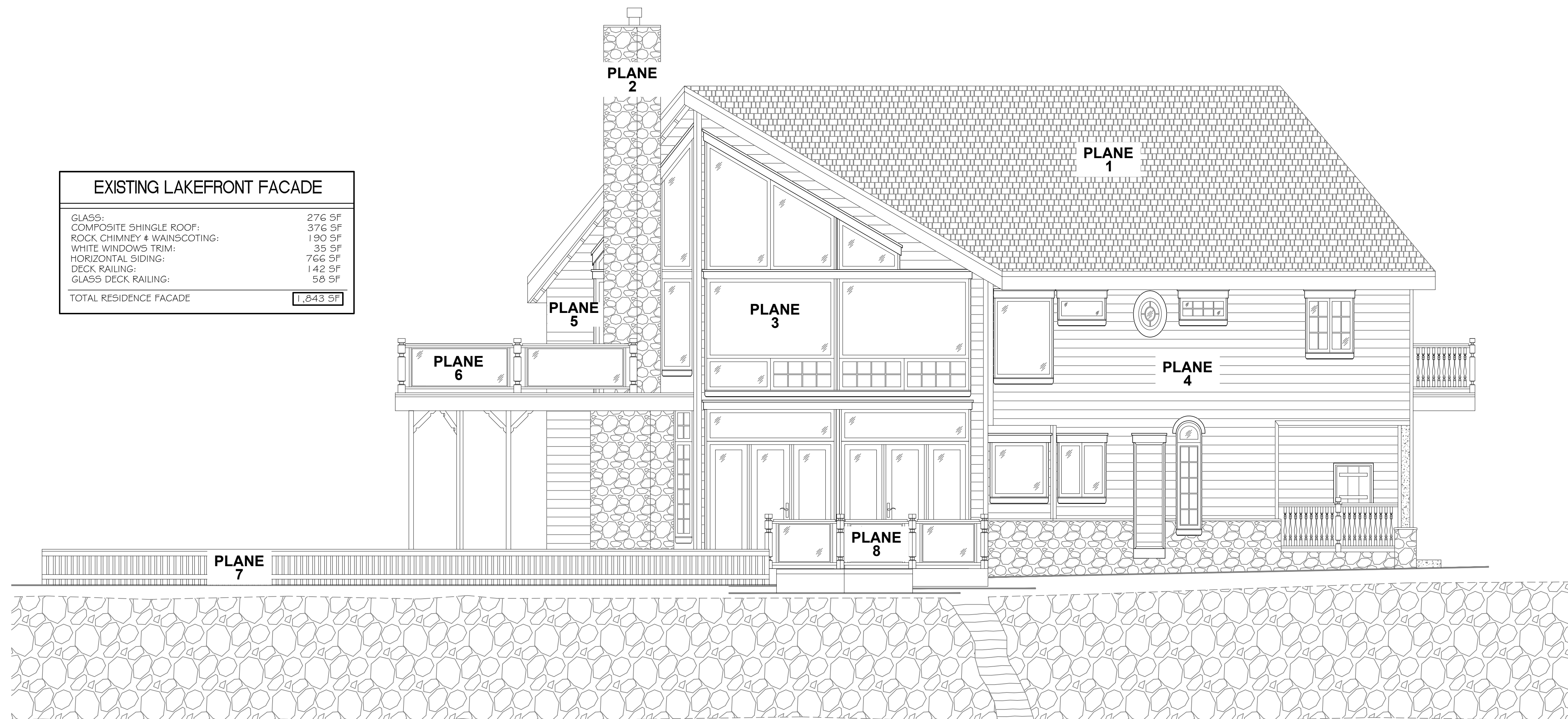
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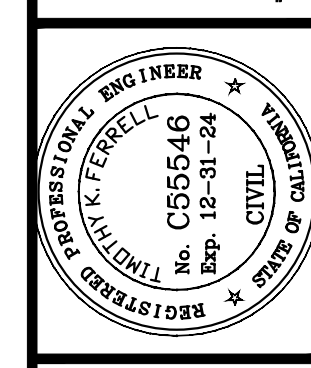
EXISTING LAKEFRONT FACADE	
GLASS:	276 SF
COMPOSITE SHINGLE ROOF:	376 SF
ROCK CHIMNEY & WAINSCOTING:	190 SF
WHITE WINDOWS TRIM:	35 SF
HORIZONTAL SIDING:	766 SF
DECK RAILING:	142 SF
GLASS DECK RAILING:	58 SF
TOTAL RESIDENCE FACADE	1,843 SF



EXISTING FACADE  
 APN: 090-231-038 (BLEY)  
 (SCALE: 1/4" = 1'-0")

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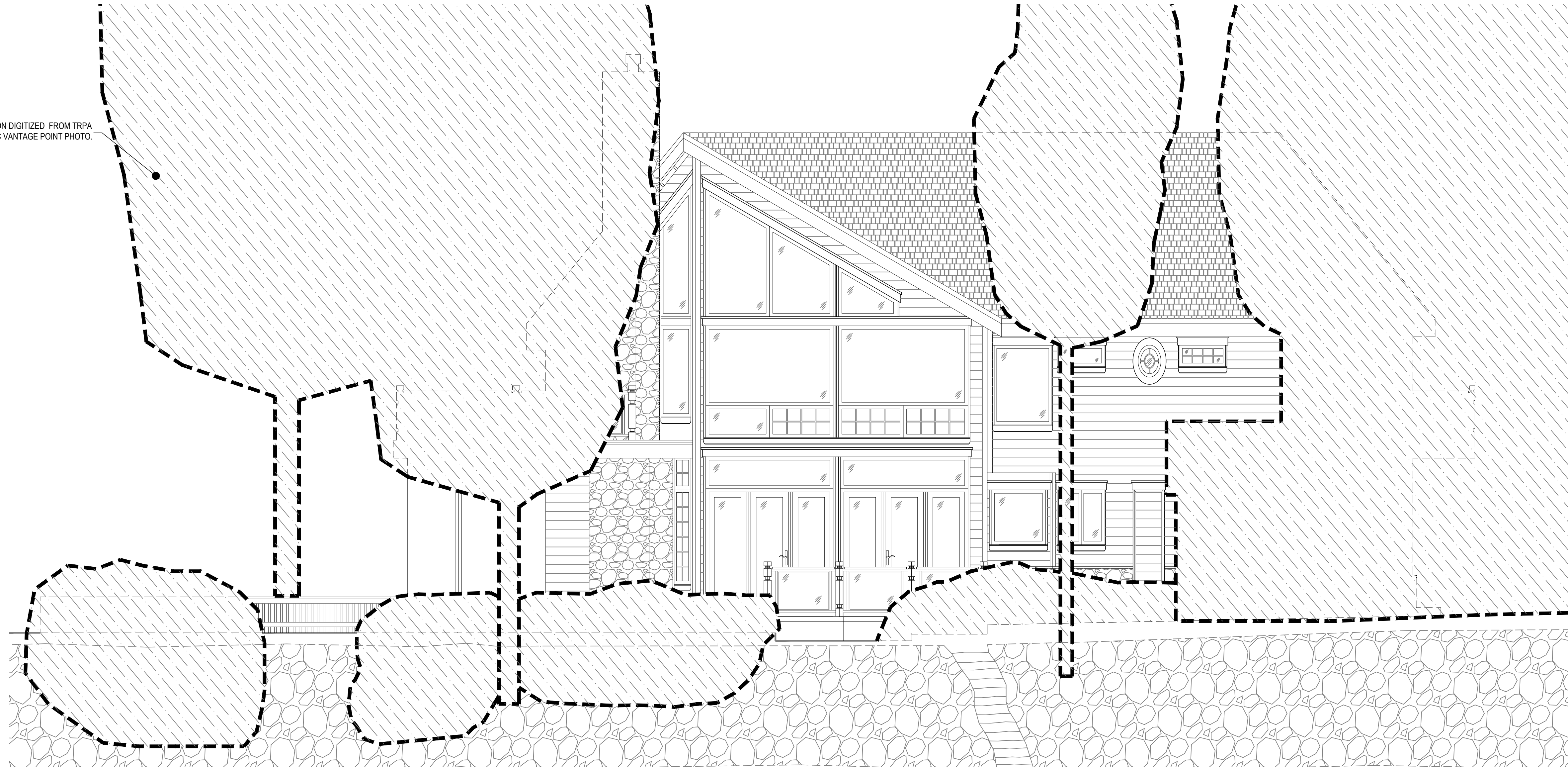
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 WORK ORDER:  
 SCALE: 1/4" = 1'-0"  
 HORIZONTAL:  
 VERTICAL:  
 CAD:  
 DATE: MARCH 16, 2023



BLEY EXISTING FACADE EXHIBIT  
 CHIPMUNK MULTIPLE-USE PIER PROJECT  
 95, 99, 105, 111 CHIPMUNK ST. KINGS BEACH, CA  
 A.P.N.: 090-231-015/014/039/038

A4.1

EXISTING VEGETATION DIGITIZED FROM TRPA  
APPROVED SCENIC VANTAGE POINT PHOTO.



**EXISTING VISIBLE AREA**  
APN: 090-231-038 (BLEY)  
(SCALE: 1/4" = 1'-0")

(E) VISIBLE AREA-RESIDENCE	
TOTAL PERIMETER	262 LF
VISIBLE PERIMETER	61 LF
LAKEFRONT FACADE	1,843 SF
SCREENED AREA	821 SF
VISIBLE AREA	1,022 SF

(E) VISIBLE AREA-ROCK WALL	
TOTAL PERIMETER	194 LF
VISIBLE PERIMETER	152 LF
LAKEFRONT FACADE	688 SF
SCREENED AREA	192 SF
VISIBLE AREA	496 SF

COMP.: ECE	DESIGN: HEG	REV. DATE	APPROVED DATE
DRWN: HEG	PRJ.ENG.: TKF	▲	▲
WORK ORDER:		▲	▲
SCALE: 1/4" = 1'-0"		▲	▲
HORIZONTAL:		▲	▲
VERTICAL:		▲	▲
CAD:	DATE: MARCH 16, 2023		

CA #C 55546 NV #12927  
P.O. Box 381, Talon Vista, CA 96148  
ferrell@fcivil.com

**Ferrell Civil Engineering**

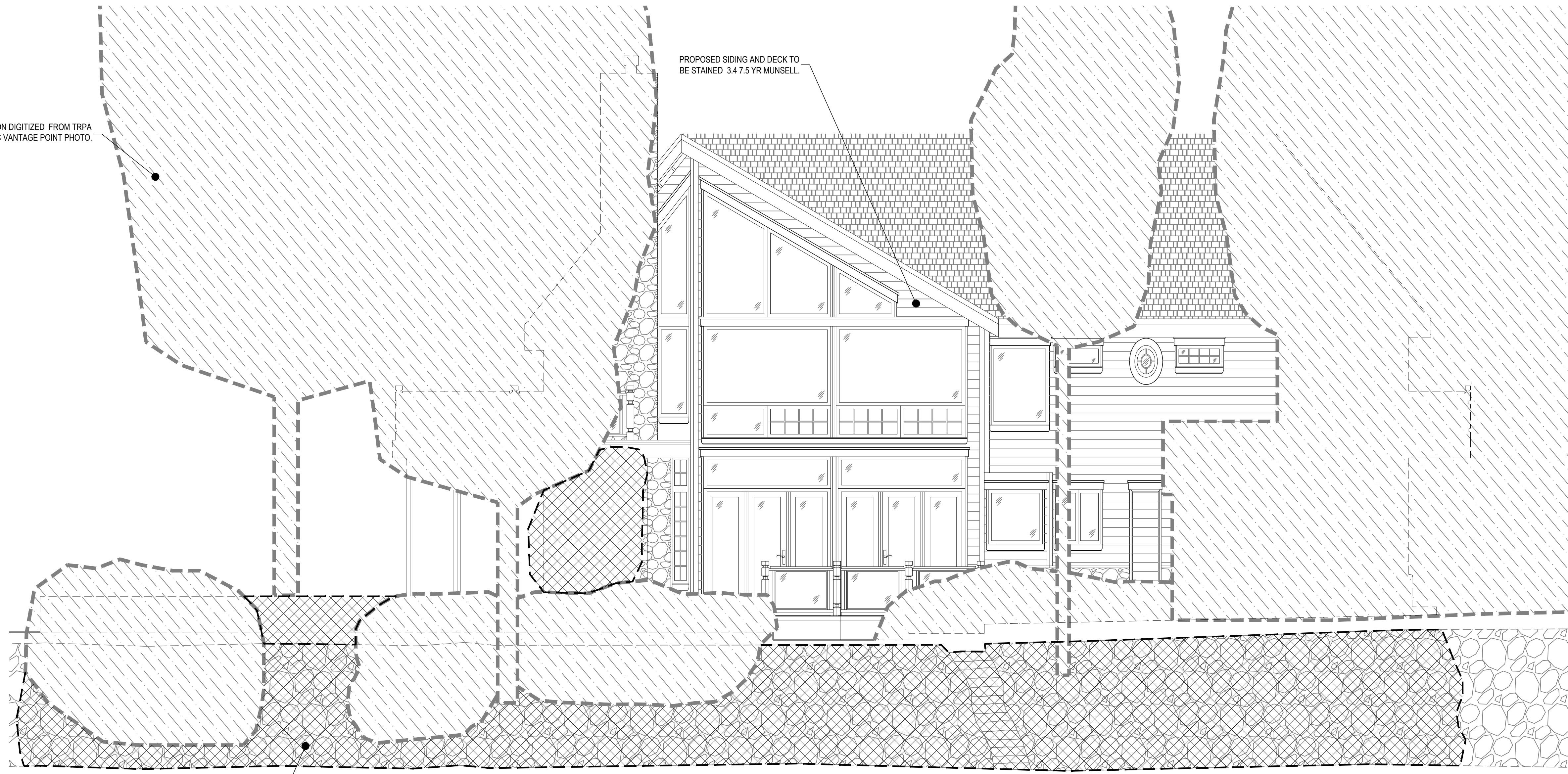
PH: 530.548.2752  
FA: 530.548.4489

REGISTERED PROFESSIONAL ENGINEER  
No. C65546  
Exp. 12-31-24  
CIVIL  
FERRELL & COMPANY, INC.

BLEY EXISTING VISIBLE AREA EXHIBIT  
CHIPMUNK MULTIPLE-USE PIER PROJECT  
KINGS BEACH, CA  
A.P.N.: 090-231-015/014/039/038  
95, 99, 105, 111 CHIPMUNK ST.

A4.2

EXISTING VEGETATION DIGITIZED FROM TRPA APPROVED SCENIC VANTAGE POINT PHOTO.



PROPOSED SIDING AND DECK TO BE STAINED 3.475 YR MUNSELL

PROPOSED SCREENING PER LANDSCAPE PLANS (TYP.)

**PROPOSED VISIBLE AREA**  
 APN: 090-231-038 (BLEY)  
 (SCALE: 1/4" = 1'-0")

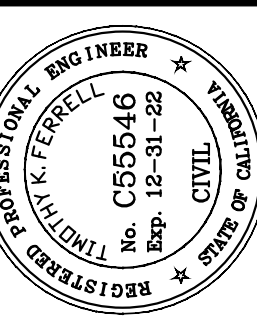
(P) VISIBLE AREA-RESIDENCE	
TOTAL PERIMETER	262 LF
VISIBLE PERIMETER	46 LF
LAKEFRONT FACADE	1,843 SF
SCREENED AREA	887.5 SF
VISIBLE AREA	955.5 SF

(P) VISIBLE AREA-ROCK WALL	
TOTAL PERIMETER	194 LF
VISIBLE PERIMETER	0 LF
LAKEFRONT FACADE	688 SF
SCREENED AREA	688 SF
VISIBLE AREA	0 SF

REV.	DATE	DESCRIPTION	APPROVED DATE
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COMP.: ECE DESIGN: HEG  
 DRWN: HEG PROJEN.: TKF  
 WORK ORDER:  
 SCALE: 1/4" = 1'-0"  
 HORIZONTAL:  
 VERTICAL:  
 CAD: DATE: MARCH 16, 2023

**Ferrell Civil Engineering**  
 CA #C 55546 NV #12927  
 P.O. Box 381, Tahoe Vista, CA 96148  
 ferrell@fcivil.com  
 ph: 530.548.2752  
 fax: 530.548.4489



BLEY PROPOSED VISIBLE AREA EXHIBIT  
 CHIPMUNK MULTIPLE-USE PIER PROJECT  
 APN: 090-231-015/014/039/038  
 95, 99, 105, 111 CHIPMUNK ST. KINGS BEACH, CA

A4.3





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STAFF REPORT

Date: April 19, 2023

To: TMPO Governing Board

From: TRPA Staff

Subject: Draft Fiscal Year 2023/24 Tahoe Regional Planning Agency Transportation Planning Overall Work Program (OWP)

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Summary and Staff Recommendation:

Staff recommends the Tahoe Metropolitan Planning Organization Board adopt the attached TMPO Resolution 2023 - \_\_ approving the Fiscal Year 2024 Overall Work Program (OWP).

Tahoe Transportation Commission Recommendation:

On April 5, 2023, the Tahoe Transportation Commission (TTC) conducted a public hearing, provided comments on the draft Fiscal Year 2024 (FY24) Tahoe Regional Planning Agency (TRPA) Transportation Planning Overall Work Program (OWP) and recommended approval to the TMPO Governing Board.

Required Motion:

In order to adopt the attached resolution approving the proposed OWP, the Board must make the following motion, based on the staff report.

- 1) A motion to adopt TMPO Resolution 2023 - \_\_ (Attachment A) to approve the FY 2024 OWP (Exhibit 1, thereto).

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Project Description/Background:

Federal regulations (Title 23, Sec. 450.314) require each Metropolitan Planning Organization (MPO) to prepare an annual program of work that identifies transportation planning priorities to be carried out by the MPO during the 2024 fiscal year (July 1, 2023-June 30, 2024). The detailed description of the transportation planning activities in the OWP serves as the budget and direction for the expenditure of various Federal and State transportation planning funds. The primary revenue sources for OWP planning and administration is provided by the Federal Highways Administration and the Federal Transit Administration. These funds are awarded to TRPA acting as the designated MPO to fulfill core planning activities required by Title 23 Section 450 of the US Code of Federal Regulations. The OWP also forms the basis for inclusion of the transportation planning functions of the agency into the overall TRPA annual work program and budget.

Highlights of the coming year include:

- 2023/2024 Public Participation Plan
- 2023 Vizion Zero Transportation Safety Strategy
- 2023/2024 Active Transportation Plan Update

- 2024 Biennial Regional Transportation Plan/Sustainable Communities Performance Report
- 2025 Regional Transportation Plan data purchases and upgrades
- Update and Maintenance of 2024 Regional Transportation Improvement Program

A summary of the FY24 OWP briefly describing the individual work elements and overall budget is in Attachment B.

Discussion:

TRPA staff prepared the initial draft FY24 OWP and started the required 30-day public comment period February 23, 2023. Comments on the draft document were requested by and heard at the TTC public hearing on April 5, 2023. All comments received have been considered and incorporated in the Final Draft FY24 OWP. Comments consisted of updating the TRPA organization chart, clarification on tasks and feedback on the Public Participation Plan to be updated next fiscal year (Attachment C.). The final document will be presented to the Environment Improvement, Transportation and Public Outreach committee of the TMPO Governing Board for recommendation of approval at the April 26, 2023, meeting. The Final Draft FY24 OWP is available on the TRPA Transportation Program web page at <http://www.trpa.gov/transportation> and under Work Program on the home page.

Contact Information:

If you have any questions or comments regarding this item, please contact Michelle Glickert, Transportation Planning Program Manager, at [mglickert@trpa.gov](mailto:mglickert@trpa.gov) or 775-589-5204.

Attachment:

- TMPO Adopting Resolution 2023 - \_\_  
Exhibit 1: [Final Draft TMPO FY 2024 Overall Work Program](#)
- Executive Summary TMPO FY24 Transportation Planning Overall Work Program
- Public Comments

Attachment A  
TMPO Adopting Resolution 2023 - \_\_\_ for 2024 OWP

TAHOE METROPOLITAN PLANNING ORGANIZATION  
TMPO RESOLUTION NO. 2023-\_\_

ADOPTION OF THE TMPO 2024 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under Title 23, CFR 450; and

WHEREAS, each MPO is required to adopt an Overall Work Program (OWP), also referred to as the Unified Planning Work Program (UPWP), describing the planning priorities facing the Region and the planning activities anticipated for the Region over the next year; and

WHEREAS, staff have prepared an OWP that describes the anticipated revenues and expenditures and planning activities and products for transportation and air quality planning purposes over the next year; and

WHEREAS, the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have reviewed and commented upon a draft version of the 2024 OWP; and

WHEREAS, the Tahoe Transportation Commission has conducted public meetings at which the 2024 OWP was an officially noticed item that was discussed and was recommended for approval; and

WHEREAS, staff is requesting that the TMPO Governing Board adopt a final 2024 OWP for submittal to state and federal agencies for approval, and authorize staff to take actions necessary for this approval; and

WHEREAS, the TMPO certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of the federal statutes listed on the MPO Planning Process Certification and Federal Transit Administration certifications included in the 2024 OWP document.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization approves the 2024 Tahoe Basin Transportation Overall Work Program, appended hereto as Exhibit 1.



PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization at its regular meeting held on April 26, 2023, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

---

Cindy Gustafson, Chair  
Tahoe Metropolitan Planning Organization  
Governing Board

Exhibit 1 to Attachment A

[Final Draft TMPO FY 2022 Overall Work Program](#) (LINK)

Attachment B  
Executive Summary TMPO FY24 Transportation Planning Overall Work Program

# Lake Tahoe Transportation Planning Overall Work Program - FY 2023/24

FINAL DRAFT- April 2023

## OWP Executive Summary

### Introduction

The Overall Work Program (OWP) defines the continuing, comprehensive, and coordinated regional transportation planning process for the Lake Tahoe Basin. It establishes transportation, air quality, and other regional planning objectives and associated funding for Fiscal Year 2023/24. The OWP also serves as a management tool for the Tahoe Regional Planning Agency (TRPA), serving as the Tahoe Metropolitan Planning Organization (TMPO), through the identification of work elements containing tasks and products to be provided during the year, including Federal and State mandated transportation planning requirements and other regional transportation planning activities.

### Work Elements

The OWP is organized by *functional areas* and **work elements (WE)** combining similar activities, and products in one place. Below is a list of the work elements with a brief description of each and budgets which include staff time and contracts/purchases:

#### Outreach and Administration

**WE 101 – Overall Work Program Administration - \$152,175**

This work element contains the administrative activities to support the Lake Tahoe transportation program, including budgets, work program development and tracking, and professional staff development.

**WE 102 – Transportation Development Act - \$44,933**

The Transportation Development Act (TDA) is a major source of regional transit operating funding from California. This work element outlines the administration and management of the TDA funding coming into the Lake Tahoe Region including the annual Unmet Transit Needs Report and an audit of the TDA administration.

**WE 103 – Public Outreach and Coordination - \$290,395**

Public outreach and collaboration with partners are key to TRPA's success. This work element includes activities to support a transparent, educational, and effective regional transportation planning process as the Tahoe Metropolitan Planning Organization. The element also includes specific public outreach and agency collaboration efforts such as updates to the Public Participation Plan, Tahoe Safety Vision Zero Strategy, Active Transportation Plan, Performance Reporting and furthering the Transportation Equity Study, along with TMPO/TTC Board support, tribal government consultation, and environmental justice activities.

#### Regional Intermodal Planning

**WE 104 – Regional Intermodal Planning - \$688,900**

This work element contains a variety of transportation planning activities that include the development of regional transportation policy documents including the Tahoe Safety Vision Zero Strategy, Active Transportation Plan, and Performance Reporting. This element also includes the execution of programs including transportation demand management, transit planning support including updates to the Tahoe Transportation District and Placer County Truckee Tahoe Area Regional Transportation Short Range Transit Plans, development of new transit services and other travel mode planning activities to implement regional transportation policy.

**WE 105 – Transportation Data Management and Forecasting - \$416,789**

This work element includes regional transportation data collection and modeling efforts to support transportation data needs of staff, partners, and the general public. This element also includes maintenance and updates as needed to the TRPA travel demand model and various transportation data sets for the 2025 the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) and to address TRPA, Federal, and State requirements. These activities are coordinated by the TRPA Research and Analysis Program.

Tracking and Financial Management

**WE 106 – Project Tracking and Financial Management - \$269,143**

This work element supports the financial management activities related to federal and state funded transportation projects in the Region. Tracking of new federal funding sources and support to local implementation partners. This element includes the required administration of transportation funding allocated by the TMPO, and updates and maintenance of the existing Federal Transportation Improvement Program (FTIP), and development of the next Regional Transportation Improvement Program (RTIP).

Regional Coordination

**WE 107 –Performance-Based Planning - \$118,965**

This work element supports the continual development of TMPO’s performance-based planning framework that directly supports monitoring the performance of the RTP/SCS Strategy and new goals and policies of the Regional Plan. Development of the biennial RTP/SCS Transportation Performance Report and integration with TRPA’s performance management system, including the development, tracking, and reporting on TRPA, State, and Federal transportation performance measures.

**WE 108.5 –Sustainable Communities Planning - \$33,000**

This sub work element continues Sustainable Communities Planning activities to be undertaken with remaining FY 21/22 SB1 - Sustainable Communities Formula Grant funding. The primary activity will be briefing materials and policy recommendation support for the final Regional Funding Strategy to support the RTP/SCS.

**WE 108.6 –Sustainable Communities Planning - \$182,646**

This sub work element highlights the updating the Electric Vehicle Readiness Plan, gathering travel behavior data and evaluating parking management programs, planned and future, to support the 2025 RTP/SCS.

**WE 108.7 –Sustainable Communities Planning - \$181,578**

This sub work element highlights evaluations of transportation technology to optimize mobility and reliability to help address congestion, visitation in preparation for larger system management and operations recommendations Plan that will be fold into the 2025 RTP/SCS

Contact: Michelle Glickert,  
Principal Transportation Planner,  
Transportation Planning Program Manager,  
775-589-5204 [mglickert@trpa.gov](mailto:mglickert@trpa.gov)

Attachment C  
Public Comments

## Michelle Glickert

---

**From:** Elisabeth Lernhardt <elernhardt@yahoo.com>  
**Sent:** Wednesday, April 5, 2023 10:47 AM  
**To:** Judi Allen  
**Subject:** Re: 4.5.2023 meeting

the East Shore highway 50 plan including the Spooner Summit building  
Sincerely  
Elisabeth Lernhardt

On Wednesday, April 5, 2023 at 08:15:54 AM PDT, Judi Allen <jallen@tahoetransportation.org> wrote:

What agenda item is your comment pertaining to?

---

**From:** Elisabeth Lernhardt <elernhardt@yahoo.com>  
**Sent:** Tuesday, April 4, 2023 9:59 PM  
**To:** Judi Allen <jallen@tahoetransportation.org>  
**Subject:** 4.5.2023 meeting

TTD + NDOT

My comment is on the Highway 50 East shore plan. As much as I agree that improvements are necessary and appreciated. When it comes to the East shore, a bike lane is not part of it. Since 89% of the Tahoe Basin is public land, there should be no problem finding a conflict-free solution for a bike path far away from a busy federal highway! Given, that there are 600 miles of bike/hike paths in the basin. I do not see the necessity to take lanes away from the only 4-lane highway crossing through it. And when it comes to improving commerce, causing gridlock and congestion on Highway 50 will certainly not benefit local businesses.

When it comes to improving safety, the NDOT data clearly state, that a 4-lane road is safer than a 2-lane one. As a matter of fact 9 times safer!

The other problem with mixing pedestrians, bikers, and motor vehicles is user conflict. Intersections are the third cause of fatalities in Nevada. 25 % of fatal crashes are pedestrian crashes. With 40% occurring close to a crosswalk or sidewalk. These statistics should be self-evident. But if you need a practical course on how this plays out, I recommend visiting the Stateline casino corridor on a holiday weekend.

As to safety, the number one concern of residents is fire evacuation. We all remember the Caldor fire and the long lines and hours it took to leave the basin. Highway 50 was the main escape route. We do not want to repeat the same scenario as the town of Paradise CA in 2018! Where 85 persons were burnt alive in their cars being overtaken by the flames.

Comment noted, although project specific and not relative to the planning tasks and products of the OWP. No changes were made to the OWP - discussed at the 4/5 TTC





Tahoe Transportation District April 5, 2023 Board Meeting  
 Public Comment for the Record on the Overall Work Program (OWP) ~Ellie Waller

		\$ 2,412,000										\$ 3,004,000		\$ 2,400,000				
Existing	220-0000-0149	TTD Fleet and Administration Facility	Funding Update	STBG-NV	\$ -	\$ -	\$ 678,000	\$ -	\$ -	\$ -	\$ 678,000	\$ 678,000	\$ -	\$ -	\$ -	\$ 678,000	\$ -	Nevada Project. Adding FY23 \$2,000,000
				Local Funds (Douglas Cty)	\$ -	\$ -	\$ 36,000	\$ -	\$ -	\$ -	\$ 36,000	\$ 36,000	\$ -	\$ -	\$ -	\$ 36,000	\$ -	Congressional Designated Spending/ Earmark apportionment. TCS. NDOT TIP 0020190012
				CDS/FHWA (Earmark 23)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000
				\$ 714,000										\$ 2,714,000		\$ 2,000,000		

<https://www.trpa.gov/wp-content/uploads/documents/FY23.24-TMPO-OWP-Notice-and-OWP-Combined.pdf> 48 pages

[https://www.trpa.gov/wp-content/uploads/documents/2023FTIP\\_Amendment1.pdf](https://www.trpa.gov/wp-content/uploads/documents/2023FTIP_Amendment1.pdf) 22 pages

LAKE TAHOE TRANSPORTATION PLANNING OVERVIEW

**TRPA holds three integrated regional transportation planning authorities:**

- 1) Tahoe Regional Planning Compact (PL 96-551) planning requirements,
- 2) Regional Transportation Planning Agency for the California portion of the Lake Tahoe basin, and In addition to the responsibilities under the Tahoe Regional Planning Compact, TRPA is recognized as the Regional Transportation Planning Agency (RTPA) in California. As the RTPA, TRPA is charged with developing a Regional Transportation Plan (RTP), a Regional Transportation Improvement Program (RTIP) to account for California state transportation funding programs.
- 3) the Metropolitan Planning Organization for the Tahoe Region. The Tahoe Regional Planning Compact also created the Tahoe Transportation District in Article IX which includes public transit and transportation implementation responsibilities.

Does a Nevada equivalent Regional Transportation Agency exist that complements the RTP for California?

No, it does not

The plan shall give consideration to:

- o Completion of the Loop Road in the states of Nevada and California. **What is the current status for the Loop Road projects in Nevada and California? Provide the latest status/report to local jurisdictions Board of County Commissioners/Supervisors for review and comment.**

This list is for the Regional Plan, the OWP is not a project status update, it outlines the future planning tasks and products for the next Fiscal Year. Happy to coordinate a separate meeting to provide project updates and how we considered the following items from the Regional Plan into our Overall Work Program (OWP)

- o Utilization of a light rail mass transit system in the South Shore area. Define South Shore area. **What is the current status of the light rail mass transit system? Provide the latest status/report to appropriate South Shore jurisdictions Board of Commissioners for review and comment.**

see below comment

- o Utilization of a transit terminal in the Kingsbury Grade area. **Define Kingsbury Grade area. Define location of the transit terminal. Is this Nevada or California ? More specifically is this Douglas County, Nv?** Yes, Kingsbury Grade is in Douglas County, the transit hub is east of SR207 and US50

Light Rail: See above and note that the OWP Work Element 104 notes continual coordination on rail mass transit with our partners. Currently TRPA and many Tahoe agency partners have been working with Caltrans on a rail expansion and first mile last mile study from Sacramento to Reno utilizing the Truckee River. TRPA currently no plans to extend rail service to the south shore however today we are focused on expanding the regional bus services from El Dorado Co to South Lake.

Page 2 of 9  
 ENVIRONMENTAL IMPROVEMENT, TRANSPORTATION & PUBLIC OUTREACH COMMITTEE ITEM NO. 3  
 & TMPO CONSENT CALENDAR ITEM NO. 1

- o Achieve vehicle miles reductions per identified Regional Plan milestones. **Provide the latest status/report to local jurisdictions toward the vehicle miles reduction milestones to Board of County Commissioners/Supervisors for review and comment.**

Report is required in 2nd quarter of 2024, a draft will be shared late in 2023

**There are many, many, many agencies, 2 states, stakeholder groups, non-profits, etc. doing concurrent work. Are we spending \$\$\$\$ on duplicative efforts that feed duplicative reports wasting in-valuable funds that could be applied elsewhere?**

Please let me know where you see duplication as I would gladly revise to save \$\$\$\$ as well.

TAHOE METROPOLITAN PLANNING ORGANIZATION  
GOVERNING BOARD

Representing:

Placer County Board of Supervisors ..... Cindy Gustafson, Chair  
Nevada At-Large Member ..... Hayley Williamson, Vice Chair  
Governor of Nevada Appointee ..... Jessica Diss  
Carson City Representative ..... Shelly Aldean  
California Senate Rules Committee Appointee .....Open  
Nevada Department of Conservation & Natural Resources .....James Settelmeyer  
Governor of California Appointee .....Ashley Conrad-Saydah  
Douglas County Commissioner..... Wesley Rice  
El Dorado County Supervisor..... Brooke Laine  
Nevada Secretary of State .....Francisco Aguilar  
City of South Lake Tahoe Council Member ..... John Friedrich  
Washoe County Commissioner ..... Alexis Hill  
Governor of California Appointee .....Vince Hoenigman  
California Assembly Speaker Appointee ..... Belinda Faustinos  
President of the United States Appointee ..... A.J. "Bud" Hicks  
USFS Forest Supervisor ..... Erick Walker  
  
TRPA Executive Director ..... Julie W. Regan  
Long Range and Transportation Planning Division Manager ..... Nick Haven

Lake Tahoe Transportation Planning - Fiscal Year 2023/2024 \*Draft March 2023\* TAHOE  
 TRANSPORTATION COMMISSION BOARD OF DIRECTORS Representing:

Lake Tahoe Transportation Planning - Fiscal Year 2023/2024 \*Draft March 2023\*

**TAHOE TRANSPORTATION COMMISSION  
 BOARD OF DIRECTORS**

**Representing:**

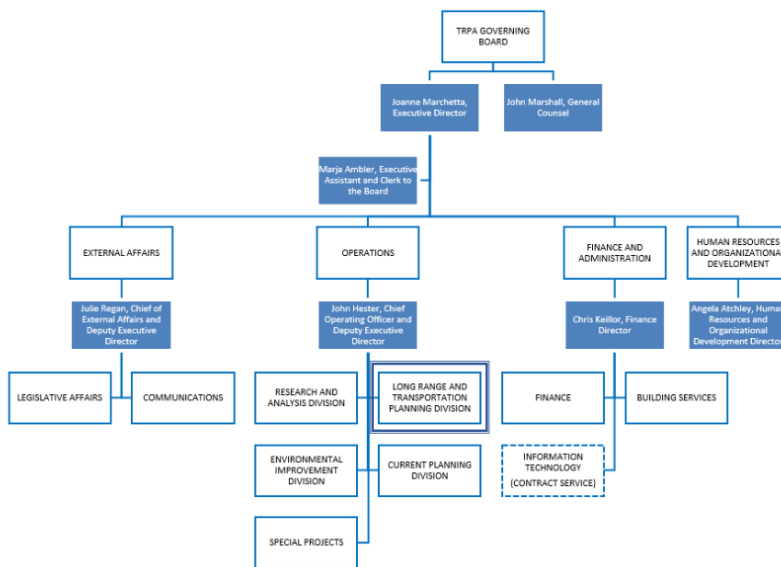
- Washoe County ..... Alexis Hill, Chair
- Carson City..... Lori Bagwell
- Douglas County..... Wesley Rice
- South Shore TMA..... Raymond Suarez
- City of South Lake Tahoe ..... Cody Bass
- Placer County..... Cindy Gustafson
- Truckee - North Tahoe TMA ..... Andy Chapman
- El Dorado County..... Brooke Laine
- Member At-large ..... Brian Bigley
- USFS Lake Tahoe Basin Management Unit..... Michael Gabor
- TRPA Advisory Planning Commission ..... Vacant
- TRPA Appointee..... Jessica Diss
- Nevada Governor Appointee ..... Kyle Davis
- California Governor Appointee ..... Sherry Hao
- California Department of Transportation (non-voting)..... Sukhvinder (Sue) Takhar
- Nevada Department of Transportation (non-voting)..... Sondra Rosenberg
- Washoe Tribe of Nevada and California ..... Serrell Smokey
  
- Long Range and Transportation Planning Division Manager ..... Nick Haven

It should be noted that there newly appointed Governing Board members. I'm hopeful they have had a sufficient amount of time to consume many, many, many reports and be able to comment in a meaningful way about the OWP.

Comment noted

Lake Tahoe Transportation Planning - Fiscal Year 2023/2024 \*Draft March 2023\*

**Tahoe Regional Planning Agency  
 Organizational Chart**



I believe this organization chart to be out of date and should be corrected. Julie Regan moves to Executive Director. Kimberly Chevallier replaces Julie and any other recent changes captured correctly.

The final draft will incorporate the latest organization chart.

### **OUTREACH AND PUBLIC INVOLVEMENT**

An important component of the MPO transportation planning process is consultation and public participation in the development of plans, programs and policy. The regional transportation planning program establishes an important forum for discussing and resolving regional transportation issues. Some examples of executing the continuing, coordinated, and cooperative planning process include board meetings, public workshops, technical committees, issue specific meetings, public hearings, and formal public document review periods. TRPA has developed specific policies and procedures for consulting partners and engaging public participation through the recently **updated Public Participation Plan (PPP) September 2019** <https://www.trpa.gov/wp-content/uploads/documents/archive/2/2019-Public-Participation-Plan-FINAL.pdf> 55 pages TRPA/TMPO STAFF CONTRIBUTORS

Kira Smith Associate Transportation Planner  
Devin Middlebrook Sustainability Program Coordinator  
Judy Weber Associate Planner  
Michelle Glickert Principal Transportation Planner

### **The PPP has elements that should be brought forward. Comments below**

**The TMPO's public participation process** aims to give the public ample opportunities for early, meaningful, and continued involvement. Collecting diverse public input is important for determining the types of projects that meet public desire, and ensures that public funds are directed to the areas of highest need. Transparency increases levels of participation, ensuring well-prepared and publicly supported planning documents. Chapter One of the plan explains the public participation process and federal and state regulatory requirements. Chapter Two outlines how TMPO works with our government partners, describes our standard outreach activities, and offers a variety of outreach methods to reach a diverse set of stakeholders. Chapter Three lists the specific public outreach protocols for each TMPO plan. Chapter Four evaluates the Public Participation Plan's performance, and illustrates how input is used to update TMPO's outreach.

As part of developing the Regional Transportation Plan, the TMPO is partnering with the Tahoe Transportation District (TTD) to produce corridor connection plans. Agencies throughout the Region and the public are participating in the corridor planning process to create holistic projects that will address multi-modal transportation solutions, environmental improvement, safety for all roadway users, support for economic vitality, quality of life, and accelerated delivery of projects and services.

Examples of the public not being represented accurately.

The proposed Incline Village transportation hub at the IV Elementary School brought much opposing public comment about the location and purchase.

The Highway 50 lane-reduction project proposed by NDOT and TRPA Regional Transportation Plan 2020 also brought much opposing public comment.

### **1.3 FEDERAL & STATE REQUIREMENTS FOR PUBLIC PARTICIPATION**

Lots of regulations arose at the Federal and State levels. My opinion, the general public at-large that comment about projects in written form or in person are out numbered by the stakeholder groups, agencies, etc. and are under-represented and mis-represented. Example below

TMPO's transportation team works with TRPA's communications team and TTD's staff to coordinate outreach. This enables TMPO to reach a larger group of people in a variety of ways. To further support successful coordination, TMPO organizes advisory bodies during plan development, holds public hearings, and meets individually with local jurisdictions and sovereign governments on an as-needed basis. Table 1 illustrates agency stakeholder meetings TRPA and TMPO staff regularly attend.

STAKEHOLDER MEETINGS		
Occurrence	Agency	Stakeholder Type
Monthly	Tahoe Transportation Commission	Regional Advisory
Monthly	Truckee – North Tahoe Transportation Management Association	Public / Private Association
Monthly	South Shore Transportation Management Association	Public / Private Association
Monthly	Fire Public Information Team	Agency Association
Monthly	South Tahoe Environmental Education Coalition	Agency Association
Bi-Monthly	North Tahoe Environmental Education Coalition	Agency Association
Quarterly	Pathway Partnership	Agency Association
Quarterly	South Tahoe Social Services Transportation Advisory Council	Social Services Community
Quarterly	North Tahoe Social Services Transportation Advisory Council	Social Services Community
Ad Hoc	City of South Lake Tahoe JPA Bicycle Advisory Committee	Local Jurisdiction/Advisory
Ad Hoc	Lake Tahoe Visitors Authority	Visitors Authority

Ad Hoc	North Lake Tahoe Resort Association	Visitors Authority
Ad Hoc	Incline Village Crystal Bay Visitors Bureau	Visitors Authority
Ad Hoc	Advisory Planning Commission	Regional Agency
Ad Hoc	Local Governments	Agency Coordination

Table 1: Stakeholder Meetings. Source: TMPO



**Bi State Consultation on Transportation** is a coalition of states and public and private partners committed to accelerating transportation improvements for the Tahoe Region. The consultation convened in 2017 and created a 10-year Transportation Action Plan that identifies top-priority projects, services, and fair-share funding commitments from federal, state, local, and private sector partners. Through four subcommittees in the consultation, partners sought policy alignments, formalized partnerships, and enhanced transportation project delivery at Lake Tahoe. Partners will continue to consult the 10-year Action Plan when prioritizing project funding and implementation. For more information, please visit: <http://www.trpa.org/wp-content/uploads/00-BiStateConsultationOnTransportationFinal-Report-3.26.19.pdf>



*Bi-State Consultation on Transportation. Photo: Robbie Graves*

Public Participation Plan | August 2019

Comment noted

Some of the faces have changed but still do not adequately represent the public at-large

**Back to OWP comments**

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Lake Tahoe Transportation Planning - Fiscal Year 2023/2024 \*Draft March 2023\*

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#### CORE MPO PLANNING FUNCTIONS

TRPA ensures MPO core planning functions are identified in the OWP and include a clear description of the activities, products, and schedules that support the federal transportation planning process as identified in 23 CFR 450. MPO Core Functions include:

- Overall Work Program (**Work Element 101**)
- Public Participation and Education (**Work Element 103**)
- Regional Transportation Plan (**Work Element 104, 105 and 108**)
- Federal Transportation Improvement Program (**Work Element 106**)
- Congestion Management Process (**Work Element 107**)
- Annual Listing of Projects (**Work Element 106**)

**WORK ELEMENT 103: PUBLIC OUTREACH AND COORDINATION**

**PURPOSE**

To support policy boards and attend various local, regional, state, and federal meetings; to coordinate and involve community members, visitors, organizations, and individuals, including the Washoe Tribe of Nevada and California in the regional transportation planning process; to utilize electronic and innovative outreach to maximize the reach to the public; to monitor and report on outreach effectiveness in the next Public Participation Plan (PPP)

**DISCUSSION**

As part of the regional transportation planning process, staff supports the TRPA/MPO Governing Board and Tahoe Transportation Commission through the development of agendas, staff reports and other board requests. TRPA's regional transportation planning and programming process fosters coordination, consultation, and cooperation and includes participation in various local, regional, state, and federal meetings and committees. Regional collaboration is one of TRPA's core functions. The approach to public involvement and reporting on effectiveness of outreach is contained in the [TRPA Public Participation Plan \(PPP\)](#) and is updated every four years prior to the development of the Regional Transportation Plan. Preparation for updating the current PPP will begin later in the fiscal year.

TRPA has established a transparent inclusive regional transportation planning process that invites and solicits public input on proposals. Existing policies and procedures are in place to ensure a non-discriminatory transparent public process and are documented in [TRPA's Title VI program](#).

TRPA engages with the Washoe Tribe of California and Nevada through coordination meetings that ensure the Washoe Tribe is involved and aware of transportation policies and projects under consideration in the region. This consultation with the Washoe Tribe is considered a formal government-to-government consultation and is above and beyond any general public outreach. As a member of the TTC, the Washoe Tribe is formally included in the regional planning process and has additional opportunity to provide input on various transportation and associated environmental considerations affecting Tribal interests. TRPA public outreach through the recently completed Transportation Equity Study includes multiple meetings with Washoe Tribe. TRPA is engaging with the Washoe Tribe to formalize the government-to-government consultation process through a Memorandum of Understanding (MOU) between TRPA and the Washoe Tribe.

TRPA coordinates extensively with the sole Federal Land Manager in the Lake Tahoe Basin to coordinate public access, transit and parking in support of regional transportation goals. TRPA is also working closely with Central Federal Lands Division of FHWA on the Nevada Federal Lands Connectivity Study that is cataloging federal land access needs. Recreational travel and public access are a significant consideration of Lake Tahoe's transportation planning given popular recreation sites are where the region feels most of the congestion requiring essential collaboration and coordination with the USFS to achieve the Goals of the RTP and requirements of the TMPO.

TRPA actively engages with agency partners, key stakeholder groups, and the public on a variety of transportation topics and planning processes. Establishing open communication channels for dialogue through interactive web tools, social media, e-newsletters, workshops, events, and

TRPA has established a transparent inclusive regional transportation planning process that invites and solicits public input on proposals. **Invites and solicits but does not incorporate, when the public most affected, disagrees and does bring some solutions to the table. More solutions would be forthcoming if at-large concerned-citizens were actually included in the process.**

**Listening sessions and workshops do not accurately or adequately capture public sentiment and are being used more frequently at the dismay of the public that attends.**

**Yes, public comment can be provided in written form but attending in person is much more effective at getting a comment heard and understood. Often various agencies have meeting the same day. TRPA staff, local agency staff, etc. are paid to attend and have no scheduling conflicts**

Thank you for the above comments, these will be incorporated in the next Public Participation Plan update process and we will be sure to reach out to you when that begins to ensure this is incorporated. Currently TRPA executive team have identified this as well and will be working over this year to improve the public process and will incorporate that into our final Public Participation Plan.



I OPPOSE ASSEMBLY CONCURRENT RESOLUTION NO. 5—COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS (ON BEHALF OF THE LEGISLATIVE COMMITTEE FOR THE REVIEW AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING AGENCY AND THE MARLETTE LAKE WATER SYSTEM) MARCH 17, 2023 \_Referred to Committee on Natural Resources SUMMARY—Expresses support for the Lake Tahoe Transportation Action Plan. (BDR R-387)

- 1) 7-7-7 Plan is fatally flawed.
- 2) The Plan assumes 7 million in Federal funding is available ?
- 3) The Plan assumes 7 million in local jurisdiction funding is available ?
- 4) The Plan assumes 7 million from private/public partnerships funding is available ?
- 5) Bi-State (Nv/Ca) objectives have not been expressed

[NOT an OWP Comment](#)

And I'm still outraged that a Visitors Authority had the audacity to propose a Bill to be authored because Douglas County continued to evaluate fair share service geography for a pilot micro-transit system that was a permit condition for the South Shore Event Center. Douglas County was not provided anywhere near equal service to neighborhoods until it was made a condition for \$520k to be allocated for FY 22-23.



## STAFF REPORT

Date: April 19, 2023  
To: TMPO Governing Board  
From: TRPA Staff  
Subject: Approval of Amendment No. 1 to the 2023 Federal Transportation Improvement Program

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### Summary and Staff Recommendation:

Staff recommends adoption of the attached resolution approving Amendment No. 1 to the 2023 Federal Transportation Improvement Program (FTIP) updating four existing projects and adding two new projects to the FTIP.

### Required Motion:

In order to adopt the proposed resolution, the Board must make the following motion, based on the staff report:

- 1) A motion to adopt the attached resolution (Attachment A) Amendment No. 1 to the 2023 Federal Transportation Improvement Program.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

### Tahoe Transportation Commission Recommendation:

On April 5, 2023, the Tahoe Transportation Commission (TTC) recommended approval of the 2023 FTIP Amendment No. 1 to the Tahoe Metropolitan Planning Organization (TMPO) Governing Board.

### Project Description/Background:

Tahoe Regional Planning Agency (TRPA), in its role as the TMPO, prepares and adopts a Transportation Improvement Program (TIP) at least every two years, including a California TIP (includes all projects) and Nevada TIP (includes only projects in the state). The 2023 FTIP is a four-year financially constrained list of transportation projects that are reasonably expected to be funded between federal fiscal years 2023 - 2026. Any transportation project receiving federal funds, considered regionally significant, or requiring a federal action must be included in the FTIP. Projects must also be consistent with and included in the adopted Regional Transportation Plan (RTP). An amendment is a revision to the FTIP that involves a major change to a project. This may include the addition or deletion of a project, a change in project cost greater than 50 percent of the total project cost, or a change in project scope or design.

Amendment No. 1 includes six Nevada projects; updating four existing projects and adding two new projects to the 2023 Federal Transportation Improvement Program. The Transportation District (TTD) has requested to modify two of the State Route (SR) 28 Central Corridor projects. The SR 28 projects implement various elements of the SR 28 Corridor Management Plan (CMP) and have been identified as

a regional priority in the Transportation Action Plan. The scope and funding of the SR 28 Central Corridor - Sand Harbor to Spooner - Parking, Transit, Trail, and Safety Improvement is being modified to reflect a new phasing of improvements. The implementation of the SR 28 transit mobility hub is being transferred to create a new Spooner Mobility Hub project. This will facilitate efficient tracking of funding and project delivery, along with the removal of the Skunk Harbor parking element from the project for future implementation in the SR 28 South Corridor. The SR 28 Spooner Mobility Hub will include transit mobility hub elements, along with an Aquatic Invasive Species (AIS) Inspection Station, 0.5 miles of multi-use trail, and a pedestrian crossing that will be implemented by Nevada Department of Transportation (NDOT). Additionally, TTD has requested to update the SR 28 Central Corridor - Chimney Beach to Secret Harbor - Parking, Transit, Trail, and Safety Improvements project and the TTD Fleet and Administration Facility project.

The Nevada Department of Transportation has requested to program the SR 28 East Shore Tahoe – Preservation into the FTIP. The project includes roadway maintenance, stormwater drainage, and optic fiber trunk line improvements. This project complements the above mentioned TTD projects to implement the SR 28 CMP.

The Nevada Tahoe Conservation District has requested to modify the Kahle Drive Complete Street project including updating the project implementor and adding additional funding to fully fund the project. The following shows the amendment details for the six projects.

1. *Existing Project: SR 28 Central Corridor - Sand Harbor to Spooner- Parking, Transit, Trail, and Safety Improvements*

Updates to the project include:

- Title: SR 28 Central Corridor – Sand Harbor to Thunderbird Cove – Trail, Transit, and Safety Improvements
- Description: In Douglas County, located on SR 28 project includes design and construction of 1.75 miles of shared-use path between Sand Harbor State Park to Thunderbird Cove, and vista pullouts, and safety improvements. Total Project Cost \$31M. Completion: 2027.
- Removal of the transit mobility hub and 250 parking spaces (Moved to new project)
- Removal of the Skunk Harbor 40 parking spaces
- Transfer the \$2,000,000 Congressional Directed Spending funds to SR 28 Spooner Mobility Hub
- Update Nevada State funds \$638,000 to Private Funds/Tahoe Fund \$656,000

2. *Existing Project: SR 28 Central Corridor - Chimney Beach to Secret Harbor - Parking, Transit, Trail, and Safety Improvements*

Updates to the project include:

- Title: SR 28 Central Corridor – Thunderbird Cove to Secret Harbor - Parking, Transit, Trail, and Safety Improvements
- Update Secret Harbor parking spaces from 110 to 120
- Add \$2,400,000 Southern Nevada Public Lands Management Act funds from the US Forest Service

3. *Existing Project: TTD Fleet and Administration Facility*

- Add \$2,000,000 FY23 Congressional Directed Spending funds

4. *New Project: SR 28 Spooner Mobility Hub*

Description: In Douglas County, located on SR28 near the intersection of SR 28 and US Hwy 50, design and construct a transit mobility hub with 250 parking spaces, restrooms, AIS Inspection Station, 0.5 miles multi-use path and a pedestrian crossing.

Total Project Cost \$7,157,000. Completion: 2025

Funding:

Funding Source	Total
Nevada Surface Transportation Block Grant (STBG) Flex	\$2,509,000
United States Fish and Wildlife Service (USFWS)	\$2,267,000
Nevada Department State Lands (NDSL)	\$72,000
FY22 Congressional Directed Spending	\$2,000,000
Nevada State Match	\$309,000
Totals	\$7,157,000

5. *New Project: SR 28 East Shore Tahoe - Preservation*

Description: Along SR 28, from the intersection of US50 /SR28, 5.22 miles of mill and fill with some hydraulic maintenance, replacing or lining pipes, repair dike or upgrade to rolled curb and upgrade Intelligent Transportation Systems (ITS) trunk line. Project is federalized.

Total Project Cost \$20,000,000. Completion: 2026

Funding:

Funding Source	Total
Nevada State Gas Tax	\$200,000
National Highway Performance Program	\$14,107,500
Nevada STBG State-Wide	\$4,702,500
Nevada State Match	\$990,000
Totals	\$20,000,000

6. *Existing Project: Kahle Drive Complete Street*

Description: In Douglas County, rehabilitate 0.5 miles of Kahle Drive from US-50 west to the end of Kahle; incorporating drainage improvements, sidewalks, crosswalks, bicycle lanes, accessible transportation options, and aesthetic improvements. Total Project Cost \$3,631,000.

Completion: 2024

Updates to the project include:

- Change Implementing Agency to Douglas County
- Add additional \$2,525,000 to fund project to 100%

Funding:

Funding Source	Total
Douglas County	\$250,000
Private (NV Energy)	\$150,000
Nevada Tahoe Bond	\$740,000
FY22 Congressional Directed Spending	\$1,385,000
Totals	\$2,525,000

Performance Measures:

The 2012 federal transportation authorization legislation, 'Moving Ahead for Progress in the 21st Century' (MAP-21) established new requirements for Metropolitan Planning Organizations (MPOs) around performance management and reporting to ensure the most efficient investment of federal transportation funds. The most recent federal transportation legislative package, the Infrastructure Investment and Jobs Act of 2021 (IIJA), carries forward these performance-based planning requirements.

To incorporate the federal performance requirements into the FTIP, the MPO is required to show that the FTIP makes progress towards achieving the region's federal performance targets. The federal performance measures have been a part of the Regional Transportation Plan (RTP) since 2017, incorporated into goals, policies and planning documents. The federal performance measures defined by the Federal Highway Administration are categorized into three performance management (PM) focus areas; PM1 -Transportation Safety, PM2 - National Highway System (NHS) Pavement and Bridge Condition and PM3 - NHS Performance, Interstate System Freight Movement and Congestion Mitigation and Air Quality Program. These performance targets will be achieved through the implementation of investment priorities, through the programming of transportation projects in the 2023 FTIP, this amendment, and subsequent FTIP amendments and administrative modifications.

The Nevada projects will support PM1 - Transportation Safety and aligned RTP Goal increasing safety and security for all users. The projects will improve roadway conditions and help alleviate conflicts that occur between pedestrians and vehicles on the roadways and with the vehicles parking versus those traveling through. Additionally, sidewalks, bicycle lanes, and crosswalks will provide safer crossings and travel space for pedestrians and bicyclists.

The SR28 East Shore Preservation will support PM2 - Pavement and Bridge Conditions. It will make improvements to the roadway, replace or repair drainage pipes, and upgrade ITS along the SR 28 Corridor.

The Nevada projects also support PM3 improvements in congestion management and aligned RTP Goal to provide an efficient transportation network through coordinated operations and system management. Easing congestion at recreation hot spots by providing alternatives to driving with transit infrastructure and trail connections will reduce vehicle miles traveled and preserve the environment.

Issues and Concerns:

There are no known issues or concerns with the amendment.

Public Comment:

Amendment No. 1 was released on March 28, 2023 for a seven (7) day public comment period as required by the TMPO Public Participation Plan. A public hearing was held April 5, 2023 at the Tahoe Transportation Commission Board meeting prior to the close of the comment period. Public comments were received, noted, and included as necessary in the 2023 FTIP Amendment No. 1.

Contact Information:

For questions regarding this agenda item, please contact Judy Weber, Associate Transportation Planner, at (775) 589-5203 or [jweber@trpa.gov](mailto:jweber@trpa.gov).

Attachments:

- A. TMPO Resolution No. 2023-\_\_
- B. 2023 FTIP Amendment No. 1

Attachment A

TMPO Resolution No. 2023-\_\_



TAHOE METROPOLITAN PLANNING ORGANIZATION  
TMPO RESOLUTION NO. 2023 - \_\_\_\_\_

ADOPTION OF AMENDMENT No. 1 TO THE  
TMPO 2023 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) is the designated metropolitan planning organization for the Lake Tahoe Region as defined by the Transportation Equity Act for the 21st Century; and

WHEREAS, the 2023 TMPO Federal Transportation Improvement Program (FTIP) has been developed in accordance with the Infrastructure Investment and Jobs Act (IIJA) and 23 CFR 450; and

WHEREAS, the 2020 Regional Transportation Plan for the Lake Tahoe Region describes a transportation system envisioned for the horizon years and was adopted as a financially constrained plan by the TMPO Board on April 28, 2021; and

WHEREAS, the 2023 FTIP is consistent with the transportation system and financial plan described in the current Regional Transportation Plan; and

WHEREAS, the 2023 FTIP is financially constrained by year and includes a financial plan that demonstrates which projects can be implemented using committed funds; and

WHEREAS, the 2023 FTIP includes all regionally significant transportation projects to be funded from local, state, or federal resources; and

WHEREAS, the 2023 FTIP has been developed under TMPO policies for community input and interagency consultation procedures; and

WHEREAS, during the life of the program, it is sometimes necessary to amend the program to reflect changes in project costs, scopes, or schedules, or to add new projects; and

WHEREAS, the 2023 FTIP is now in need of amendment; and

WHEREAS, the 2023 FTIP Amendment No. 1 adds two new projects; State Route (SR) 28 East Shore Tahoe - Preservation and SR 28 Spooner Mobility Hub and updates four projects; SR 28 Central Corridor - Sand Harbor to Thunderbird Cove - Trail, Transit, and Safety Improvements, SR 28 Central Corridor - Thunderbird Cove to Secret Harbor - Parking, Transit, Trail, and Safety Improvements, Tahoe Transportation District Fleet and Administration Facility, and Kahle Drive Complete Street that meet all applicable transportation planning requirements per 23 Code of Federal Regulations Part 450; and

WHEREAS, on April 5, 2023 the Tahoe Transportation Commission recommended the TMPO Governing Board adopt the 2023 FTIP Amendment No. 1.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving the 2023 FTIP Amendment No. 1.

BE IT FURTHER RESOLVED, that TMPO staff is hereby directed and authorized to work with California Department of Transportation, the Nevada Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration to make whatever technical changes or

corrections are needed to the format and organization of the document to obtain its approval by these agencies.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization this Wednesday, April 26, 2023 by the following vote:

Ayes:

Nays:

Absent:

---

Cindy Gustafson, Chair  
Tahoe Metropolitan Planning Organization  
Governing Board

Attachment B

2023 FTIP Amendment No. 1



**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

**NOTICE OF SEVEN (7) DAY PUBLIC COMMENT PERIOD  
2023 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM  
Amendment No. 1**

This announcement is being initiated as required by the Tahoe Metropolitan Planning Organization's Public Participation Plan to provide public notification of changes that have been proposed to the 2023 Federal Transportation Improvement Program (FTIP). The public comment period commences on **March 28, 2023 and closes on April 5, 2023 at 5:00 p.m.** Public comments will be accepted through 5:00 p.m. on April 5, 2023. A public hearing will be held on April 5, 2023 at the Tahoe Transportation Commission meeting prior to the close of the comment period.

Amendment No. 1 document is available upon request or can be accessed online at:  
<https://www.trpa.gov/transportation/>

Please submit comments to:

**Tahoe Metropolitan Planning Organization  
P.O. Box 5310  
Stateline, NV 89449  
Attn: Judy Weber, Associate Transportation Planner**

Or via email: [jweber@trpa.gov](mailto:jweber@trpa.gov)

The following six projects are included in the 2023 Federal Transportation Improvement Program Amendment No. 1:

**New Projects**

- State Route (SR) 28 East Shore Tahoe - Preservation
- SR 28 Spooner Mobility Hub

**Existing Projects**

- SR 28 Central Corridor - Sand Harbor to Spooner - Parking, Transit, Trail, and Safety Improvement
- SR 28 Central Corridor - Chimney Beach to Secret Harbor - Parking, Transit, Trail, and Safety Improvements
- Tahoe Transportation District (TTD) Fleet and Administration Facility
- Kahle Drive Complete Street

Please direct any questions regarding this notice to Judy Weber at (775) 589-5203.





2023 - 2026

TAHOE REGIONAL PLANNING AGENCY

# FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM

FINAL September 2022



TAHOE  
REGIONAL  
PLANNING  
AGENCY



## 2023 Federal Transportation Improvement Program - Amendment No. 1

### Index of Sections

- Section 1: Summary of Changes
- Section 2: CTIPS Project Printouts
- Section 3: Financial Summary
- Section 4: Public Comments
- Section 5: Governing Board Resolution

**Summary of Changes  
Tahoe Metropolitan Planning Organization  
2023 Federal Transportation Improvement Program  
Amendment 1  
4/7/2023**

Existing /New	CTIPS ID	Project Title	Description of Change	Fund Type	Prior	PRIOR FFY					CURRENT FFY					Net Increase / Decrease	Comments	
						22/23	23/24	24/25	25/26	Total	22/23	23/24	24/25	25/26	Total			
New	220-0000-0170	SR 28 East Shore Tahoe - Preservation	New Project	State Gas Tax (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000	\$ 200,000	Nevada Project. Federalized project and increased cost. Along SR 28, 5.22 miles of roadway improvements. TPC \$20M. NDOT TIP ID WA20220022	
				NHPP (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,108,000	\$ -	\$ -	\$ 14,108,000	\$ 14,108,000		
				STBG State-Wide (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,702,000	\$ -	\$ -	\$ 4,702,000		\$ 4,702,000
				State Match (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 990,000	\$ -	\$ -	\$ 990,000		\$ 990,000
\$ -										\$ 20,000,000					\$ 20,000,000			
New	220-0000-0169	SR 28 Spooner Mobility Hub	New Project	FHWA CDS (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000	\$ -	\$ -	\$ 2,000,000	\$ 2,000,000	Nevada Project. In Douglas County, located near the intersection of SR 28 and US Hwy 50, construct a transit mobility hub with 250 parking spaces, restrooms, AIS Inspection Station, and 0.5 miles multi-use path with pedestrian crossing. NDOT TIP ID DO20230002	
				USFWS (AIS)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 267,000	\$ 2,000,000	\$ -	\$ -	\$ 2,267,000		\$ 2,267,000
				NDSL (AIS)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 72,000	\$ -	\$ -	\$ 72,000		\$ 72,000
				State Match (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 309,000	\$ -	\$ -	\$ 309,000		\$ 309,000
				STBG Flex (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 647,000	\$ 1,862,000	\$ -	\$ -		\$ 2,509,000
\$ -										\$ 7,157,000					\$ 7,157,000			
Existing	220-0000-0167	SR 28 Central Corridor - Sand Harbor to Spooner - Parking, Transit, Trail, and Safety Improvement	Title, Description, Funding Update	STBG (NV)	\$ -	\$ 1,312,000	\$ 1,312,000	\$ -	\$ -	\$ 2,624,000	\$ 1,312,000	\$ 1,312,000	\$ -	\$ -	\$ 2,624,000	\$ -	Nevada Project. Updated Title: SR 28 Central Corridor - Sand Harbor to Thunderbird Cove - Trail, Transit, and Safety Improvement. Removing Spooner Mobility Hub elements, Skunk Harbor parking elements, and the \$2M earmark. Color money change from NV Tahoe Bond to Tahoe Fund and additional \$18,000. NDOT TIP ID XS20220009	
				HIP (NV)	\$ -	\$ 309,000	\$ -	\$ 2,000,000	\$ -	\$ 2,309,000	\$ 309,000	\$ -	\$ -	\$ -	\$ -	\$ 309,000		\$ (2,000,000)
				Tahoe Fund	\$ -	\$ 69,000	\$ 69,000	\$ 500,000	\$ -	\$ 638,000	\$ 69,000	\$ 69,000	\$ 518,000	\$ -	\$ -	\$ 656,000		\$ 18,000
\$ 5,571,000										\$ 3,589,000					\$ (1,982,000)			
Existing	220-0000-0163	SR 28 Central Corridor - Chimney Beach to Secret Harbor - Parking, Transit, Trail, and Safety Improvements	Title, Description, Funding Update	STBG (NV)	\$ 2,163,000	\$ -	\$ -	\$ -	\$ -	\$ 2,163,000	\$ -	\$ -	\$ -	\$ -	\$ 2,163,000	\$ -	Nevada Project. Updated title: Thunderbird Cove to Secret Harbor and project description. Adding \$2,400,000 in Southern Nevada Public Lands Management Act. NDOT TIP XS20170020	
				Local Funds	\$ 249,000	\$ -	\$ -	\$ -	\$ -	\$ 249,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 249,000		\$ -
				HIP (NV)	\$ 192,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 192,000		\$ -
				USFS (SNPLMA)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 1,400,000	\$ -	\$ -	\$ 2,400,000		\$ 2,400,000
\$ 2,412,000										\$ 5,004,000					\$ 2,400,000			

Summary of Changes  
Tahoe Metropolitan Planning Organization  
2023 Federal Transportation Improvement Program  
Amendment 1  
4/7/2023

Existing /New	CTIPS ID	Project Title	Description of Change	Fund Type	Prior	PRIOR FFY					CURRENT FFY					Net Increase / Decrease	Comments	
						22/23	23/24	24/25	25/26	Total	22/23	23/24	24/25	25/26	Total			
Existing	220-0000-0149	TTD Fleet and Administration Facility	Funding Update	STBG (NV)	\$ -	\$ 678,000	\$ -	\$ -	\$ -	\$ 678,000	\$ 678,000	\$ -	\$ -	\$ -	\$ 678,000	\$ -	Nevada Project. Adding FY23 \$2M Congressional Directed Spending/ FTA. TCS. NDOT TIP DO20190012	
				Local Funds (Douglas Cty)	\$ -	\$ 36,000	\$ -	\$ -	\$ -	\$ 36,000	\$ 36,000	\$ -	\$ -	\$ -	\$ 36,000	\$ -		
				FTA CDS (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
						\$ 714,000						\$ 2,714,000	\$ 2,000,000					
Existing	220-0000-0155	Kahle Drive Complete Street Project	Funding Update	AQ Mitigation	\$ 127,000	\$ -	\$ -	\$ -	\$ -	\$ 127,000	\$ -	\$ -	\$ -	\$ -	\$ 127,000	\$ -	Nevada Project. Updating Project Implementor to Douglas County. Adding additional funding to bring project to 100%. NDOT TIP ID DO20210001	
				Local Funds (Douglas Cty)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000		\$ 250,000
				NV TAP	\$ -	\$ 62,000	\$ -	\$ -	\$ -	\$ 62,000	\$ 62,000	\$ -	\$ -	\$ -	\$ -	\$ 62,000		\$ -
				Private Funds	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ 200,000	\$ 350,000	\$ -	\$ -	\$ -	\$ -	\$ 350,000		\$ 150,000
				USFS/SNPLMA	\$ 50,000	\$ 667,000	\$ -	\$ -	\$ -	\$ 717,000	\$ 667,000	\$ -	\$ -	\$ -	\$ -	\$ 717,000		\$ -
				NV Tahoe Bond	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 740,000	\$ -	\$ -	\$ -	\$ -	\$ 740,000		\$ 740,000
				FHWA CDS (NV)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,385,000	\$ -	\$ -	\$ -	\$ -	\$ 1,385,000		\$ 1,385,000
						\$ 1,106,000						\$ 3,631,000	\$ 2,525,000					



**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: NV	PPNO:	EA:	CTIPS ID: 220-0000-0170	TITLE (DESCRIPTION): SR 28 East Shore Tahoe - Preservation (Along SR 28, from intersection of US 50/SR 28, 5.22 miles, mill and fill w/OG, stormwater drainage improvements, and ITS trunk line.)	MPO Aprv: State Aprv: Federal Aprv:
CT PROJECT ID:			MPO ID.: NDOT23	<b>CURRENT</b>	EPA TABLE II or III EXEMPT CATEGORY
COUNTY: Douglas County, Nev Washoe County, Nev	ROUTE: 28 28		PM: 0.000 5.220		

IMPLEMENTING AGENCY: Nevada DOT  
PROJECT MANAGER: Shawn Paterson

PHONE: (775) 888-7655

EMAIL: spaterson@dot.nv.gov

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
1	Active	04/10/2023	JWEBER	Amendment - New Project	1	19,800,000		200,000

* Nevada State -			<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 1 of 4	PE			200,000							200,000
* Fund Type: State Gas Tax	RW										
	CON										
* Funding Agency:	Total:			200,000							200,000

* Nevada State -			<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 2 of 4	PE										
* Fund Type: NATIONAL HIGHWAY PERFORMANCE PROGRAM (NHPP)	RW										
	CON				14,108,000						14,108,000
* Funding Agency:	Total:				14,108,000						14,108,000

* Nevada State -			<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 3 of 4	PE										
* Fund Type: Nevada State	RW										
	CON					990,000					990,000
* Funding Agency:	Total:					990,000					990,000

* Nevada State -			<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 4 of 4	PE										
* Fund Type: Surface Transportation Program	RW										
	CON					4,702,000					4,702,000
* Funding Agency:	Total:					4,702,000					4,702,000

<b>Project Total:</b>			<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE			200,000							200,000
	RW										
	CON					19,800,000					19,800,000
	Total:			200,000		19,800,000					20,000,000

**Comments:**  
 \*\*\*\*\* Version 1 - 03/14/2023 \*\*\*\*\*  
 New Nevada project. Federalized project.  
 State Gas Tax \$200,000  
 NHPP \$14,107,500  
 STBG State-Wide \$4,702,500  
 State Match-NV \$990,000  
 TPC \$20M, 2020 RTP Appendix B

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: NV	PPNO: EA:	CTIPS ID: 220-0000-0169	TITLE (DESCRIPTION): SR 28 Spooner Mobility Hub (Located on SR 28, near the intersection of US Hwy 50 and SR28 construct a transit mobility hub with 250 parking spaces, restrooms, AIS Inspection Station, and 0.5 miles multi-use path and a pedestrian crossing.)  <b>CURRENT</b>	MPO Aprv:
CT PROJECT ID:		MPO ID.: NDOT22		State Aprv:
COUNTY: Douglas County, Nev	ROUTE: 28	PM:		Federal Aprv:
				EPA TABLE II or III EXEMPT CATEGORY

IMPLEMENTING AGENCY: Nevada DOT  
PROJECT MANAGER: Scott Hein

PHONE: (775) 888-7797

EMAIL: shein@dot.nv.gov

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
1	Active	04/10/2023	JWEBER	Amendment - New Project	1	6,171,000		986,000

		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Federal Disc. -			267,000							267,000
* Fund Source 1 of 4	PE		267,000							267,000
	RW									
* Fund Type: US Forest Service	CON			2,000,000						2,000,000
* Funding Agency:	Total:		267,000	2,000,000						2,267,000

		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Nevada State -			72,000							72,000
* Fund Source 2 of 4	PE		72,000							72,000
	RW									
* Fund Type: Nevada State	CON			309,000						309,000
* Funding Agency:	Total:		72,000	309,000						381,000

		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Federal Disc. -										
* Fund Source 3 of 4	PE									
	RW									
* Fund Type: Community Project Funding/Congressionally Directed	CON			2,000,000						2,000,000
* Funding Agency: Nevada DOT	Total:			2,000,000						2,000,000

		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Nevada State -			647,000							647,000
* Fund Source 4 of 4	PE		647,000							647,000
	RW									
* Fund Type: Surface Transportation Program	CON			1,862,000						1,862,000
* Funding Agency: Nevada DOT	Total:		647,000	1,862,000						2,509,000

Project Total:		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
	PE		986,000							986,000
	RW									
	CON			6,171,000						6,171,000
	Total:		986,000	6,171,000						7,157,000

Comments:  
 \*\*\*\*\* Version 1 - 02/28/2023 \*\*\*\*\*  
 Nevada project.  
 NDOT STBG Flex \$647,000 & \$1,862M  
 AIS\_USFWS/TRPA \$267,000 & \$2M  
 NDSL (AIS) \$72,000  
 FY22 Congressionally Directed Spending/FHWA \$2M  
 NV State Match \$309,000  
 TPC \$7.1M, 2020 RTP Appendix B

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: 03	PPNO:	EA:	CTIPS ID: 220-0000-0167	TITLE (DESCRIPTION): SR 28 Central Corridor - Sand Harbor to Spooner-Parking, Transit, Trail, and Safety Improvements (Located on SR 28 project includes design and construction of 7.4 miles of multi-use path between Sand Harbor State Park to the junction of SR28 and US50. Construction of 40 parking spaces and transit stops at Skunk Harbor and a transit mobility hub with 250 parking space near the intersection of SR28 and US 50.)	MPO Aprv: 09/28/2022 State Aprv: 11/16/2022 Federal Aprv: 12/16/2022  EPA TABLE II or III EXEMPT CATEGORY
CT PROJECT ID:			MPO ID.: TTD23		
COUNTY: Washoe County, Nev	ROUTE: 28		PM:		

**PRIOR**

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: Danielle Hughes

PHONE: (775) 589-5500

EMAIL: dhughes@tahoetransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
3	Active	03/14/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1			3,571,000
2	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			5,571,000
1	Official	04/27/2022	JWEBER	Amendment - New Project	6			2,933,000

* RSTP -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 1 of 3	PE		1,312,000	1,312,000						2,624,000
	RW									
* Fund Type: STP Local	CON									
* Funding Agency: Nevada DOT	Total:		1,312,000	1,312,000						2,624,000

* Other Fed -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 2 of 3	PE		309,000		2,000,000					2,309,000
	RW									
* Fund Type: Highway Infrastructure Program (HIP)	CON									
* Funding Agency: Nevada DOT	Total:		309,000		2,000,000					2,309,000

* Nevada State -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 3 of 3	PE		69,000	69,000	500,000					638,000
	RW									
* Fund Type: Nevada Tahoe Bond	CON									
* Funding Agency:	Total:		69,000	69,000	500,000					638,000

<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		1,690,000	1,381,000	2,500,000					5,571,000
	RW									
	CON									
	Total:		1,690,000	1,381,000	2,500,000					5,571,000

Comments:  
 \*\*\*\*\* DFTIP Version 1 - 05/26/2022\*\*\*\*\*  
 2020 Carry over project. 2020 RTP Appendix B. Add \$2M earmark and match \$500k  
 \*\*\*\*\* Version 1 - 03/11/2022 \*\*\*\*\*  
 New Nevada Project. Split off from project 220-0000-0163. HIP/COVID funds. TPC \$87,642,000. Completion 2027.  
 2020 RTP Appendix B

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: 03	PPNO: EA: CTIPS ID: 220-0000-0167	<b>TITLE (DESCRIPTION):</b> SR 28 Central Corridor - Sand Harbor to Thunderbird Cove - Trail, Transit, and Safety Improvements (Located along SR 28, design and construction of 1.75 miles of multi-use path between Sand Harbor to Thunderbird Cove, vista pullouts and safety improvements.)	MPO Aprv: State Aprv: Federal Aprv:  EPA TABLE II or III EXEMPT CATEGORY
CT PROJECT ID:	MPO ID.: TTD23	CURRENT	
COUNTY: Washoe County, Nev	ROUTE: 28	PM:	

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: Carl Hasty

PHONE: (775) 589-5500

EMAIL: chasty@tahoetransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
3	Active	04/06/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1			3,589,000
2	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			5,571,000
1	Official	04/27/2022	JWEBER	Amendment - New Project	6			2,933,000

* RSTP -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 1 of 3	PE		1,312,000	1,312,000						2,624,000
	RW									
* Fund Type: STP Local	CON									
* Funding Agency: Nevada DOT	Total:		1,312,000	1,312,000						2,624,000

* <b>Other Fed -</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 2 of 3	PE		309,000							309,000
	RW									
* Fund Type: Highway Infrastructure Program (HIP)	CON									
* Funding Agency: Nevada DOT	Total:		309,000							309,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 3 of 3	PE		69,000	69,000	518,000					656,000
	RW									
* Fund Type: <b>Private Funds</b>	CON									
* Funding Agency:	Total:		69,000	69,000	518,000					656,000

<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		1,690,000	1,381,000	518,000					3,589,000
	RW									
	CON									
	Total:		1,690,000	1,381,000	518,000					3,589,000

**Comments:**

\*\*\*\*\* Version 3 - 03/14/2023 \*\*\*\*\*

Updating title to SR 28 Central Corridor - Sand Harbor to Thunderbird Cove -Trail, Transit, and Safety Improvements.

Prior title: SR 28 Central Corridor - Sand Harbor to Spooner- Parking, Transit, Trail, and Safety Improvements. Updating project scope & funding. Removing transit mobility hub elements and Skunk Harbor parking. Removing \$2M CDS/Earmark. Updating NV State funds to Private funds/Tahoe Funds \$656,000. TPC \$31M

\*\*\*\*\* DFTIP Version 1 - 05/26/2022\*\*\*\*\*

2020 Carry over project. 2020 RTP Appendix B. Add \$2M earmark and match \$500k

\*\*\*\*\* Version 1 - 03/11/2022 \*\*\*\*\*

New Nevada Project. Split off from project 220-0000-0163. HIP/COVID funds. TPC \$87,642,000. Completion 2027.

2020 RTP Appendix B

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: NV	PPNO: EA: CTIPS ID: 220-0000-0163	TITLE (DESCRIPTION): SR28 Central Corridor - Chimney Beach to Secret Harbor- Parking, Transit, Trail, and Safety Improvements (Located on SR 28, includes design and construction of transit, trail and parking improvements at Chimney Beach (130 spaces) and Secret Harbor (110 spaces). Pedestrian signalized crossing on SR 28, .9 miles of trail, prefabricated bridge at Marlette Creek and pullouts along SR28 corridor.)	MPO Aprv: 09/28/2022 State Aprv: 11/16/2022 Federal Aprv: 12/16/2022 EPA TABLE II or III EXEMPT CATEGORY
CT PROJECT ID:	MPO ID.: TTD21		
COUNTY: Washoe County, Nev	ROUTE: 28	PM:	

**PRIOR**

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: Danielle Hughes      PHONE: (775) 589-5500      EMAIL: dhughes@tahoetransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
5	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			2,604,000
4	Official	04/27/2022	JWEBER	Amendment - Cost/Scope/Sch. Change	6			2,604,000
3	Official	05/26/2021	JWEBER	Amendment - Cost/Scope/Sch. Change	2	727,000		2,084,000
2	Official	04/28/2021	JWEBER	Amendment - Cost/Scope/Sch. Change	1	250,000		2,432,000
1	Official	02/24/2021	JWEBER	Adoption - New Project	0			1,512,000

* RSTP -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 1 of 3	PE	2,163,000								2,163,000
* Fund Type: STP Local	RW									
* Funding Agency: Nevada DOT	CON									
	Total:	2,163,000								2,163,000

* Local Funds -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 2 of 3	PE	249,000								249,000
* Fund Type: Private Funds	RW									
* Funding Agency:	CON									
	Total:	249,000								249,000

* Other Fed -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 3 of 3	PE	192,000								192,000
* Fund Type: Highway Infrastructure Program (HIP)	RW									
* Funding Agency: Nevada DOT	CON									
	Total:	192,000								192,000

Project Total:		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
	PE	2,604,000								2,604,000
	RW									
	CON									
	Total:	2,604,000								2,604,000

**Comments:**  
 \*\*\*\*\* DFTIP Version 1 - 05/26/2022\*\*\*\*\*  
 2020 Carry over project. 2020 RTP Appendix B  
 \*\*\*\*\* Version 4 - 03/09/2022 \*\*\*\*\*  
 Project is being separated into three projects.  
 Updating project title from SR 28 Central Corridor - Sand Harbor to Spooner-Parking and Safety Improvements to SR 28 Central Corridor - Chimney Beach to Secret Harbor- Parking, Transit, Trail, and Safety Improvements, and reducing scope and funding. Completion Year 2026. TPC \$16,864,000  
 \*\*\*\*\* Version 3 - 05/24/2021 \*\*\*\*\*  
 Add \$6,000 TTD parking revenue to PE in 2021.  
 Add additional \$123,000 NV TAP/MPO to PE in 2021.  
 Transfer NV TAP/State \$691,000 from PE to CON 2021.  
 Transfer Private Funds/ Tahoe Fund \$36,000 from PE to CON and \$250,000 from CON to PE 2021.  
 STBG-NV stays programmed in PE 2021.  
 \*\*\*\*\* Version 2 - 03/31/2021 \*\*\*\*\*  
 Add NV State TAP \$691,000 PE 20/21, increase NV TAP (MPO) 62,000 PE 20/21, add Tahoe Fund \$36,000 PE and \$249,000 CON in 20/21, reduce Washoe County Bond to \$30,000 PE 20/21.  
 Updated TPC \$13,244,000  
 \*\*\*\*\* Version 1 - 02/04/2021 \*\*\*\*\*  
 New SR28 project phase. TPC\$8,500,000. 2020 RTP

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

DIST: NV	PPNO:	EA:	CTIPS ID: 220-0000-0163	<b>TITLE (DESCRIPTION):</b> SR28 Central Corridor - Thunderbird Cove to Secret Harbor- Parking, Transit, Trail, and Safety Improvements (Located on SR 28, includes design and construction of transit, trail and parking improvements at Chimney Beach (130 spaces) and Secret Harbor (120 spaces). Pedestrian signalized crossing on SR 28, .9 miles of trail, prefabricated bridge at Marlette Creek and pullouts along SR28 corridor.)	MPO Aprv: State Aprv: Federal Aprv:
CT PROJECT ID:			MPO ID.: TTD21		EPA TABLE II or III EXEMPT CATEGORY
COUNTY: Washoe County, Nev	ROUTE: 28		PM:		

**CURRENT**

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: Carl Hasty

PHONE: (775) 589-5500

EMAIL: chasty@tahoetransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
6	Active	04/10/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1			5,004,000
5	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			2,604,000
4	Official	04/27/2022	JWEBER	Amendment - Cost/Scope/Sch. Change	6			2,604,000
3	Official	05/26/2021	JWEBER	Amendment - Cost/Scope/Sch. Change	2	727,000		2,084,000
2	Official	04/28/2021	JWEBER	Amendment - Cost/Scope/Sch. Change	1	250,000		2,432,000
1	Official	02/24/2021	JWEBER	Adoption - New Project	0			1,512,000

* RSTP -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 1 of 4	PE	2,163,000								2,163,000
* Fund Type: STP Local	RW									
	CON									
* Funding Agency: Nevada DOT	Total:	2,163,000								2,163,000

* Local Funds -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 2 of 4	PE	249,000								249,000
* Fund Type: Private Funds	RW									
	CON									
* Funding Agency:	Total:	249,000								249,000

* Other Fed -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 3 of 4	PE	192,000								192,000
* Fund Type: Highway Infrastructure Program (HIP)	RW									
	CON									
* Funding Agency: Nevada DOT	Total:	192,000								192,000

* Nevada State -		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
* Fund Source 4 of 4	PE		1,000,000	1,400,000						2,400,000
* Fund Type: Southern Nevada Public Lands Management Act	RW									
	CON									
* Funding Agency:	Total:		1,000,000	1,400,000						2,400,000

Project Total:		PRIOR	22-23	23-24	24-25	25-26	26-27	27-28	BEYOND	TOTAL
	PE	2,604,000	1,000,000	1,400,000						5,004,000
	RW									
	CON									
	Total:	2,604,000	1,000,000	1,400,000						5,004,000

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
State Highway System**

Comments:

\*\*\*\*\* Version 6 - 03/22/2023 \*\*\*\*\*

Adding SNPLMA \$2.4M. Updating title from SR28 Central Corridor - Chimney Beach to Secret Harbor- Parking, Transit, Trail, and Safety Improvements to SR28 Central Corridor - Thunderbird Cove to Secret Harbor- Parking, Transit, Trail, and Safety Improvements. 250 parking spaces

\*\*\*\*\* DFTIP Version 1 - 05/26/2022\*\*\*\*\*

2020 Carry over project. 2020 RTP Appendix B

\*\*\*\*\* Version 4 - 03/09/2022 \*\*\*\*\*

Project is being separated into three projects.

Updating project title from SR 28 Central Corridor - Sand Harbor to Spooner-Parking and Safety Improvements to SR 28 Central Corridor - Chimney Beach to Secret Harbor- Parking, Transit, Trail, and Safety Improvements, and reducing scope and funding. Completion Year 2026. TPC \$16,864,000

\*\*\*\*\* Version 3 - 05/24/2021 \*\*\*\*\*

Add \$6,000 TTD parking revenue to PE in 2021.

Add additional \$123,000 NV TAP/MPO to PE in 2021.

Transfer NV TAP/State \$691,000 from PE to CON 2021.

Transfer Private Funds/ Tahoe Fund \$36,000 from PE to CON and \$250,000 from CON to PE 2021.

STBG-NV stays programmed in PE 2021.

\*\*\*\*\* Version 2 - 03/31/2021 \*\*\*\*\*

Add NV State TAP \$691,000 PE 20/21, increase NV TAP (MPO) 62,000 PE 20/21, add Tahoe Fund \$36,000 PE and \$249,000 CON in 20/21, reduce Washoe County Bond to \$30,000 PE 20/21.

Updated TPC \$13,244,000

\*\*\*\*\* Version 1 - 02/04/2021 \*\*\*\*\*

New SR28 project phase. TPC\$8,500,000. 2020 RTP



**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
Local Highway System**

DIST: 03	PPNO:	EA:	CTIPS ID: 220-0000-0149	TITLE (DESCRIPTION): TTD Fleet and Administration Facility (In Douglas County, project will construct an all-weather maintenance and administration facility to service 75 buses. Project is for acquisition, environmental, design and construction.)	MPO Aprv: 09/28/2022 State Aprv: 11/16/2022 Federal Aprv: 12/16/2022
CT PROJECT ID:			MPO ID.: TTD18	<b>PRIOR</b>	EPA TABLE II or III EXEMPT CATEGORY
COUNTY: Douglas County, Nev	ROUTE:		PM:		

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: George Fink

PHONE: (775) 589-5325

EMAIL: gfink@tahoeTransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
5	Active	03/22/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1			2,714,000
4	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			714,000
3	Official	02/24/2021	JWEBER	Adoption - Carry Over	0			714,000
2	Official	11/20/2019	JWEBER	Amendment - Cost/Scope/Sch. Change	5	926,000		
1	Official	09/26/2018	JWEBER	Adoption - New Project	0	463,000		

* RSTP -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 1 of 2	PE		678,000							678,000
* Fund Type: STP Local	RW									
* Funding Agency: Nevada DOT	CON									
	Total:		678,000							678,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 2 of 2	PE		36,000							36,000
* Fund Type: County Funds	RW									
* Funding Agency:	CON									
	Total:		36,000							36,000

<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		714,000							714,000
	RW									
	CON									
	Total:		714,000							714,000

Comments:

\*\*\*\*\* DFTIP Version 1 - 06/01/2022\*\*\*\*\*  
2020 Carry over project. 2020 RTP Appendix B. TPC \$68M  
\*\*\*\*\* DFTIP Version 1 - 12/14/2020\*\*\*\*\*  
2018 Carry Over. Tracker #03.02.01.0013. Completion 2030. TPC \$68M  
2017 RTP Appendix B-2 and included in 2020 RTP

\*\*\*\*\* Version 2 - 10/29/2019 \*\*\*\*\*  
Add STBG-NV \$440,000 and Washoe County Q1 local match \$23,000 in 19/20 for Title VI planning work on facility sites.

\*\*\*\*\* Version 1 - 06/13/2018 \*\*\*\*\*  
New Project. Facility site plan. 2017 RTP Appendix B-2

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
Local Highway System**

DIST: 03	PPNO:	EA:	CTIPS ID: 220-0000-0149	TITLE (DESCRIPTION): TTD Fleet and Administration Facility (In Douglas County, project will construct an all-weather maintenance and administration facility to service 75 buses. Project is for acquisition, environmental, design and construction.)	MPO Aprv: State Aprv: Federal Aprv:
CT PROJECT ID:			MPO ID.: TTD18	CURRENT	EPA TABLE II or III EXEMPT CATEGORY
COUNTY: Douglas County, Nev	ROUTE:		PM:		

IMPLEMENTING AGENCY: Tahoe Transportation District  
PROJECT MANAGER: George Fink

PHONE: (775) 589-5325

EMAIL: gfink@tahoeTransportation.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
5	Active	03/30/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1			2,714,000
4	Official	09/28/2022	JWEBER	Adoption - Carry Over	0			714,000
3	Official	02/24/2021	JWEBER	Adoption - Carry Over	0			714,000
2	Official	11/20/2019	JWEBER	Amendment - Cost/Scope/Sch. Change	5	926,000		
1	Official	09/26/2018	JWEBER	Adoption - New Project	0	463,000		

* RSTP -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		678,000							678,000
* Fund Source 1 of 3	RW									
* Fund Type: STP Local	CON									
* Funding Agency: Nevada DOT	Total:		678,000							678,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		36,000							36,000
* Fund Source 2 of 3	RW									
* Fund Type: County Funds	CON									
* Funding Agency:	Total:		36,000							36,000

* FTA Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE			2,000,000						2,000,000
* Fund Source 3 of 3	RW									
* Fund Type: Community Project Funding/Congressionally Directed	CON									
* Funding Agency:	Total:			2,000,000						2,000,000

<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		714,000	2,000,000						2,714,000
	RW									
	CON									
	Total:		714,000	2,000,000						2,714,000

**Comments:**

\*\*\*\*\* Version 5 - 03/22/2023 \*\*\*\*\*  
adding FY23 CDS/FTA earmark \$2M. Use TC.  
\*\*\*\*\* DFTIP Version 1 - 06/01/2022\*\*\*\*\*  
2020 Carry over project. 2020 RTP Appendix B. TPC \$68M  
\*\*\*\*\* DFTIP Version 1 - 12/14/2020\*\*\*\*\*  
2018 Carry Over. Tracker #03.02.01.0013. Completion 2030. TPC \$68M  
2017 RTP Appendix B-2 and included in 2020 RTP

\*\*\*\*\* Version 2 - 10/29/2019 \*\*\*\*\*  
Add STBG-NV \$440,000 and Washoe County Q1 local match \$23,000 in 19/20 for Title VI planning work on facility sites.

\*\*\*\*\* Version 1 - 06/13/2018 \*\*\*\*\*  
New Project. Facility site plan. 2017 RTP Appendix B-2

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
Local Highway System**

DIST: NV	PPNO:	EA:	CTIPS ID: 220-0000-0155	TITLE (DESCRIPTION): Kahle Drive Complete Street Project (Nevada Tahoe Conservancy District Rehabilitate 0.5 miles of Kahle Drive from US-50 west to the end of Kahle; incorporating drainage improvements, sidewalks, crosswalks, bike lanes, accessible transportation options, and aesthetic improvements.) <b>PRIOR</b>	MPO Aprv: 09/28/2022 State Aprv: 11/16/2022 Federal Aprv: 12/16/2022  EPA TABLE II or III EXEMPT CATEGORY
CT PROJECT ID:			MPO ID.: NTCD001		
COUNTY: Douglas County, Nev	ROUTE:	PM:			

IMPLEMENTING AGENCY: Nevada Tahoe Conservation District  
PROJECT MANAGER: Meghan Kelly

PHONE: (775) 586-1610

EMAIL: mkelly@ntcd.org

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
4	Active	03/14/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1	3,299,000		332,000
3	Official	09/28/2022	JWEBER	Adoption - Carry Over	0	924,000		182,000
2	Official	02/24/2021	JWEBER	Adoption - Carry Over	0			186,000
1	Official	09/25/2019	JWEBER	Amendment - New Project	4			65,000

* Other Fed -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		2,000							2,000
* Fund Source 1 of 4	RW									
* Fund Type: Transportation Alternatives Program (TAP)	CON		60,000							60,000
* Funding Agency: Nevada DOT	Total:		62,000							62,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE									
* Fund Source 2 of 4	RW									
* Fund Type: Private Funds	CON		200,000							200,000
* Funding Agency:	Total:		200,000							200,000

* Federal Disc. -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE	50,000	3,000							53,000
* Fund Source 3 of 4	RW									
* Fund Type: US Forest Service	CON		664,000							664,000
* Funding Agency:	Total:	50,000	667,000							717,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE	127,000								127,000
* Fund Source 4 of 4	RW									
* Fund Type: TRPA Air Quality Mitigation	CON									
* Funding Agency:	Total:	127,000								127,000

<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE	177,000	5,000							182,000
	RW									
	CON		924,000							924,000
	Total:	177,000	929,000							1,106,000

**Comments:**

\*\*\*\*\* DFTIP Version 1 - 05/19/2022\*\*\*\*\*  
2020 Carry over project. TPC \$3,496,339. Completion 2024. 2020 RTP Appendix B.  
\*\*\*\*\* DFTIP Version 1 - 12/14/2020\*\*\*\*\*  
2018 Carry Over. Tracker # 03.02.01.0055 Completion 2022. TPC \$2,150,000  
2017 RTP Appendix B-3 and included in 2020 RTP

\*\*\*\*\* Version 1 - 08/01/2019 \*\*\*\*\*  
New project. Adding RGP funding \$62,000 PE 21/22.  
RTP Appendix B-3

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
Local Highway System**

DIST: NV	PPNO:	EA:	CTIPS ID: 220-0000-0155	TITLE (DESCRIPTION): Kahle Drive Complete Street Project (In Douglas County, rehabilitate 0.5 miles of Kahle Drive from US-50 west to the end of Kahle; incorporating drainage improvements, sidewalks, crosswalks, bike lanes, accessible transportation options, and aesthetic improvements.)	MPO Aprv: State Aprv: Federal Aprv:
CT PROJECT ID:			MPO ID.: NTCD001	CURRENT	EPA TABLE II or III EXEMPT CATEGORY
COUNTY: Douglas County, Nev	ROUTE:	PM:			

IMPLEMENTING AGENCY: Douglas County  
PROJECT MANAGER: John Erb

PHONE: (775) 782-6233

EMAIL: jerb@co.douglas.nv.us

*PROJECT VERSION HISTORY (Printed Version is Shaded)*

*(Dollars in whole)*

Version	Status	Date	Updated By	Change Reason	Amend No.	Prog Con	Prog RW	PE
4	Active	03/30/2023	JWEBER	Amendment - Cost/Scope/Sch. Change	1	3,299,000		332,000
3	Official	09/28/2022	JWEBER	Adoption - Carry Over	0	924,000		182,000
2	Official	02/24/2021	JWEBER	Adoption - Carry Over	0			186,000
1	Official	09/25/2019	JWEBER	Amendment - New Project	4			65,000

* Other Fed -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		2,000							2,000
* Fund Source 1 of 8	RW									
* Fund Type: Transportation Alternatives Program (TAP)	CON		60,000							60,000
* Funding Agency: Nevada DOT	Total:		62,000							62,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		50,000							50,000
* Fund Source 2 of 8	RW									
* Fund Type: Private Funds	CON		300,000							300,000
* Funding Agency:	Total:		350,000							350,000

* Federal Disc. -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		50,000							65,000
* Fund Source 3 of 8	RW									
* Fund Type: US Forest Service	CON									
* Funding Agency:	Total:		50,000	15,000						65,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		127,000							127,000
* Fund Source 4 of 8	RW									
* Fund Type: TRPA Air Quality Mitigation	CON									
* Funding Agency:	Total:		127,000							127,000

* Local Funds -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		20,000							20,000
* Fund Source 5 of 8	RW									
* Fund Type: County Funds	CON		230,000							230,000
* Funding Agency:	Total:		250,000							250,000

* Nevada State -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE		31,000							31,000
* Fund Source 6 of 8	RW									
* Fund Type: Nevada Tahoe Bond	CON		709,000							709,000
* Funding Agency:	Total:		740,000							740,000

**Tahoe Regional Planning Agency - Federal Transportation Improvement Program  
(Dollars in Whole)  
Local Highway System**

		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Federal Disc. -										
* Fund Source 7 of 8	PE		35,000							35,000
	RW									
* Fund Type: Community Project Funding/Congressionally Directed	CON		1,350,000							1,350,000
* Funding Agency: Nevada DOT	Total:		1,385,000							1,385,000
<hr/>										
* Nevada State -		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
* Fund Source 8 of 8	PE		2,000							2,000
	RW									
* Fund Type: Southern Nevada Public Lands Management Act	CON		650,000							650,000
* Funding Agency:	Total:		652,000							652,000
<hr/>										
<b>Project Total:</b>		<u>PRIOR</u>	<u>22-23</u>	<u>23-24</u>	<u>24-25</u>	<u>25-26</u>	<u>26-27</u>	<u>27-28</u>	<u>BEYOND</u>	<u>TOTAL</u>
	PE	177,000	155,000							332,000
	RW									
	CON		3,299,000							3,299,000
	Total:	177,000	3,454,000							3,631,000

**Comments:**

\*\*\*\*\* Version 4 - 03/01/2023 \*\*\*\*\*  
 Update Implementing Agency from NTCD to Douglas County. Adding additional funding sources to fully funded project. TPC \$3.631M  
 \*\*\*\*\* DFTIP Version 1 - 05/19/2022\*\*\*\*\*  
 2020 Carry over project. TPC \$3,496,339. Completion 2024. 2020 RTP Appendix B.  
 \*\*\*\*\* DFTIP Version 1 - 12/14/2020\*\*\*\*\*  
 2018 Carry Over. Tracker # 03.02.01.0055 Completion 2022. TPC \$2,150,000  
 2017 RTP Appendix B-3 and included in 2020 RTP

\*\*\*\*\* Version 1 - 08/01/2019 \*\*\*\*\*  
 New project. Adding RGP funding \$62,000 PE 21/22.  
 RTP Appendix B-3

TABLE 1: REVENUE

Tahoe MPO  
2023 FTIP  
Amendment 01  
(\$'s in 1,000)

Funding Source		4 YEAR (FTIP Period)								
		FY 2023		FY 2024		FY 2025		FY 2026		TOTAL CURRENT
		Amendment		Amendment		Amendment		Amendment		
		Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	
LOCAL	Sales Tax									
	City									
	County									
	Gas Tax									
	Gas Tax (Subventions to Cities)									
	Gas Tax (Subventions to Counties)									
	Other Local Funds	\$3,785	\$3,785	\$1,149	\$1,149	\$17	\$17			\$4,951
	County General Funds	\$3,785	\$3,785	\$880	\$880					\$4,665
	City General Funds			\$269	\$269	\$17	\$17			\$286
	Street Taxes and Developer Fees									
	RSTP Exchange funds									
Transit										
Transit Fares										
Other (See Appendix 1)	\$3,587	\$4,056	\$3,267	\$3,336	\$2,905	\$3,423	\$2,905	\$2,905	\$13,720	
<b>Local Total</b>	<b>\$7,372</b>	<b>\$7,841</b>	<b>\$4,416</b>	<b>\$4,485</b>	<b>\$2,922</b>	<b>\$3,440</b>	<b>\$2,905</b>	<b>\$2,905</b>	<b>\$18,671</b>	
REGIONAL	Tolls									
	Bridge									
	Corridor									
	Regional Sales Tax									
Other (See Appendix 2)										
<b>Regional Total</b>										
STATE	State Highway Operations and Protection Program (SHOPP) <sup>1</sup>	\$26,260	\$26,260	\$25,437	\$25,437			\$22,050	\$22,050	\$73,747
	SHOPP	\$26,260	\$26,260	\$25,437	\$25,437			\$22,050	\$22,050	\$73,747
	SHOPP Prior									
	State Minor Program									
	State Transportation Improvement Program (STIP) <sup>1</sup>									
	STIP									
	STIP Prior									
	State Bond									
	Proposition 1A (High Speed Passenger Train Bond Program)									
	Proposition 1B (Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006)									
	Active Transportation Program (ATP) <sup>1</sup>	\$260	\$260	\$490	\$490					\$750
Highway Maintenance (HM) Program <sup>1</sup>										
Highway Bridge Program (HBP) <sup>1</sup>										
Road Repair and Accountability Act of 2017 (SB1)										
Traffic Congestion Relief Program (TCRP)										
State Transit Assistance (STA)(e.g., population/revenue based, Prop 42)										
Other (See Appendix 3)	\$5,067	\$6,010	\$3,909	\$4,149	\$2,315	\$2,805	\$1,530	\$1,530	\$14,494	
<b>State Total</b>	<b>\$31,587</b>	<b>\$32,530</b>	<b>\$29,836</b>	<b>\$30,076</b>	<b>\$2,315</b>	<b>\$2,805</b>	<b>\$23,580</b>	<b>\$23,580</b>	<b>\$88,991</b>	
FEDERAL TRANSIT	5307 - Urbanized Area Formula Grants	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$15,224
	5309 - Fixed Guideway Capital Investment Grants									
	5309b - New and Small Starts (Capital Investment Grants)									
	5309c - Bus and Bus Related Grants									
	5310 - Enhanced Mobility of Seniors and Individuals with Disabilities	\$62	\$62	\$62	\$62	\$62	\$62	\$62	\$62	\$248
	5311 - Formula Grants for Rural Areas									
	5311f - Intercity Bus									
	5337 - State of Good Repair Grants									
	5339 - Bus and Bus Facilities Formula Grants	\$336	\$336	\$336	\$336	\$336	\$336	\$336	\$336	\$1,344
	FTA Transfer from Prior FTIP	\$3,300	\$3,300	\$2,100	\$2,100	\$2,100	\$2,100	\$2,100	\$2,100	\$9,600
Other (See Appendix 4)										
<b>Federal Transit Total</b>	<b>\$7,504</b>	<b>\$7,504</b>	<b>\$6,304</b>	<b>\$6,304</b>	<b>\$6,304</b>	<b>\$6,304</b>	<b>\$6,304</b>	<b>\$6,304</b>	<b>\$26,416</b>	
FEDERAL HIGHWAY	Congestion Mitigation and Air Quality (CMAQ) Improvement Program	\$1,486	\$1,486	\$1,486	\$1,486	\$1,485	\$1,485	\$1,485	\$1,485	\$5,942
	Construction of Ferry Boats and Ferry Terminal Facilities (Ferry Boat Program)									
	Coordinated Border Infrastructure Program									
	Federal Lands Access Program	\$9,956	\$9,956							\$9,956
	Federal Lands Transportation Program									
	GARVEE Bonds Debt Service Payments									
	Highway Infrastructure Program (HIP)	\$420	\$420							\$420
	High Priority Projects (HPP) and Demo									
	Highway Safety Improvement Program (HSIP)	\$3,450	\$3,450			\$104	\$104			\$3,554
	National Highway Freight Program (NHFP)									
	Nationally Significant Freight and Highway Projects (FASTLANE/INFRA Grants)									
	Railway-Highway Crossings Program									
	Recreational Trails Program									
SAFETEA-LU Safe Routes to School (SRTS)										
Surface Transportation Block Grant Program (STBGP/RSTP)	\$2,082	\$2,082	\$2,082	\$2,082	\$2,081	\$2,081	\$2,081	\$2,081	\$8,326	
Tribal Transportation Program										
Other (see Appendix 5)	\$33,802	\$37,101	\$1,563	\$10,825	\$5,325	\$22,135			\$70,061	
<b>Federal Highway Total</b>	<b>\$51,196</b>	<b>\$54,495</b>	<b>\$5,131</b>	<b>\$14,393</b>	<b>\$8,995</b>	<b>\$25,805</b>	<b>\$3,566</b>	<b>\$3,566</b>	<b>\$98,259</b>	
FEDERAL RAILROAD	Other Federal Railroad Administration (See Appendix 6)									
	<b>Federal Railroad Administration Total</b>									
<b>Federal Total</b>	<b>\$58,700</b>	<b>\$61,999</b>	<b>\$11,435</b>	<b>\$20,697</b>	<b>\$15,299</b>	<b>\$32,109</b>	<b>\$9,870</b>	<b>\$9,870</b>	<b>\$124,675</b>	
INNOVATIVE FINANCE	TIFIA (Transportation Infrastructure Finance and Innovation Act)									
	Other (See Appendix 7)									
<b>Innovative Financing Total</b>										
<b>REVENUE TOTAL</b>	<b>\$97,659</b>	<b>\$102,370</b>	<b>\$45,687</b>	<b>\$55,258</b>	<b>\$20,536</b>	<b>\$38,354</b>	<b>\$36,355</b>	<b>\$36,355</b>	<b>\$232,337</b>	

Financial Summary Notes:

<sup>1</sup> State Programs that include both state and federal funds.



TABLE 2: PROGRAMMED

Tahoe MPO  
2023 FTIP  
Amendment 01  
(\$'s in 1,000)

FUNDING SOURCES		NOTES	4 YEAR (FTIP Period)								TOTAL CURRENT
			FY 2023		FY 2024		FY 2025		FY 2026		
			Amendment		Amendment		Amendment		Amendment		
			Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	
LOCAL	Local Total		\$7,372	\$7,841	\$4,416	\$4,485	\$2,922	\$3,440	\$2,905	\$2,905	\$18,671
REGIONAL	Tolls <i>Bridge Corridor</i> Regional Sales Tax Other (See Appendix A)										
	Regional Total										
STATE	State Highway Operations and Protection Program (SHOPP) <sup>1</sup> <i>SHOPP</i> <i>SHOPP Prior</i> <i>State Minor Program</i>		\$26,260	\$26,260	\$25,437	\$25,437			\$22,050	\$22,050	\$73,747
	State Transportation Improvement Program (STIP) <sup>1</sup> <i>STIP</i> <i>STIP Prior</i>		\$26,260	\$26,260	\$25,437	\$25,437			\$22,050	\$22,050	\$73,747
	State Bond <i>Proposition 1A (High Speed Passenger Train Bond Program)</i> <i>Proposition 1B (Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006)</i>										
	Active Transportation Program <sup>1</sup>		\$260	\$260	\$490	\$490					\$750
	Highway Maintenance (HM) Program <sup>1</sup>										
	Highway Bridge Program (HBP) <sup>1</sup>										
	Road Repair and Accountability Act of 2017 (SB1)										
	Traffic Congestion Relief Program (TCRP)										
	State Transit Assistance (STA)(e.g., population/revenue based, Prop 42)										
	Other (See Appendix B)		\$5,067	\$6,010	\$3,909	\$4,149	\$2,315	\$2,805	\$1,530	\$1,530	\$14,494
	State Total		\$31,587	\$32,530	\$29,836	\$30,076	\$2,315	\$2,805	\$23,580	\$23,580	\$88,991
FEDERAL TRANSIT	5307 - Urbanized Area Formula Grants		\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$3,806	\$15,224
	5309 - Fixed Guideway Capital Investment Grants										
	5309b - New and Small Starts (Capital Investment Grants)										
	5309c - Bus and Bus Related Grants										
	5310 - Enhanced Mobility of Seniors and Individuals with Disabilities		\$62	\$62	\$62	\$62	\$62	\$62	\$62	\$62	\$248
	5311 - Formula Grants for Rural Areas										
	5311f - Intercity Bus										
	5337 - State of Good Repair Grants										
	5339 - Bus and Bus Facilities Formula Grants		\$335	\$335	\$335	\$335	\$335	\$335	\$335	\$335	\$1,340
	FTA Transfer from Prior FTIP										
	Other (See Appendix C)		\$3,300	\$3,300	\$2,100	\$2,100	\$2,100	\$2,100	\$2,100	\$2,100	\$9,600
	Federal Transit Total		\$7,503	\$7,503	\$6,303	\$6,303	\$6,303	\$6,303	\$6,303	\$6,303	\$26,412
FEDERAL HIGHWAY	Congestion Mitigation and Air Quality (CMAQ) Improvement Program		\$1,169	\$1,169	\$1,486	\$1,486					\$2,655
	Construction of Ferry Boats and Ferry Terminal Facilities (Ferry Boat Program)										
	Coordinated Border Infrastructure Program										
	Federal Lands Access Program		\$9,956	\$9,956							\$9,956
	Federal Lands Transportation Program										
	GARVEE Bonds Debt Service Payments										
	Highway Infrastructure Program (HIP)		\$309	\$309							\$309
	High Priority Projects (HPP) and Demo										
	Highway Safety Improvement Program (HSIP)		\$3,450	\$3,450			\$104	\$104			\$3,554
	National Highway Freight Program (NHFP)										
	Nationally Significant Freight and Highway Projects (FASTLANE/INFRA Grants)										
	Railway-Highway Crossings Program										
	Recreational Trails Program										
	SAFETEA-LU Safe Routes to School (SRTS)										
	Surface Transportation Block Grant Program (STBGP/RSTP)		\$2,053	\$2,053	\$2,053	\$2,053					\$4,106
	Tribal Transportation Program										
	Other (see Appendix D)		\$33,532	\$36,831	\$1,563	\$10,825	\$5,325	\$22,135			\$69,791
	Federal Highway Total		\$50,469	\$53,768	\$5,102	\$14,364	\$5,429	\$22,239			\$90,371
FEDERAL RAILROAD	Other Federal Railroad Administration (see Appendix E)										
	Federal Railroad Administration Total										
	Federal Total		\$57,972	\$61,271	\$11,405	\$20,667	\$11,732	\$28,542	\$6,303	\$6,303	\$116,783
INNOVATIVE FINANCE	TIFIA (Transportation Infrastructure Finance and Innovation Act) Other (See Appendix F)										
	Innovative Financing Total										
PROGRAMMED TOTAL			\$96,931	\$101,642	\$45,657	\$55,228	\$16,969	\$34,787	\$32,788	\$32,788	\$224,445

MPO Financial Summary Notes:  
<sup>1</sup> State Programs that include both state and federal funds.





TABLE 3: REVENUE-PROGRAMMED

Tahoe MPO  
2023 FTIP  
Amendment 01  
(\$'s in 1,000)

FUNDING SOURCES		4 YEAR (FTIP Period)								TOTAL CURRENT
		FY 2023		FY 2024		FY 2025		FY 2026		
		Amendment		Amendment		Amendment		Amendment		
		Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	Prior No. XX	Current No. 01	
LOCAL	Local Total									
REGIONAL	Tolls									
	Bridge									
	Corridor									
	Regional Sales Tax									
	Other									
	Regional Total									
STATE	State Highway Operations and Protection Program (SHOPP) <sup>1</sup>									
	SHOPP									
	SHOPP Prior									
	State Minor Program									
	State Transportation Improvement Program (STIP) <sup>1</sup>									
	STIP									
	STIP Prior									
	State Bond									
	Proposition 1A (High Speed Passenger Train Bond Program)									
	Proposition 1B (Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006)									
	Active Transportation Program <sup>1</sup>									
	Highway Maintenance (HM) Program <sup>1</sup>									
	Highway Bridge Program (HBP) <sup>1</sup>									
	Road Repair and Accountability Act of 2017 (SB1)									
Traffic Congestion Relief Program (TCRP)										
State Transit Assistance (STA)(e.g., population/revenue based, Prop 42)										
Other										
	State Total									
FEDERAL TRANSIT	5307 - Urbanized Area Formula Grants									
	5309 - Fixed Guideway Capital Investment Grants									
	5309b - New and Small Starts (Capital Investment Grants)									
	5309c - Bus and Bus Related Grants									
	5310 - Enhanced Mobility of Seniors and Individuals with Disabilities									
	5311 - Formula Grants for Rural Areas									
	5311f - Intercity Bus									
	5337 - State of Good Repair Grants									
	5339 - Bus and Bus Facilities Formula Grants									
	FTA Transfer from Prior FTIP	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$4
	Other									
	Federal Transit Total	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$4
FEDERAL HIGHWAY	Congestion Mitigation and Air Quality (CMAQ) Improvement Program	\$317	\$317			\$1,485	\$1,485	\$1,485	\$1,485	\$3,287
	Construction of Ferry Boats and Ferry Terminal Facilities (Ferry Boat Program)									
	Coordinated Border Infrastructure Program									
	Federal Lands Access Program									
	Federal Lands Transportation Program									
	GARVEE Bonds Debt Service Payments									
	Highway Infrastructure Program (HIP)	\$111	\$111							\$111
	High Priority Projects (HPP) and Demo									
	Highway Safety Improvement Program (HSIP)									
	National Highway Freight Program (NHFP)									
	Nationally Significant Freight and Highway Projects (FASTLANE/INFRA Grants)									
	Railway-Highway Crossings Program									
	Recreational Trails Program									
	SAFETEA-LU Safe Routes to School (SRTS)									
Surface Transportation Block Grant Program (STBGP/RSTP)	\$29	\$29	\$29	\$29	\$2,081	\$2,081	\$2,081	\$2,081	\$4,220	
Tribal Transportation Program										
Other	\$270	\$270							\$270	
	Federal Highway Total	\$727	\$727	\$29	\$29	\$3,566	\$3,566	\$3,566	\$3,566	\$7,888
FEDERAL RAIL	Other Federal Railroad Administration									
	Federal Railroad Administration Total									
	Federal Total	\$728	\$728	\$30	\$30	\$3,567	\$3,567	\$3,567	\$3,567	\$7,892
INNOVATIVE FINANCE	TIFIA (Transportation Infrastructure Finance and Innovation Act)									
	Other									
	Innovative Financing Total									
REVENUE - PROGRAM TOTAL		\$728	\$728	\$30	\$30	\$3,567	\$3,567	\$3,567	\$3,567	\$7,892

Template Updated: 2/22/2023

2023 FTIP Amendment No. 1 Public Comment Log						
Number	Name	Organization	Date	Summary of Comment	Date of Response	Action Taken
1	Cody Bass	TTD/TTC Board	4/5/2023	Requested clarification on Congressionally Directed Spending appropriations. Opposed amendment due to TTD Fleet and Administration Facility project receiving funds.	4/5/2023	Comment noted
2	Doug Flaherty	Incline Village Resident	4/5/2023	Opposes amendment.	4/5/2023	Comment noted
3	Carole Black	Incline Village Resident	4/5/2023	Can the 250 parking spaces at the Mobility Hub location be expanded? Consider a parking reservation system for Sand Harbor and East Tahoe Trail.	4/5/2023	Comment noted
4	TRPA	TRPA	4/5/2023	Changes to title and project description for SR28 Sand Harbor to Secret Harbor and SR 28 Chimney Beach to Secret Harbor	4/5/2023	Updated
5	Jackie Kahrs	Caltrans	4/4/2023	For the earmark projects, can you please change the Fund ID to CPFCDs in CTIPS?	4/5/2023	Updated
6	Melissa Demattel	NDOT	4/4/2023	Updated SR 28 East Shore Tahoe - Preservation. Federalized funds from State Gas Tax to NHPP and STBG Flex.	4/5/2023	Updated

## Judy Weber

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**From:** Carole Black <carolejbblack@gmail.com>  
**Sent:** Wednesday, April 5, 2023 10:40 AM  
**To:** Judy Weber  
**Cc:** Judi Allen  
**Subject:** TTD BOD meeting agenda item at today's meeting  
**Attachments:** Public Comment TTD BOD Meeting April 5, 2023, Agenda Item IX B Re Amendment 1 Hearing .pdf

Hi,

I am copying you on the brief comment I have submitted re the Amendment #1 item on today's meeting as I think this was requested in your written materials

Thanks, Carole Black Incline Village resident.

## **Public Comment TTD BOD Meeting April 5, 2023, Agenda Item IX B Re Amendment 1 Hearing**

*Submitted by Carole Black, Incline Village resident and Incline Village Mobility Hub Committee member*

I am submitting two comments as follows:

1. The document appears to remove 40 parking spaces at Skunk Harbor and proposed 250 at Spooner summit. These are replaced with proposed 250 parking spaces at Spooner area Mobility Hub. Can this parking area be expanded? **What happened to the 40 spaces removed from Skunk Harbor? Where will they be replaced?**
2. I do not see a mention of a parking reservation system for Sand Harbor which is a critical component of maximizing amenity use while minimizing arriving vehicles. Please consider adding this.
3. Similarly a parking reservation system for the spaces near the East Tahoe Trail would assist with vehicle influx for that area and should be considered.

*cc. [jweber@trpa.gov](mailto:jweber@trpa.gov)*

## Judy Weber

**From:** Kahrs, Jacqueline J@DOT <jacqueline.kahrs@dot.ca.gov>  
**Sent:** Tuesday, April 4, 2023 1:20 PM  
**To:** Judy Weber  
**Subject:** RE: Notice of TMPO 2023 FTIP Amendment No. 1 Public Comment Period

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Judy,

Thank you for the opportunity to review TRPA's draft 2023 FTIP Amendment #1. I only have one minor comment:

For the earmark projects, can you please change the Fund ID to CPFCDs in CTIPS?

The screenshot shows a web browser window titled "Fund Table Manager - Google Chrome" with the URL "https://ctips-prod.dot.ca.gov/ctips/BrowseAllFundsForm.do". The page has two tabs: "Edit Fund Type" (active) and "Browse All Funds".

**Fund Type Details**

- Fund ID: CPFCDs
- Fund1 Name: Community Project Funding/Congressionally Directed
- Blended Fund Type
  - Match %: 0.00
  - Match Fund: [dropdown]
- Archived Fund Type
- State Highway Account
- Type:  Federal,  State,  Local

**Detailed Fund Description ('Huh?' Button)**

Community Project Funding/Congressionally Directed Spending (CPFCDs): The federal Consolidated Appropriations Act, 2023 (Public Law 117-328, enacted December 29, 2022) provides Community Project Funding/Congressionally Directed Spending under the Highway Infrastructure Programs account for 562 line-item projects administered by FHWA-https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/earmark-programs. Additionally appropriated \$360.5 million in Transit Infrastructure Grants for CPFCDs - https://www.transit.dot.gov/grant-programs/community-project-fundingcongressionally-directed-spending.

**Program Category(s) Containing this Fund Type**

- Selected: Federal Disc. FTA Funds
- Select Category to Add: [dropdown]
- Buttons: Add, Delete

**MPO Filter - This Fund Type Applies to ...**

<input checked="" type="checkbox"/> AMBAG	<input checked="" type="checkbox"/> BCAG	<input checked="" type="checkbox"/> COFCG	<input checked="" type="checkbox"/> KCOG	<input checked="" type="checkbox"/> MCAG
<input checked="" type="checkbox"/> MTC	<input checked="" type="checkbox"/> SACOG	<input checked="" type="checkbox"/> SBCAG	<input checked="" type="checkbox"/> SCAG	<input checked="" type="checkbox"/> SANDAG
<input checked="" type="checkbox"/> Shasta	<input checked="" type="checkbox"/> SJCOG	<input checked="" type="checkbox"/> SLOCOG	<input checked="" type="checkbox"/> STANCOG	<input checked="" type="checkbox"/> TCAG
<input checked="" type="checkbox"/> Kings	<input checked="" type="checkbox"/> TRPA	<input checked="" type="checkbox"/> Madera	<input checked="" type="checkbox"/> Rural Non-MPO	

Buttons: Check All, ?

Navigation buttons: Delete Fund Type, Add Fund Type, Top, Prior, Next, Bottom, Exit

Thank you,

Jacqueline Kahrs  
Office of Federal Programming and Data Management  
Division of Financial Programming

California Department of Transportation

(916) 215-3382 (cell)

[jacqueline.kahrs@dot.ca.gov](mailto:jacqueline.kahrs@dot.ca.gov)

---

**From:** Judy Weber <jweber@trpa.gov>

**Sent:** Tuesday, March 28, 2023 8:54 AM

**To:** Kahrs, Jacqueline J@DOT <jacqueline.kahrs@dot.ca.gov>; Cano, Antonio@DOT <Antonio.Cano@dot.ca.gov>; Emery, Jillian <jemery@dot.nv.gov>; Verre, Kevin <KVerre@dot.nv.gov>; Glover, Murph <mglover@dot.nv.gov>; Demattei, Melissa <melissa.demattei@dot.nv.gov>; Gabor, Michael -FS <michael.gabor@usda.gov>; Carl Hasty <chasty@tahoetransportation.org>; Meghan Kelly <mkelly@ntcd.org>; Jon Erb <jerb@co.douglas.nv.us>; Alexis Hill <AHill@washoecounty.us>; Ibagwell@carson.org; Cody Bass <cbass@cityofslt.us>; External, BBigley@DOT <bbigley@vailresorts.com>; External, andy@DOT <andy@gotahoe.com>; kylejustindavis@gmail.com; Cindy.Gustafson <cindygustafson@placer.ca.gov>; sherryhao@gmail.com; Wesley Rice <wrice@douglasnv.us>; Raymond Suarez <suar3z@gmail.com>; Fong, Alexander Y@DOT <alexander.fong@dot.ca.gov>; Jessica Diss <jessicadsdiss@gmail.com>; Joanie Schmitt <jschmitt@tahoetransportation.org>; Brooke Laine <BOSFive@edcgov.us>; Sondra Rosenberg <srosenberg@dot.nv.gov>; Takhar, Sukhvinder@DOT <sukhvinder.takhar@dot.ca.gov>; Judi Allen <jallen@tahoetransportation.org>; Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; Holman, Christopher <CHolman@dot.nv.gov>; GF <gfink@tahoetransportation.org>; Tara Frank <tfrank@tahoetransportation.org>; Peter Kraatz <pkraatz@tahoetransportation.org>

**Cc:** Nick Haven <nhaven@trpa.gov>; Michelle Glickert <mglickert@trpa.gov>; Rebecca Cremeen <rcremeen@trpa.gov>; Devin Middlebrook <dmiddlebrook@trpa.gov>; Dennis Zabaglo <dzabaglo@trpa.gov>; Shannon Friedman <sfriedman@trpa.gov>; Kimberly Chevallier <kchevallier@trpa.gov>; Ryan Murray <rmurray@trpa.gov>

**Subject:** Notice of TMPO 2023 FTIP Amendment No. 1 Public Comment Period

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Good Morning,

An announcement for the Notice of the Seven (7) Day Public Comment Period for the 2023 Federal Transportation Improvement Program (FTIP) Amendment No. 1.

This announcement is being initiated as required by the Tahoe Regional Planning Agency/Tahoe Metropolitan Planning Organization Public Participation Plan to provide public notification of changes that have been proposed to the 2023 FTIP. The public comment period commences on March 28, 2023 and closes on April 5, 2023 at 5:00 p.m. A public hearing will be held on April 5, 2023 at the Tahoe Transportation District/Commission Board Meeting prior to the close of the comment period.

The document is available upon request or can be accessed online at <https://www.trpa.gov/transportation/>.

Please feel free to contact me with any comments or questions.

Regards,

Judy

Judy Weber

Associate Transportation Planner

(775)589-5203 [jweber@trpa.gov](mailto:jweber@trpa.gov)





**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 19, 2023  
To: TMPO Governing Board  
From: TRPA Staff  
Subject: 2023 Regional Grant Program Briefing and Adoption of the Active Transportation Program Metropolitan Planning Organization Program of Projects

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Summary and Staff Recommendation:

Staff will give a presentation on the Regional Grant Program and recommends adoption of the attached resolution approving the 2023 Active Transportation Program Metropolitan Planning Organization Program of Projects.

Required Motions:

In order to adopt the proposed resolution, the Board must make the following motion, based on the staff report:

- 1) A motion to adopt the attached resolution (Attachment A) adoption of the 2023 Active Transportation Program Metropolitan Planning Organization Program of Projects

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Project Description/Background:

The Tahoe Regional Planning Agency (TRPA), in its capacity as the Tahoe Metropolitan Planning Organization (TMPO) is responsible for allocating and tracking various federal and state funding programs. The Linking Tahoe: Regional Grant Program allocates funds to transportation projects that support regional transportation goals through a competitive process. The program seeks to leverage funding sources, when possible, to increase success and effectiveness of project implementation.

The Regional Grant Program (RGP) supports the implementation of the 2020 Regional Transportation Plan (RTP) goals, policies, vehicle miles traveled threshold standard, and advances the implementation of regional and local priorities. The focus of the program is to create additional transportation options and an enhanced transportation system to provide safe, multi-modal improvements that also provide social and environmental benefits.

The call for projects uses an enhanced performance-based evaluation system. The application includes a performance assessment evaluating how the proposed project meets the overall Regional Plan goals and policies and those identified as priorities in the Regional Transportation Plan.



The RGP has an estimated budget of \$14,941,474 that is competitively available to project sponsors spread over federal fiscal years 2024 through 2027. The call included the following five funding sources.

<b>FUNDING SOURCES</b>	
Congestion Mitigation and Air Quality Program	\$2,970,460
Carbon Reduction Program *	\$1,335,792
Surface Transportation Block Grant	\$7,467,392
Nevada Transportation Alternatives Program	\$266,830
Active Transportation Program/Metropolitan Planning Organization	\$2,901,000
<i>*new source to the RGP</i>	<b>\$14,941,474</b>

TRPA received fourteen project applications totaling \$38,702,028 in RGP funding requests. The project applications were evaluated by an internal cross department staff review team that scored the projects based on the screening and defined criteria established in the 2023 RGP Guidelines. The Team recommended seven projects for a total of \$11,172,758 in California funding, with oversight from TRPA leadership. The Nevada funding has not been recommended at this time and is seeking additional project requests. The following table includes the project recommendations.

<b>Projects</b>	<b>Recommended Funding</b>
Kings Beach Western Approach	\$1,500,000
<b><i>Apache Avenue Pedestrian Safety and Connectivity*</i></b>	<b>\$1,701,000</b>
Pioneer Trail/ U.S. Highway 50 Intersection Safety Improvement	\$3,675,000
<b><i>Pioneer Trail Pedestrian Improvement Project Phase II *</i></b>	<b>\$1,200,000</b>
Microtransit EV Charging Base Station	\$269,956
North Tahoe Shared-Use Trail	\$1,826,802
Free-to-User Transit Program	\$1,000,000
<b><i>*ATP MPO funding recommendations</i></b>	<b>\$11,172,758</b>

On February 23, 2023, TRPA released the recommendations for the 2023 Regional Grant Program via the TRPA website (<https://www.trpa.gov/transportation/funding/regional-grant-program/>) and an email blast. On March 9, 2023, the project recommendations were discussed at the Tahoe Transportation Implementation Committee (TTIC) meeting. The committee had consensus on the recommendations and no significant comments were received.

The recommendations above will be programmed in the Federal Transportation Improvement Program through subsequent actions. For the Active Transportation Program (ATP) Metropolitan Planning Organization (MPO) funding there is a requirement for a board resolution (Attachment A) with the recommended projects.

ATP encourages increased use of active modes of transportation, such as biking and walking. Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) created the ATP, and Senate Bill 1 (SB1) (Chapter 2031, statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the ATP. The ATP MPO apportionment allocated to regions is funded through various federal and state funds appropriated in the annual Budget Act. The Tahoe Region's ATP MPO fund estimate is \$2,901,000 for the 4-year cycle 2023-2024 through 2026-2027. Funds must be awarded and programmed based on a competitive process in accordance with the published California Transportation Commission ATP guidelines.

This cycle, TRPA incorporated the ATP MPO funding into the Regional Grant Program competitive selection process. TMPO developed program guidelines for the funding distribution process that are consistent with and complement the California Transportation Commission's 2023 ATP Guidelines and are also consistent with and contained in the 2023 Regional Grant Program Guidelines. The guidelines and criteria were adopted by the TMPO Governing Board on May 25, 2022 and approved by the California Transportation Commission on June 29, 2022 for use in the competitive selection of the ATP MPO Component.

Two out of the seven projects recommended for the Regional Grant Program funds were selected for ATP MPO funds based on the 2023 RGP and ATP Guideline criteria and consistency with the Regional Transportation Plan. Below are the two projects recommended for the funding.

- Pioneer Trail Pedestrian Improvement Project Phase II (\$1,200,000)
- Apache Avenue Pedestrian Safety and Connectivity Project (\$1,701,000)

Upon adoption, the ATP MPO program of projects will be submitted to the California Transportation Commission for final approval scheduled at the June 2023 meeting.

Contact Information:

For questions regarding this agenda item, please contact Judy Weber, Associate Transportation Planner, at (775) 589-5203 or [jweber@trpa.gov](mailto:jweber@trpa.gov).

Attachments:

- A. TMPO Resolution No. 2023 \_\_
- B. ATP MPO Program of Projects

Attachment A

TMPO Resolution No. 2023 \_\_

TAHOE METROPOLITAN PLANNING ORGANIZATION  
TMPO RESOLUTION NO. 2023 –

ADOPTION OF THE 2023 ACTIVE TRANSPORTATION PROGRAM  
METROPOLITAN PLANNING ORGANIZATION PROGRAM OF PROJECTS

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) is the designated metropolitan planning organization for the Lake Tahoe Region as defined by the Transportation Equity Act for the 21st Century; and

WHEREAS, the TMPO, is required to prepare and adopt a Transportation Improvement Program which includes federal funds; and

WHEREAS, the TMPO is responsible for allocating state and federal funding through the Federal Highway Administration available to the Lake Tahoe Region; and

WHEREAS, the California State Legislature passed into law Senate Bill 99 (Chapter 359, Statutes 2013) and Assembly Bill 101 (Chapter 354, Statutes 2013), establishing the Active Transportation Program; and

WHEREAS, the Active Transportation Program (ATP) Metropolitan Planning Organization (MPO) fund estimate is \$2,901,000 for the 4-year cycle 2023-2024 through 2026-2027 for the Tahoe Region; and

WHEREAS, the TMPO elected to administer the ATP MPO component through the competitive Regional Grant Program; and

WHEREAS, the TMPO has developed program guidelines for the ATP MPO funding distribution process that are consistent with and complement the California Transportation Commission's (Commission) 2023 ATP Guidelines; and

WHEREAS, the 2023 ATP MPO guidelines and criteria were adopted by the TMPO Governing Board on May 25, 2022 and approved by the Commission on June 29, 2022 to be used for the competitive selection of the ATP MPO programming; and

WHEREAS, the Pioneer Trail Pedestrian Improvement Project Phase II and Apache Avenue Pedestrian Safety and Connectivity Project were recommended for ATP MPO funding based on the 2023 ATP MPO guideline criteria and consistency with the Regional Transportation Plan; and

WHEREAS, TMPO has prepared the 2023 ATP MPO Program of Projects and will submit the adopted project recommendations to the California Transportation Commission for approval at the June 2023 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving the 2023 ATP MPO Program of Projects for Pioneer Trail Pedestrian Improvement Project Phase II and Apache Avenue Pedestrian Safety and Connectivity Project.

BE IT FURTHER RESOLVED, that TMPO staff is hereby directed and authorized to work with the Commission, Caltrans, and the Federal Highway Administration, and the Federal Transit Administration to make technical changes or corrections as needed to the format and organization of the grant application to obtain its approval by these agencies.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization this Wednesday, April 26, 2023 by the following vote:

Ayes:

Nays:

Absent:

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Cindy Gustafson, Chair  
Tahoe Metropolitan Planning Organization  
Governing Board

Attachment B

ATP MPO Program of Projects



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**STAFF REPORT**

Date: April 19, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Waldorf Astoria Community Enhancement Program Project, EKN Development Group, 5 State Route 28, Crystal Bay, Nevada, Assessor's Parcel Number 123-051-02, et.al, Revision to TRPA Permit File Number CEPP2014-0138-01

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**Summary and Staff Recommendation:**

Staff recommends that the Governing Board make the required findings, including a mitigated finding of no significant effect and approve the proposed revisions to TRPA Permit Number CEPP2014-0138.

**Required Motions:**

In order to approve the proposed project revisions, the Board must make the following motions based on the staff report:

- 1) A motion to approve the required findings, including a mitigated finding of no significant effect (as set forth in Attachments A and H); and
- 2) A motion to approve the proposed revisions to the project subject to the conditions contained in the draft permit (as shown in Attachment B).

In order for the motions to pass, an affirmative vote of 5 members of the Governing Board from Nevada and 9 members overall is required.

**Governing Board Review:**

The proposed project involves a major revision to a project previously approved by the Governing Board and therefore staff is requesting the Governing Board review and approve the proposed changes.

**Background:**

This project is a plan revision to the Boulder Bay Project permit that was approved as part of the TRPA Community Enhancement Project Program (CEPP) at the April 2011 Governing Board meeting. The Governing Board action included certification of an Environmental Impact Statement (EIS).

The CEPP was designed to seek out "net environmental gain" solutions for the Lake Tahoe Basin by implementing environmental improvements. The focus of the CEPP was to encourage revitalization projects in town centers that demonstrate substantial environmental, as well as social and long-term economic benefits. Commodities such as Tourist Accommodation Bonus Units were awarded to projects in exchange for a project constructing environmental improvements above and beyond



mitigation requirements. The Boulder Bay project was one of nine mixed-use, redevelopment proposals which were accepted into the CEPP in February 2008 by the TRPA Governing Board which received Tourist Accommodation Units, Residential Bonus Units, and Commercial Floor Area.

Boulder Bay, LLC, the original project applicant, received a permit to redevelop the existing Tahoe Biltmore Hotel and Casino site into a mixed-use resort. The proposed project was designed to replace the existing facilities, which are substantially past their life cycle. The proposed project included the following EIP projects; Nevada Utility Undergrounding Projects - Phase I, Brockway Residential Water Quality Improvement Project, and North Stateline Community Plan Lake Vista Mini-Park. The proposed project also included onsite infiltration galleries and detention basins sized to capture, treat and infiltrate peak flow volumes from a 50-year, 1-hour storm event and reduced existing land coverage by 15.8% within the community plan area.

The project area is approximately 16 acres, and the approved project consists of eight new buildings for a hotel, residential, gaming, and commercial uses, in addition to underground parking facilities, pedestrian village, community park and open space, and an integrated on-site stormwater treatment system. Specifically, the approved project consists of the following elements:

- 275 tourist accommodation units,
- 59 whole ownership condominiums,
- 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project for a total of 38 deed restricted affordable housing bedrooms,
- 18,715 square feet of commercial floor area within a two-acre public gathering space and pedestrian village,
- 67,338 square feet of hotel and accessory uses,
- 10,000 square feet of casino (reduced from 29,744 square feet of existing gaming area),
- 460 total parking spaces (450 in underground structures),
- 5.7 acres of open space with 1.87 acres designated for two public parks to be built and maintained by Boulder Bay and 1.20 acres for passive hiking trails and scenic overlook, and
- Pedestrian paths, hiking paths, and bicycle lanes.

Since the project was approved the following project elements have been constructed:

- Nevada Utility Undergrounding Project Phase 1,
- The Lake Vista-Mini Park located immediately east of the project site,
- A large stormwater basin located across Highway 28 near the CalNeva Hotel infiltrates water from the proposed development and SR 28, treating stormwater from Placer County, Caltrans and NDOT rights of way,
- 18 attached condominiums known as Granite Place at Boulder Bay Lake Tahoe located on Highway 28 on the eastern side of the project area, and
- Partial construction of a connector road between Lakeview Avenue and Wassou Road.

Construction of these approved project elements represents diligent pursuit of the project and therefore the project permit remains valid. To ensure the project is diligently pursued to keep the permit valid, construction must occur in the 2023 building season.

Revised Project Description:

The proposed plan revision to the approved Boulder Bay project permit involves full build-out of the remaining approved project with changes. All environmental improvement projects previously approved as part of the original project will also be incorporated into the revised project.

The mix and type of units have been refined and vary in size and count. The revised project:

- Reduces the number of hotel units from 275 to 134 (includes 22 lock-off units).
- Decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28.
- Results in a net reduction of 157 units, a 47 percent reduction in density.
- The reduction in density allows additional space for amenities to support the level of service necessary to achieve the desired resort experience.
- Proposes no change to the approved gaming (10,000 sq.ft.), commercial (18,700 sq.ft.) or employee housing components.
- Employee housing consisting of 38 deed restricted affordable housing bedrooms in 14 "on site" affordable employee housing units (two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project.

The revised project includes the same number of approved buildings, and their configuration remains substantially unchanged. It does involve slight changes to footprint size, placement, and architectural design. The approved project's architectural character has been refined with orientation of the roof shapes and additional features that are consistent with the recently adopted Washoe County Tahoe Area Plan. Height and massing are consistent with the approved project evaluated in the EIS. Proposed land coverage and open space areas are unchanged compared to the approved project. The Crystal Bay Hotel located across Highway 28 will be removed and the site will be deed-restricted to open space. The office building and parking lot located adjacent to the Crystal Bay Hotel will remain.

The approved project's internal driveway (Boulder Way) has been eliminated and the size of one of the buildings is reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area. These revisions allow for an outdoor plaza and include preservation of a collection of mature pines creating a "grove", an amphitheater placed into the grade change to reduce vertical terracing toward the hotel, opportunities for year-round events (concerts, plays, etc.), retail and food and beverage focused inward rather than outward toward Highway 28 and a central gathering place open to the public as well as to guests and residents of the development.

As a result of the decrease in density, vehicle miles traveled will be reduced from the approved project and the existing condition. The primary entrance to the approved project has been moved from Highway 28 to Lakeview Avenue. The approved road (Wellness Way) that has yet to be constructed that will extend from Highway 28 to Wassou Way, will be a road open to the public to provide an alternative access to the neighborhood since Reservoir Drive, located in the middle of the project area, will be abandoned to provide room for the development.

The proposed water quality BMP plan is updated from the approved project to incorporate improved technology which will achieve the required water quality treatment which exceeds TRPA standards by constructing onsite infiltration galleries and detention basins sized to capture, treat, and infiltrate

peak flow volumes from a 50-year, 1-hour storm event. The revised project also proposes reconfigured water quality treatment facilities that will improve accessibility of those facilities for long-term operations and maintenance.

Site Description:

The site of the Boulder Bay Project currently consists of the four-story Tahoe Biltmore Lodge and Casino, six cottages, a two-story administrative building, two former hotel cottage units now vacant, and a storage building. The project area also includes two parcels located across Highway 28 from the Biltmore that contain the Crystal Bay Motel, the adjacent office building, and an overflow parking lot. The Boulder Bay Project area consists of a total of 16.26 acres on 13 separate parcels. The project area slopes from southeast to northwest - rising approximately 40 feet in elevation from the southern frontage along State Route 28 to the rear (north) of the current Biltmore parking lot and rises 80 feet in elevation to the intersection near Lakeview and Reservoir roads.

Zoning:

The project area is in the Washoe County Tahoe Area Plan, North Stateline Casino Core Regulatory Zone which is within an adopted Town Center overlay.

Vehicle Miles Travelled (VMT)/Traffic Impacts and Peer Review:

A VMT and traffic analysis was prepared to determine if the revised project is consistent with the traffic analysis in the EIS. Due to the reduction in density of TAUs and residential units, the revised project would result in a net reduction in annual average Tahoe Basin daily VMT of 2,173 (or a 14-percent reduction) compared to the Baseline Biltmore. In comparison with the approved project, revised project would generate 4,436 less VMT (or a 24-percent reduction in VMT). Based on current TRPA standards, there is no need to evaluate further specific mitigation measures to reduce VMT associated with the revised project, beyond those measures included in the approved Boulder Bay permit.

To assist TRPA staff in evaluating the traffic impacts of the revised project, TRPA engaged with the Tahoe Science Advisory Council to lead an external peer review of the transportation impact analyses associated with the redevelopment of the former Tahoe Biltmore Hotel and Casino site into a mixed-use resort. The peer review was conducted by Dr. Jamey Volker, University of California, Davis Institute for Transportation Studies and Dr. Scott Kelly, University of Nevada Reno Department of Geography. The peer review was managed by Mr. Robert Larsen, the Tahoe Science Advisory Council Program Officer.

The peer reviewers were asked to comment on the traffic analysis, including rates for internal trip capture, non-auto trips and pass by trips individually and the combination of all three to arrive at final trip rates. The analysis used trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual and, importantly, made several adjustments to reduce them given the mixed-use designation of this proposed project. The ITE trip generation rates are typically most appropriate for auto-oriented/auto-dependent areas, hence the literature suggests adjusting the values to account for over-estimation of trips in more urban settings.

The reviewers agreed adjustments could be appropriate for internal trip capture, non-auto trips, pass-by trips, and trip generation reductions. However, the reviewers noted additional supporting documentation would allow for a more complete understanding of how these adjustments were calculated, and whether the appropriate values were used.

As a result of the peer review the VMT analysis was revised to include additional documentation regarding how the trip reduction calculations were generated. The additional documentation was reviewed by TRPA staff and was determined adequate for calculating final trip reductions. For example, a footnote was added to the study that states: “<sup>1</sup>The ITE Trip Gen Handbook provides internal capture rates for some WALT [Waldorf Astoria Lake Tahoe] uses, such as hotel/residential, restaurant and retail. The project’s internal capture based on these rates was evaluated (along with the NCHRP 684 Internal Trip Capture Estimation Tool) and used as one of the data points in developing the WALT internal capture rates.”

To ensure VMT reductions are achieved, the permit for the approved project and the proposed draft permit for the revised project requires traffic reduction monitoring (See Attachment B, Special Condition 5.U). The condition requires that additional development be permanently retired. If after five years from project completion the monitoring determines traffic has increased beyond the projection identified in the EIS and subsequent analysis, then the applicant shall permanently retire existing development rights to reduce the traffic to meet the projections.

The traffic impact study also concluded that the revised project would not decrease the Level of Service (LOS) of nearby intersections due to the reduced level of traffic from the baseline Biltmore or approved project conditions. At the site access points, the proposed project would result in a net reduction of 537 daily one-way vehicle-trips (or a 13-percent reduction) over the Baseline Biltmore use. (The “Baseline Biltmore” use reflects peak-season Year 2006 operations at the previous Tahoe Biltmore, consistent with the baseline assumptions at the time of the original project approval.) During the key PM peak hour, the project would reduce vehicle-trips at the driveways by 74 (or 22 percent), compared to the Baseline Biltmore use.

The proposed project would result in a net reduction in vehicle trips on regional roadways (such as SR 28) away from the site access points (Stateline Road and Big Water Road) of 26 percent over the course of a day, and 35 percent over the key PM peak hour, compared to the Baseline Biltmore use.

The project-generated traffic volume impact on the adjacent local streets to the north of the site is expected to be minimal. The proposed project site plan provides all access to the parking areas at locations close to SR 28, which tends to encourage use of the state highway rather than local roads. While there is an additional access point defined as the “Guest Arrival” area that is further from SR 28, use of this will be limited to the initial lodging guest arrival trip as opposed to the subsequent trips made by guests. The site plan also increases the travel distance (and thus travel time) on the local roads to circulate behind the site. In addition, the proposed project would slightly reduce the potential for diversion of traffic to avoid queues generated by the pedestrian signal. A total of 33 daily inbound trips are expected to take Big Water Road to the Guest Arrival located on upper Stateline Road over the course of the day, with 13 of the trips occurring in the PM Peak Hour.

“Cut-through” traffic through the site is expected to be minimal. Previously, traffic wanting to cut through the site (to avoid the stretch of highway through Crystal Bay) would travel west on Reservoir Road to Wassou Road and then south on Stateline Road for a total travel distance of 1,090 feet. With the project, the cut-through route will be from Big Water Road, south on Wassou Road, and then south on Stateline Road for a total travel distance of 1,880 feet. With the increase of travel distance, cut-through traffic is expected to be reduced.

The project would have a beneficial impact on bicyclist conditions, considering that it requires construction of a Class 1 bicycle lane within the public right of way and/or a dedicated easement adjacent to SR 28 along the project frontage, and that the project would reduce the number of driveways along the corridor (thereby improving bicyclist safety conditions).

The proposed project is estimated to reduce pedestrian crossing activity along SR 28 by roughly 30 percent from previous (Baseline Biltmore) levels, primarily due to the significant reduction in gaming floor area. The existing crosswalk location best serves overall pedestrian demand patterns, though minor reconfiguration may be appropriate once final plans for the north side of the highway are determined. Straightening the crosswalk would provide for a shorter, more logical, and therefore safer crossing for pedestrians. It is recommended that the final project plans consider a site plan that straightens out the existing crosswalk on SR 28, allowing a direct perpendicular pedestrian crossing. See Attachment G of this report for the complete VMT study and the traffic impact study can be read at the following link: [https://www.trpa.gov/wp-content/uploads/documents/Waldorf-Astoria-Lake-Tahoe\\_Transportation-Impact-Study\\_Final.pdf](https://www.trpa.gov/wp-content/uploads/documents/Waldorf-Astoria-Lake-Tahoe_Transportation-Impact-Study_Final.pdf).

#### Water Quality:

One of the environmental improvements of the original project that qualified the project as a CEPP project was the increased benefits to water quality. The approved project included water quality treatment that exceeded required minimum the water quality treatment standard which is to treat the runoff from the 20-year, one-hour storm. The approved project and the revised project will treat runoff from the 50-year, one-hour storm event on-site through a series of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area. The revised project water quality treatment plan uses a better design and technology to achieve water quality treatment and long-term operations and maintenance than the system included in the approved Project and studied in the EIS.

Specifically, the revised project proposes the use of a network of interrelated storm water conveyance and Tahoe Maximum Daily Load treatment strategies appropriate for urban infill regions. The system designed for the Plan Revision includes three components: CDS™ Hydrodynamic Separator, Stormwater Management StormFilter, and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration.

The CDS Hydrodynamic Separator is first in line and captures debris, sediment, and hydrocarbons from stormwater runoff and is sized for the 50-year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50-year, 1 hour storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100-year, 1 hour storm event.

CDS is used to meet Total Maximum Daily Load (TMDL) requirements for stormwater quality control, inlet and outlet pollution control, and as pretreatment for filtration, detention and infiltration. StormFilter is used to trap particulates and absorb pollutants such as total suspended solids, hydrocarbons, nutrients, metals and other common pollutants. Finally, CMP is perforated to infiltrate the soil to treat captured stormwater runoff naturally. In total, the revised project includes a system that meets or exceeds the stormwater plan included in the approved project. In addition, the approved project EIS discusses the need for long-term water quality monitoring to ensure treatment

levels are met and maintained. The revised project proposes to reconfigure water quality treatment facilities from the approved project to improve accessibility of those facilities for long-term operations and maintenance.

#### Height and Scenic Quality:

The heights of the proposed buildings are in substantial conformance with the approved project with two buildings being 1.5 to 2 feet taller than the approved buildings and all other buildings being equal to or less than the approved building heights. Staff has evaluated the additional height and determined the increase in height is not significant.

Scenic Impacts of the project were evaluated in the EIS using photographs from viewpoints on and near the project area and the review of visual simulations. Viewpoint locations were selected to include scenic travel routes from SR 28 and Lake Tahoe. The project area is located in Roadway Unit 20D (North Stateline Casino Core) and is partially visible from Shoreline Units 22 (Brockway) and 23 (Crystal Bay). Both Shoreline Units 22 and 23 are currently listed as out of attainment.

A scenic analysis was prepared for the revised project which confirmed the revisions are consistent with the scenic analysis in the EIS (HBA Scenic Analysis Report, dated Oct. 14, 2022). The configuration of the new buildings remains substantially the same but there are slight changes to footprint size, placement, and architectural design. The revised Project structures are nevertheless consistent with building design, location and massing analyzed in the 2009 EIS. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the proposed Plan Revision does not result in new scenic quality impacts to Roadway Unit 20D or require modifications to the existing mitigation measures included in the 2009 EIS.

During the review of the proposed revised project staff requested the applicant address a condition of approval included in the project permit (Condition 5.F) which states:

“The Permittee shall erect story poles and/or helium balloons as a means of confirming the accuracy of the proposed maximum building heights depicted in the photo-simulations in the EIS for TRPA review and approval. Photos of the erected story poles and/or helium balloons shall be taken from the same vantage points as the photo-simulations and superimposed onto the photo-simulations. The accuracy of the erected story poles/helium balloons and superimposed images shall be certified by a licensed surveyor, architect and/or engineer.”

Staff requested the condition be addressed during the evaluation of the revised project to further ensure the proposed project is consistent with the scenic analysis in the EIS *prior* to making a recommendation on the proposed project. Staff and the applicant completed the evaluation required by the condition on December 8, 2022 and confirmed the revised project simulations accurately depict their proposed location and heights and viewed from the roadway and Lake Tahoe.

As a result of the revised project, the scenic quality threshold improvement scores identified in the 2009 EIS will also be realized with the revised project. Specifically, Roadway Unit 20D will see a 1.5 point improvement to the threshold rating which will raise the overall Roadway Travel Route Threshold Rating from 13.5 to 15. No impacts or improvements to the scenic shoreline units will occur due to the projects very limited visibility from those units.

#### Building Design:

The building design has evolved from a more traditional “Old Tahoe” style to an “Alpine Elegance” style of architecture that is also sought by the Washoe County Tahoe Area Plan. The proposed buildings will include pitched roofs, gables, overhangs, and multiple planes with wood and stone treatments. All of the structures will utilize non-reflective building materials and all colors and

material will be consistent with TRPA recommended materials and colors. Redevelopment of the site will improve the architectural character of the area as well as the associated exterior pedestrian spaces, signage and landscaping. Both the scenic evaluation and balloon study are attached to this report as Attachments E and F.

Development Rights:

**Tourist Accommodation Units (TAUs)**

One hundred and fourteen TAUs exist on the site and an additional 30 TAUs were transferred to the project area. As part of the approval of the Boulder Bay Community Enhancement Program Project 40 Bonus TAUs were awarded to the project. Therefore, enough TAUs have been acquired to accommodate the proposed TAU component of the project.

**Residential Units**

Three residential units exist on-site and an additional 40 residential units were transferred to the site which is sufficient to construct the 43 proposed residential units.

**Muti-Residential Bonus Units (MRBUs)**

As part of the approval of the Boulder Bay Community Enhancement Program Project forty-eight Multi-residential Bonus Units were awarded to the project. These units will be used to construct the 14 on-site workforce housing units and the 10 offsite workforce housing units. The unused MRBUs will be returned to the TRPA bonus until pool.

**Commercial Floor Area (CFA)**

TRPA verified 70,725 square feet of on-site CFA which exceeds the 18,700 square feet of proposed CFA.

**Gaming Floor Area**

The Nevada Tahoe Regional Planning Agency verified 29,744 square feet of on-site gaming floor area which exceed the 10,000 square feet of proposed gaming floor area. A condition of approval requires the permittee to permanently retire 9,914 square feet of the total verified gaming floor area within the project area as required by the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project.

Land Capability and Coverage:

Per the EIS Appendix AD, verified existing land coverage within the project area (including existing Washoe County Right of Way ("ROW") that will be abandoned) is 325,886 square feet over the TRPA allowable base land coverage. Excess land coverage would be reduced to 284,007 square feet under the Approved Project, which proposed to reduce land coverage by 15.9 percent. Excess land coverage is a significant impact that must be mitigated to reduce the impact to a less than significant level. As reported in the land coverage calculations for the Plan Revision (Coverage Plan sheet L0.05), TRPA land coverage would be reduced by 16.5% in the project area. The proposed land coverage reduction is greater than the 5 percent goal designated in the Washoe County Tahoe Area Plan (Section 110.220.40) and consistent with the TRPA CEP goals of the Boulder Bay Project.

The Plan Revision (Coverage Plan sheets L0.05 and L0.06) is consistent with the proposed land coverage reductions approved for the Project, documented in the 2011 TRPA Permit, and reported in the EIS. Mitigation of excess land coverage (including retirement of banked or existing land coverage within the Project Area) will benefit the project area and larger North Stateline planning area. As

documented on Plan sheet L0.05, at a minimum excess land coverage will be mitigated with permanent retirement of 71,283 square feet of banked or existing land coverage from the former Sierra Park parcels (APN 123-071-34, 35, 36, 37), Crystal Bay Motel/Office and parking lot (APN 123-042-01, 02), Old Firehouse (APN 123-053-04), California offsite WQ treatment site (APN 090-305-016) and reductions in existing offsite land coverage within the SR 28 ROW. The final requirements for excess land coverage mitigation will be calculated in accordance with TRPA Code Subsection 30.6 as a condition of the Plan Revision permit.

Excavation:

The soils/hydrologic analysis completed for the previously approved project allowed for excavations up to 49 feet in depth without intercepting groundwater. The revised project includes a variety of excavations depth across the project site however, no excavations will exceed 45 feet in depth.

Public Noticing:

TRPA provided property owners within 300 feet of the project area notice that the Governing Board would be reviewing and considering approval of this project.

Environmental Review:

The Applicant has prepared an Initial Environmental Checklist (IEC) to analyze potential environmental impacts caused by the project. Based on this IEC, the original EIS, and conditions in the draft permit, staff recommends that a Mitigated Finding of No Significant Effects be made for the proposed project.

Regional Plan Compliance:

The proposed project, as conditioned in the draft permit, is consistent with the TRPA Goals and Policies, Washoe County Area Plan, TRPA Design Review Guidelines, and TRPA Code of Ordinances, including all required findings in Chapters 3, 4, 21, 30 and 37.

Contact Information:

For questions regarding this agenda item, please contact Paul Nielsen, Special Project Manager, at (530) 318-6025 or [pnielsen@trpa.gov](mailto:pnielsen@trpa.gov).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Site Plans, Floor Plans, & Elevations
- D. Initial Environmental Checklist
- E. Scenic Evaluation
- F. Balloon Height Study
- G. VMT Memo
- H. V(g) Findings & Checklist



Attachment A

Required Findings/Rationale

## Required Findings

The following is a list of the required findings as set forth in Chapters 3, 4, 21, 30 and 37 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

**1. Chapter 3 – Findings for Initial Environmental Checklist:  
**3.3.2. Mitigated Finding of No Significant Effect****

- (a) The proposed project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7.

The TRPA Governing Board certified the Boulder Bay Community Enhancement Program Project EIS in April 2011 for the previously approved project, including a Finding of No Significant Effect. An Initial Environmental Checklist (IEC) was completed for this plan revision to analyze the impacts that could result from the revised project.

The IEC included supporting documentation including LSC Transportation’s (LSC) VMT Analysis (February 15, 2023), LSC’s Transportation Impact Study (March 13, 2023), and HBA’s Scenic Quality Evaluation (October 14, 2022). Based on the information submitted in the Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, is consistent with the certified EIS and will not have a significant effect on the environment. TRPA has prepared a finding of mitigated no significant effect as required by the Rules of Procedure, Section 6.7.

**2. Chapter 4 – Required Findings:**

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

The project is located in the Crystal Bay Tourist Regulatory Zone (“CB Tourist Zone”) of the recently adopted Tahoe Area Plan (TAP) which replaced the North Stateline Community Plan (NSCP) which was in effect when TRPA originally approved the project. While the TAP replaced the NSCP, the CB Tourist Zone largely mirrors the former NSCP governing land use in Crystal Bay, including the list of permissible uses. The project’s uses have not changed and are permissible in the CB Tourist Zone. These uses include hotel, motel and other transient dwellings (A), multiple-family dwellings, employee housing (S), gaming (A), food and beverage (A), general retail (S) and passive recreation / linear public facilities (A). Special use findings were made for the approved project for the MFD and employee housing uses. Although general retail has always been a component, special use findings were not specifically made for that use in the approved project. Special use findings are included herein for general retail.

The revised project reduces density by 157 units compared to the approved project which was within the maximum permissible density. The revised project reduces the number of hotel units from 275 to 134 (includes 22 lock-off units) and decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units, a 47 percent reduction in density. This results in a net reduction of 157 units, a 47 percent reduction in density. There is no change to the approved gaming (10,000 square feet), commercial (18,700 square feet) or employee housing components (38 total bedrooms – 28 provided onsite in 14 units and 10 provided offsite). The revised project complies with the density standards.

The revised project eliminates the internal driveway (Boulder Way) and reduces the size of Building F to expand the public plaza in the middle of the development and add a guest arrival area between Buildings D and E. These revisions allow for an outdoor programmable plaza and include preservation of a collection of mature pines creating a “grove”: an amphitheater nestled into the grade change to reduce vertical terracing toward the hotel (Building D), opportunities for year-round events (concerts, plays, etc.), retail focused inward rather than outward toward SR 28, a central gathering place open to the public as well as to guests and residents of the approved project.

The revised project is consistent with the approved project’s height and massing, and the number of buildings, land coverage and provision of open space remain unchanged.

Based on the foregoing, the revised project is consistent with and will not adversely affect implementation of the Regional Plan.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

Soil Conservation: The revised project does not increase land coverage over that originally approved and will mitigate excess land coverage consistent with the approved project. The developer recorded a deed restriction against the project area permanently retiring 35,340 sf of banked land coverage in partial satisfaction of the excess coverage mitigation requirement. The draft permit includes a condition that requires the mitigation of additional excess coverage.

Water Quality: One of the environmental improvements of the original project that qualified the project as a CEPP project was the increased benefits to water quality. The approved project included water quality treatment that exceeded the required minimum the water quality treatment standard which is to treat the runoff from the 20-year, one-hour storm. The approved project and the revised project will treat runoff from the 50-year, one-hour storm event on-site through a series of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area. The revised project water quality treatment plan uses a better design and technology to achieve water quality treatment and long-term operations and maintenance than the system included in the approved Project and studied in the EIS.

Specifically, the revised project proposes the use of a network of interrelated storm water conveyance and Tahoe Maximum Daily Load treatment strategies appropriate for urban infill regions. The system designed for the Plan Revision includes three components: CDS™ Hydrodynamic Separator, Stormwater Management StormFilter and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration.

The CDS™ Hydrodynamic Separator is first in line and captures debris, sediment and hydrocarbons from stormwater runoff and is sized for the 50-year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50-year, 1 hours storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100-year, 1 hour storm event.

CDS™ is used to meet Total Maximum Daily Load (TMDL) requirements for stormwater quality control, inlet and outlet pollution control, and as pretreatment for filtration, detention and infiltration. StormFilter is used to trap particulates and adsorb pollutants such as total suspended solids, hydrocarbons, nutrients, metals and other common pollutants. Finally, CMP is perforated to infiltrate the soil to treat captured stormwater runoff naturally. In total, the revised project includes a system that meets or exceeds the stormwater plan included in the approved project. In addition, the approved project EIS discusses the need for long-term water quality monitoring to ensure treatment levels are met and maintained. The revised project proposes to reconfigure water quality treatment facilities from the approved project to improve accessibility of those facilities for long-term operations and maintenance.

EIP Project No. 732 (Placer County Stateline Water Quality / Brockway Residential Project), a water quality improvement project located in California immediately east of the state line has been completed.

Transportation: The revised project's significant reduction in hotel units will reduce daily vehicle trips and VMT compared to the Approved Project. LSC's VMT Analysis (February 2023) documents that the revised project will reduce VMT by up to 4,497 compared to the approved project studied in the EIS (Table 7).

Scenic: The configuration of the new buildings remains substantially the same in the revised project, but there are slight changes to footprint size, placement and architectural design. According to the HBA Scenic Analysis Report, dated Oct. 14, 2022, the revised project's structures are nevertheless consistent with building design, location and massing analyzed in the EIS. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the revised project does not result in new scenic quality impacts to Roadway Unit 20D or require modifications to the existing mitigation measures included in the EIS.

During the review of the proposed revised project staff requested the applicant address a condition of approval included in the original project permit (Condition 5.F) which states:

“The Permittee shall erect story poles and/or helium balloons as a means of confirming the accuracy of the proposed maximum building heights depicted in the photo-simulations in the FEIS for TRPA review and approval. Photos of the erected story poles and/or helium balloons shall be taken from the same vantage points as the photo-simulations and superimposed onto the photo-simulations. The accuracy of the erected story poles/helium balloons and superimposed images shall be certified by a licensed surveyor, architect and/or engineer.”

Staff requested the condition be addressed during the evaluation of the revised project to further ensure the proposed project is consistent with the scenic analysis in the EIS *prior* to making a recommendation on the proposed project. Staff and the applicant completed the evaluation required by the condition on December 8, 2022 and confirmed the revised project simulations accurately depict their proposed location and heights and viewed from the roadway and Lake Tahoe.

As a result of the revised project, the scenic quality threshold improvement scores identified in the 2009 DEIS will also be realized with the revised project. Specifically, Roadway Unit 20D will see a 1.5-point improvement to the threshold rating which will raise the overall Roadway Travel Route Threshold Rating from 13.5 to 15. No impacts or improvements to the scenic shoreline units will occur due to the projects very limited visibility from those units.

**Air Quality:** Consistent with the approved project, the revised project will realize long-term benefits resulting from the replacement of existing buildings with more efficient buildings. Importantly, the revised project’s significant reduction in hotel units will reduce daily vehicle trips and VMT compared to the approved project. LSC’s VMT Analysis (February 2023) documents the revised project will reduce VMT by up to 4,497 compared to the Approved Project studied in the EIS.

**Vegetation:** The revised project does not alter the conclusions of the EIS or require any mitigation measures.

**Noise:** The revised project does not alter the conclusions of the EIS or require additional mitigation measures.

**Recreation:** Due to the reduction in density, the revised project will reduce the demand for recreational services compared to the approved project. The revised project maintains the amount of open space in the approved project. The park component of the approved project was completed at the northern end of the project area and consists of approximately 1.5 acres with parking, seating, trails and interpretive kiosks.

A condition of approval requires the permittee to enter into an agreement with Placer County Parks and Recreation to participate in the removal of refuse at Speedboat Beach and the immediate area which is also a condition of the approved project. A condition of approval also requires the permittee to provide a shuttle to an area ski resort during the winter ski season and to also provide a beach access shuttle service.

The project meets the provisions of the TRPA Code of Ordinances, and TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Based on the TRPA Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, will not cause any environmental threshold carrying capacity to be exceeded.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

The revised project will not alter federal, state, or local air or water quality standards currently in place. Therefore, the strictest standards will continue to be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact. The revised project will comply with all temporary and permanent air and water quality BMP requirements which will prevent any adverse impacts to federal, state, or local air and water quality standards.

### 3. **Chapter 21 – Permissible Uses**

#### **21.2.2. Special Uses**

- (a) The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located.

The revised project reduces the number of hotel units from 275 to 134 (includes 22 lock-off units) and decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units, a 47 percent reduction in density. The project also includes 14 units of onsite employee housing, 10,000 sf of gaming area, 18,700 sf of commercial floor area, and traditional resort amenities. Of the 18,700 sf of CFA, approximately 4,200 sf consists of general retail space. General retail falls within “general merchandise stores” as defined in TRPA Code Table 21.4-A which is a special use in the Crystal Bay Tourist Zone.

The Crystal Bay Tourist Zone is a Town Center where environmentally beneficial redevelopment is encouraged and density should be concentrated. More specifically, Policy LU2-2 of the Washoe County Tahoe Area Plan (WCTAP) provides that retail and restaurant uses should be concentrated throughout the Crystal Bay Tourist Zone. The project’s 18,700 sf of CFA is devoted to retail and restaurant uses consistent with Policy LU2-2. The WCTAP also calls for walkable and bikeable Town Centers. Having retail onsite and at street level will help achieve that goal. Given the size and mixed-use nature of the project, general merchandise stores is appropriate for the parcel.

Based on the foregoing, the project is of a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and the surrounding area in which it is located.

- (b) The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners; and

The adopted EIS concludes the project, including the required mitigation measures, will not have any of the effects enumerated above. The approved project included 18,700 sf of CFA, but 4,200 sf of retail space (a special use) was not specified in the EIS. Adding a general retail use to the mixed-use project, which consists of gaming, hotel rooms, residences, food and beverage and onsite resort amenities in the Crystal Bay Town Center, will not injure or disturb the health, safety, enjoyment of property or general welfare of persons or property in the area. The project includes measures to protect the natural resources of the project site and surrounding areas.

- (c) The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable planning area statement, community plan, and specific or master plan, as the case may be.

The Crystal Bay Tourist Zone is a Town Center where environmentally beneficial redevelopment is encouraged and density should be concentrated. More specifically, Policy LU2-2 of the WCTAP provides that retail and restaurant uses should be concentrated throughout the Crystal Bay Tourist Zone. The project's 18,700 sf of CFA is devoted to retail and restaurant uses consistent with Policy LU2-2. The WCTAP also calls for walkable and bikeable Town Centers. Having retail onsite and at street level will help achieve that goal. General retail use is consistent with the area's gaming, tourist and other commercial uses. As a result, the project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable planning area statement.

#### 4. **Chapter 30 – Land Coverage**

##### **30.4.4. Relocation of Land Coverage**

- (a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the factors in Subsection 30.4.4.A.1 through 30.4.4.A.6.

The proposed project will relocate existing land coverage from LCD 1a to LCDs 2 and 4. The relocation is to an equal or superior portion of the project area, as the land coverage will be relocated to an area that was previously disturbed (e.g., former Tahoe Mariner site and existing storage areas). The natural vegetation and slopes will be protected during construction. Relocation will be to soils of equal or higher land capability and appropriately fits the scheme of use of the project area. The relocation does not encroach into stream environment zone (SEZ), backshore or setbacks.

- (b) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

The area from which the land coverage is removed for relocation will be restored in accordance with TRPA Code Chapter 30. Restored areas will be landscaped for

guest use, planted with native vegetation for open space or used for storm water treatment. A portion of the relocated land coverage is banked on the former Tahoe Mariner site,

- (c) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

Only Class 1a coverage will be relocated within Class 1a and Class 2 areas. Additional Class 1a land coverage will be relocated to Class 4 areas. No land coverage is proposed to be relocated to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

## 5. Chapter 37 – Height

### 37.7.15. – Findings for Additional Height for Special Projects within North Stateline Community Plan

Additional height may be specified within the North Stateline Community Plan subject to the following requirements:

- A. Any existing buildings within the project area that have non-conforming height prior to the adoption of this ordinance shall be demolished, except when found to be historically significant and then the provisions of Chapter 67 shall prevail.

The existing Tahoe Biltmore Casino is a four-story structure that is 76 feet, two inches in height. Pursuant to the Tahoe Area Plan, the maximum permissible height for the Crystal Bay Tourist Town Center in which the project is located is 56 feet. Accordingly, the Tahoe Biltmore Casino has non-conforming height. As with the approved project, the existing structure will be demolished as part of the revised project.

- B. Land coverage otherwise permissible within the project area pursuant to the Regional Plan shall be reduced by a minimum of ten percent.

As with the approved project, the revised project will reduce existing coverage within the project area and Crystal Bay Tourist Regulatory Zone by approximately 15.8 percent.

- C. To implement pedestrian/transit-oriented development (PTOD), the project shall, at a minimum:

- 1. Satisfy the factors outlined in subparagraph 11.8.4.C.1;

- a. Access to operational transit within one-half mile walk;

The project will implement an Alternative Transportation Plan which includes transit shelters, a bus and shuttle turnout, financial subsidies to increase public transit service to the site, employee shuttle services, car- and bike-share services onsite, a shuttle for guests, and other alternative transit amenities.

Operational transit exists within the project area, and a shuttle/trolley stop will be



located outside the main hotel entrance as part of the project. This stop will be served by the North Tahoe Express, seasonal trolley services and employee shuttles. Additionally, the current TART stop on the north side of State Route 28 directly adjacent to the site will be expanded per TART standards to accommodate two buses at one time. This, along with the other existing bus bay on the north side of SR 28 just west of Stateline Road, would allow up to three westbound vehicles to be in Crystal Bay at one time.

The Project will provide a subsidy, on monthly transit passes, of 50% or the maximum taxable benefit limit, whichever is greater.

b. Neighborhood services within one-half mile walk (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities);

Over 20 different services and facilities are located within ½ mile of the project area, and a variety of neighborhood services will be provided on-site including market, retail and dining. The project is located within a two-minute walk of the post office, an urban park and other recreational trailheads.

c. Good pedestrian and bike connections;

The plan revision contains a network of sidewalks and walkways to encourage pedestrian access throughout the project area and beyond. The project proposes over 7,000 linear feet of pedestrian and multi-use paths on-site with connections to existing walkways serving the core area of the Area Plan Town Center. Bicycle Lanes will be improved along the SR 28 frontage on both sides of the highway and will connect with the new Kings Beach Class 2 bicycle lanes at the State Line. Specifically, the plan will include approximately 2,000 linear feet of Class 2 bike lanes along State Route 28 per AASHTO guidelines with five feet wide lanes where curb/gutter are present and four feet wide lanes along the roadway without curb/gutter.

d. Opportunities for residential infill (at densities greater than eight units per acre) or infill with mixed uses; and

Based on a request from Placer County during the Project approval hearings, the Project will provide 28 of the workforce housing bedrooms onsite in two-bedroom units located in buildings G or H. The Project will provide a minimum of 10 bedrooms in offsite infill locations within a 10-mile radius of the project site. The developer will purchase the offsite bedrooms in one- and two-bedroom configurations located in pre-existing infill housing in the vicinity of the project site. The units may be single family, duplexes or condominiums. Each property will be refurbished to specific quality and sustainability standards developed according to the local jurisdictional requirements.

The Plan Revision provides 14 workforce housing units (two-bedroom units) in Building G and maintains the TRPA permit condition for the approved Project to secure offsite housing units within 10 miles of the project area to provide a minimum of 10 additional bedrooms. The selection of the offsite housing will be

coordinated with Placer County Community Development Department staff and refurbished and deed restricted as affordable housing.

The project proposes tourist accommodations at 40 units per acre and residential units at 15 units per acre.

- e. Public facilities adequate to service increased demand from the addition of multi-family units (e.g., public schools, urban or developed recreation sites, government services, and post offices).

The EIS evaluated impacts on power, water treatment and distribution, wastewater collection, solid waste collection and disposal, law enforcement services, fire protection services, schools, and communications. A discussion of emergency evacuation is also included in this section. Mitigation measures are included in Public Services and Utilities section (PSU-1A, 1B, 1C, and 1D and PSU-3A, 3B) to ensure that the Project coordinates with service providers during final project design, construction and special events to ensure public safety.

The Plan Revision, which involves a substantial reduction in tourist accommodation units, would not alter the conclusions of the EIS, nor require any additional protections.

- 2. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities;

The project will implement an Alternative Transportation Plan which includes transit shelters, a bus and shuttle turnout, financial subsidies to increase public transit service to the site, employee shuttle services, car- and bike-share services onsite, a shuttle for guests, and other alternative transit amenities.

The project will provide a shuttle/trolley stop located outside the main hotel entrance. This stop will be served by the North Tahoe Express, seasonal trolley services and employee shuttles. Additionally, the current TART stop on the north side of State Route 28 directly adjacent to the site will be expanded per TART standards to accommodate two buses at one time. This, along with the other existing bus bay on the north side of SR 28 just west of Stateline Road, would allow up to three westbound vehicles to be in Crystal Bay at one time.

The Plan Revision contains a network of sidewalks and walkways to encourage pedestrian access throughout the project area and beyond. The plans submitted to TRPA include over 7,000 linear feet of sidewalks and walkways.

- 3. Provide circulation connections and linkages between private open spaces, public spaces and recreational opportunities (for example, streetscapes, alleys, easements, parks) and commercial, residential, tourist uses both on and off-site;

The Approved Project's internal driveway (Boulder Way) has been eliminated and the size of Building F has been reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area between Buildings D and E.

These revisions allow for an outdoor programmable plaza and include preservation of a collection of mature pines creating a “grove”, an amphitheater nestled into the grade change to reduce vertical terracing toward the hotel (Building D), opportunities for year-round events (concerts, plays, etc.), retail focused inward rather than outward toward SR 28, a central gathering place open to the public as well as to guests and residents of the Approved Project.

4. Provide alternative parking strategies (which may include shared parking, parking structures, or underground parking);

To increase the incentives to utilize public transportation and eliminate passenger vehicle trips, the approved project reduced the proposed parking to equal the Fehr & Peers Transportation Study minimum parking demand calculation of 460 spaces. The Plan Revision proposes 413 total spaces. The Plan Revision includes underground parking.

5. Be a mixed use development;

The project includes a mix of primary residential, tourist accommodation, commercial and gaming uses along with various accessory uses.

6. Orient building facades to the street; and

Buildings G and H include commercial land uses and are oriented towards SR 28, including pedestrian amenities like walkways, covered entry areas, landscaping, and activated spaces for gathering.

7. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:

a. Blend vegetation to accentuate and provide visual breaks in building façades and rooflines, for example, with the use of low-lying shrubs and various sized trees;

All proposed vegetation conforms to the TRPA guidelines and approved species list. The project has significant grade change which provides opportunity for terraced landscape replicating the surrounding landscape in Tahoe. These terraced areas also provide an opportunity for visual breaks in the building facades utilizing planting. The planting areas will incorporate native tree plantings including aspens, firs, cedars, and native pines, to accentuate and screen buildings facades and rooflines.

b. Enhance and emphasize pedestrian circulation routes with special design features that physically separate pedestrians from the flow of traffic or bike lanes, or provide direction. Features may include, garden beds, landscape planters, bollards, benches, sculpture/artistic elements, and/or other street furniture; and

Along State Route 28, pedestrians will be separated from vehicle traffic by an average of 8 feet of landscape planters. Bike lanes will also be provided along SR 28 to create a safer experience for cyclists passing through the Crystal Bay area. A series of boulder and bench seating will be provided along major pedestrian

circulation routes. A main design feature of the development will be the internal promenade (pedestrian only) that serves as the spine of the property, connecting patrons to retail spaces, event spaces, Sierra Park, and the hotel itself. Art sculptures, gardens, seating areas and water features will be placed throughout the promenade and major pedestrian routes.

- c. Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

Parking is provided underground.

- D. New structures along State Route 28 shall be set back from the travel route edge of pavement a minimum of 40 feet and stair-stepped upslope, providing a transition of height across the site (See Figure 37.7.15-A). Additional height for new structures satisfying these requirements may be permitted as follows:

- 1. The maximum permissible height for structures with a minimum set back of 40 feet from the State Route 28 edge of pavement shall be 58 feet.

TRPA recognizes the need to allow additional height to achieve the goals in the Washoe County Tahoe Area Plan and the CEP. This is achieved by varying setbacks, creating a variety of roof pitches and creating building articulation. Proposed building heights do not exceed the height of the existing Tahoe Biltmore and require SR 28 setbacks of at least 180 feet for the tallest structures. Buildings have been designed to stairstep up the hill as viewed from SR 28 (e.g., only two- and three-story buildings are placed along SR 28) to reduce visible impact. As shown in Plan Sheet A0.41, Buildings G and H are set back more than 40 feet from SR 28. Heights for Buildings G (41'6") and H (57'10") comply with the 58 foot height limit.

- 2. The maximum permissible height for structures with a minimum set back of 60 feet from the State Route 28 edge of pavement shall be 67 feet.

As shown in Plan Sheet A0.41, Buildings C and F are set back more than 60 feet from SR 28. Heights for Buildings C (67') and F (54'10") comply with the 67-foot height limit.

- 3. The maximum permissible height for structures with a minimum set back of 180 feet from the State Route 28 edge of pavement shall be 75 feet.

As shown in Plan Sheet A0.41, Buildings B, D and E are set back more than 180 feet from SR 28. Heights for Buildings B (75'), D (75') and E (70'1") comply with the 75 foot height limit.

- E. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 20D, North Stateline Core.

Visual simulations were completed from TRPA designated scenic resource locations and indicate that the project would improve travel route ratings along SR 28 and maintain travel route ratings from the Lake Tahoe shoreline. The Boulder Bay Permit issued by TRPA in 2011 (Section 5.F) includes a requirement to complete a balloon study to confirm the accuracy of the scenic simulations used in the EIS analysis. 3dFX Design and Hauge Brueck Associates completed the balloon study and published the results on January 3, 2023. The balloon

study was completed for three viewpoints used in the EIS analysis. In each case, the balloon lines up closely to the roofline of the subject building in the corresponding photo-simulation. As such, the balloon study confirms the accuracy of the maximum building heights depicted in the photo-simulations prepared for the project EIS (2011) and subsequent Plan Revision application (2022).

Under the Plan Revision the configuration of the new buildings remains substantially the same but there are slight changes to footprint size, building height, placement and architectural design. According to the HBA Scenic Analysis Report, dated Oct. 14, 2022, the Plan Revision structures are nevertheless consistent with building design, location and massing analyzed in the 2009 DEIS. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the proposed Plan Revision does not result in new scenic quality impacts to Roadway Unit 20D or require modifications to the existing mitigation measures included in the EIS. The scenic quality threshold improvement scores identified in the 2009 DEIS (Table 4.5-6) should also be realized with the Plan Revision.

**F. The project shall retain and treat the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.**

Like the approved project, the Plan Revision would also exceed TRPA Code requirements for stormwater capture and treatment (NCE, Overall BMP Plan, Sheet C3.0). The system designed for the Plan Revision includes three components: CDS™ Hydrodynamic Separator, Stormwater Management StormFilter and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration. Two detention locations are proposed to capture and treat stormwater and shown on sheet C3.0. One is located below building F (hotel) just above building H and captures runoff from zone 1. The other is located below building F (hotel) just above building G and captures runoff from zone 2. Both locations are in close proximity to each other and provide easy access for maintenance equipment within the pedestrian/emergency vehicle corridor.

The CDS™ Hydrodynamic Separator is first in line and captures debris, sediment and hydrocarbons from stormwater runoff and is sized for the 50-year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50 year, 1 hours storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100-year, 1 hour storm event. According to NCE application materials, the proposed system uses better technology and a higher level of water quality treatment than the system included in the approved Project and studied in the EIS.

EIP No. 732 was completed in 2014 on APN 090-305-016, the “California Parcel.” It involves an off-site water quality project designed to the 50-year, one-hour storm event.

**G. The project shall implement TRPA designated EIP Projects within the NSCP.**

Prior to the original project approval, the developer contributed to Phase One of the Nevada Utility Undergrounding Project (EIP No. 970). The developer completed EIP No. 732 in 2014 on APN 090-305-016, the “California Parcel.” It involves an off-site water quality project designed to the 50-year, one-hour storm event.

**H. The project shall achieve a reduction in vehicle miles traveled.**

The Plan Revision would reduce development. The reduction in total number of hotel and residential units would reduce Project related daily vehicle trips and VMT when compared to existing conditions. At the site access points, the plan revision would result in a net reduction of 537 daily one-way vehicle-trips (or a 13-percent reduction) over the Baseline Biltmore use (LSC, 3/23/23, Table 3). LSC Transportation Consultants (February 2023) also documents that the Plan Revision would reduce VMT by 2,234 compared to the baseline conditions for the existing Biltmore site, and up to 4,497 when compared to the approved Project studied in the EIS (Table 7).

Pursuant to the TRPA permit, five years after buildout of the project, TRPA shall engage a qualified traffic consultant to monitor peak traffic volumes and provide traffic monitoring results and underlying information. If the traffic monitoring reveals daily vehicle trips exceed 2,915 daily trips, the developer shall offset the increase in trips by permanently retiring existing development rights, either onsite or offsite.

**I. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8, and 9 of Section 37.7.**

**Finding 1.** When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The Plan Revision is visible from SR 28, a major arterial, but will not extend above a ridgeline or the forest canopy as can be seen from 300 feet lakeward of high water. The tree canopy height within the project area averages 100 feet, which is greater than the height of any proposed building. From some SR 28 viewpoints immediately adjacent to Buildings G and H (closer than 300 feet), the proposed buildings would partially block views of the ridgeline located west of the project area, but not to the same extent that the existing Biltmore structure currently blocks views of the ridgeline. Building setbacks and placement proposed for Buildings G and H in the proposed project would maintain a majority of existing ridgeline views through the project area. The tallest buildings will be set back over 180 feet from SR28.

**Finding 3.** With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The approved height amendment includes a requirement that the additional height be a maximum of 75 feet or three-fourths of the tallest trees within the project area, whichever is lower. The proposed project height is limited to 58 feet for structures located a minimum of 40 feet from SR28, 67 feet for structures located a minimum of 60 feet from SR28 and 75 feet for structures located a minimum of 180 feet from SR28. In addition, the project is required to implement landscaping that enhances the scenic quality of the area

and is required to increase the scenic threshold travel route rating for Roadway Unit 20D of the North Stateline area.

Under the Plan Revision, the configuration of the new buildings remains substantially the same but there are slight changes to footprint size, height of two buildings, placement and architectural design. According to the HBA Scenic Analysis Report, dated Oct. 14, 2022, the plan revision structures are nevertheless consistent with building design, location and massing analyzed in the 2009 DEIS. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the proposed plan revision does not result in new scenic quality impacts to Roadway Unit 20D or require modifications to the existing mitigation measures included in the EIS. The scenic quality threshold improvement scores identified in the 2009 DEIS (Table 4.5-6) should also be realized with the Plan Revision.

**Finding 6.** The building that is permitted additional building height is located within an approved community plan or Ski Area Master Plan that identifies the project area as being suitable for the additional height being proposed.

The project is located within the Tahoe Area Plan which replaced the North Stateline Community Plan. This area contains buildings, including the existing Tahoe Biltmore Casino and Sign within the project area and the Cal-Neva tower, which exceed existing TRPA height limits. The Area Plan identifies the project area as being suitable for additional height, and the proposed heights area less than the existing Biltmore building.

**Finding 8.** The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

The proposed buildings include architectural features that break up the majority of vertical exterior walls, and the maximum height at any corner of two exterior walls of any building will not be greater than 90 percent of the maximum building height.

**Finding 9.** When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

The project is not visible from scenic turnouts, public recreation areas, or the waters of Lake Tahoe as viewed from a distance of 300 feet. As shown in Figure 4.5-3 of the FEIS, the closest public recreation areas are too far away to discern any changes proposed by the project because of intervening vegetation and/or topography.

Although the project is located within a scenic travel route, there are no identified scenic resources for Roadway Unit 20 or Shoreline Unit 23 within the vicinity of the project site that would be affected (see FEIS Figures 4.5-1 and 4.5-2). Views of the lake from SR 28

would not be affected as documented above under Finding 1. The project is located upslope from both SR 28 and Lake Tahoe, with intervening topography, vegetation and structures that block views to Lake Tahoe from most areas. Areas at the northern end of the project area where existing lake views are available will be maintained as park and open space. Removal of the Crystal Bay Motel will increase filtered views to the Lake from SR 28. Views from SR 28 of the ridgeline above SR 28 (to the west) will not be reduced under the Plan Revision as documented above under Finding 1. Building A will change currently disturbed open space associated with the former Tahoe Mariner to more urban residential uses, increasing the amount of man-made features visible from SR 28. However, mitigation measures (SR-1A and SR-1B) have been proposed to reduce the visibility of Building A to improve existing travel route ratings. Under the Plan Revision, additional vegetation will be implemented to further screen Building A.



Attachment B

Draft Permit

**DRAFT PLAN REVISION PERMIT**

PROJECT DESCRIPTION: Waldorf Astoria Mixed Use Community Enhancement Program Project

PERMITTEE: EKN Development Group

FILE No: CEPP2014-0138-01

COUNTY/LOCATION: Washoe / 5 State Route 28

APNs: 123-051-02, et.al

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on April 26, 2023, subject to the standard conditions of approval attached hereto (Attachment Q and R), and the special conditions found in this permit, all previous plan revision permits, and in the original permit approved by the TRPA Governing Board on April 27, 2011.

This permit shall expire on April 27, 2014, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

PERMIT CONTINUED ON NEXT PAGE

**TRPA FILE CEPP2014-0138-01**  
**APNs 123-051-02, 123-052-02, 123-052-02, -03, -04; 123-053-02, -04, 123-054-01,**  
**123-071-04, -034, -035, -036, -037**

Excess Coverage Mitigation Fee (1):      Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Project Security (2):                              Amount \$ \_\_\_\_\_ Type \_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Project Security Administrative Fee (4):      Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Additional Project Security (3):              Amount \$ \_\_\_\_\_ Type \_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Project Security Administrative Fee (4):      Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Notes:

- (1) See Special Condition 5.F below.
- (2) Amount to be determined. See Special Condition 5G, below.
- (3) Amount to be determined. See Special Condition 5H, below.
- (4) See TRPA Filing Fee Schedule.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

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***SPECIAL CONDITIONS***

1. This plan revision permit authorizes the full build-out of the remaining approved project with changes. The revised project reduces the number of hotel units from 275 to 134 (which includes 22 loc-off units) and decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units. Approved gaming floor area is 10,000 square feet and the approved commercial floor area is 18,700 square feet. The employee housing component consists of 14 "on site" affordable employee housing units (14 two-bedroom units) and 10 "infill" affordable housing units in one- and two-bedroom units to be located within a 10-mile radius of the project for a total of 38 deed restricted affordable housing bedrooms.

The approved project's internal driveway (Boulder Way) has been eliminated and the size of one of the buildings is reduced to expand the public plaza (the "Grove") in the middle of the development and add a guest arrival area. The primary entrance to the approved project has been moved from Highway 28 to Lakeview Avenue. The previously approved road (Wellness Way) will extend from Highway 28 to Wassou Way, will be a road open to the public to provide an alternative access to

the neighborhood since Reservoir Drive, located in the middle of the project area, will be abandoned to provide room for the development.

The approved project included water quality treatment that exceeded required minimum the water quality treatment standard which is to treat the runoff from the 20-year, one-hour storm. The approved project and the revised project will treat runoff from the 50-year, one-hour storm event on-site through a series of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area. The revised project water quality treatment plan uses a better design and technology to achieve water quality treatment and long-term operations and maintenance than the system included in the approved Project and studied in the EIS.

The approved water quality BMPs include three components: CDS Hydrodynamic Separator, Stormwater Management StormFilter and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration.

The CDS Hydrodynamic Separator is first in line and captures debris, sediment and hydrocarbons from stormwater runoff and is sized for the 50-year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50-year, 1 hours storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100-year, 1 hour storm event.

Land coverage and open space are unchanged compared to the approved project.

The project has commenced construction pursuant to previous approvals and the project expiration date is tied to the construction schedule required below. To ensure the project is diligently pursued to keep the permit valid, construction must occur in the 2023 building season.

2. All mitigation measures included in the Draft and Final Environmental Impact Statement (DEIS & FEIS) for the Boulder Bay Community Enhancement Program Project are incorporated into this permit by reference.
3. The Standard Conditions of Approval listed in Attachment Q and R shall apply to this permit.
4. All requirements of the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project are conditions of this permit whether explicitly discussed in this permit or not.
5. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. The Permittee shall submit a Boulder Bay EIS and TRPA Permit Compliance Report to TRPA for review and approval. This report shall address all required and applicable project mitigation measures identified in the Final EIS and Special Condition 5 of this permit and shall describe how and where these measures and conditions are satisfied in the final plans for the project.

- B. The permittee shall provide a project construction schedule for review and approval by TRPA staff that indicates construction of the revised project will commence starting in the 2023 building season and continue every year after until the project is completed to show diligent pursuit of the project.
- C. The Permittee shall provide evidence that 1) adequate water rights recognized under the laws of the state in which the use is to occur are furnished with the development, 2) all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 32.4.2., Table 32.4.2-1 of the TRPA Code and 3) and adequate sewer, water and electrical service requirements will be met or exceeded.
- D. The Permittee shall submit calculations demonstrating that the proposed infiltration facilities consisting of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area are sized accordingly for the slope and soil type of the property, consistent with the infiltration mitigation requirements outlined in the Boulder Bay DEIS and FEIS.
- E. The permittee shall submit an Emergency Response Plan that identifies procedures for employee and visitor evacuation in the event of facility failure from a catastrophic event.
- F. The affected property has approximately 284,007 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 9 (Agate Bay, Nevada) or by submitting an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 5.0% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$18.00 per square foot for projects within Hydrologic Transfer 9 (Agate Bay, Nevada). Please provide a construction cost estimate by your licensed contractor, architect or engineer.

- G. The security required under Standard Condition 1.B of Attachment Q shall be determined upon the Permittee's submittal of the required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs. Please see Attachment J, Security Procedures for appropriate methods for posting the security and for calculation of the required security administration fee.

- H. The permittee shall post a security with TRPA as a requirement of the Third Tahoe Mariner Settlement Agreement to ensure completion of the long term operation, Maintenance and Monitoring of the constructed water quality improvements including the public/private project with Placer County, the permittee shall, in conjunction with TRPA staff, develop a long term maintenance and monitoring plan which addresses the maintenance and monitoring aspects of all required BMPs, fertilizer application and water quality. This plan will be based on a template provided by and agreed to by TRPA and will include the submission of reports by the permittee as well as inspections by TRPA. If additional post-project monitoring determines that TRPA discharge standards are exceeded, then the TRPA security deposit shall be used to implement additional water quality treatment needed in the East Stateline watershed and project area.
- I. The permittee shall record a deed restriction that will permanently assure that the 5.7 acres of open space with 3.07 acres dedicated as public park(s) including seating areas with lake views, hiking trails and a scenic overlook built by the permittee shall be maintained by the permittee shall remain as open/park space in perpetuity. Said deed restriction shall be recorded prior to security release for the Sierra Park project (TRPA File# CEPP2014-0138-R01). The Permittee shall record the deed restrictions with the Washoe County Recorder's Office and provide either the original recorded deed restrictions or a conformed copy of the recorded deed restrictions to the TRPA.
- J. Within 30 days of receipt of the deed restrictions identified for the following, the Permittee shall provide the latest recorded grant deeds for all parcels within the project area to TRPA. Once the grant deeds are received, TRPA shall prepare the following two separate deed restrictions:
- (1) A project area deed restriction for land coverage, development rights, scenic assessments, and density purposes to be recorded against the parcels; and
  - (2) A deed restriction that will permanently assure that the 38 residential units identified for the moderate-income housing are only available to moderate income employee households. All housing units shall be used exclusively as residential dwellings by permanent residents, and shall be occupied in accordance with local, regional, state and federal standards for the assistance of households with moderate income occupants. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards.
- K. The Permittee shall record the deed restrictions identified in Special Condition 5.J (above) with the Washoe County Recorder's Office and provide either the original recorded deed restrictions or a conformed copy of the recorded deed restrictions to the TRPA.
- L. The Permittee shall provide to TRPA a conformed copy of a TRPA approved recorded deed restriction that is consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, documenting the retirement of 9,914 square feet of the total existing gaming floor area within the

project area.

- M. The Permittee shall record a TRPA approved deed restriction that permanently restricts the area where the Crystal Bay Motel is to be demolished as open space.
- N. Permittee shall provide evidence that construction financing has been approved for the construction of the project and the construction lender shall provide written assurance to TRPA that its required loan documents have been executed and that construction funds have been approved and are available prior to the commencement of the proposed development. If the development is constructed in phases, then the evidence of required financing shall be provided prior to commencement of construction of each phase (if applicable).
- O. The Permittee shall submit a dewatering plan to TRPA for review and approval prior to acknowledgement of this permit in the event groundwater is encountered during excavations. The dewatering plan shall provide for intercepted groundwater to be re-infiltrated on-site or at a TRPA approved location.
- P. The Permittee shall submit a fertilizer management plan consistent with Section 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
- Q. The Permittee shall submit a complete Grading and Construction Plan for the project, including construction phasing, coordination of construction and demolition work with adjacent business operations, construction access, parking, material storage areas, coordination of utility related construction, temporary BMPs, street sweeping, site clean up, construction hours at a minimum of and consistent with Chapter 64 of the TRPA Code. The permit requires construction activities, equipment, materials and runoff be contained within the project area.
- R. The Permittee shall enter into an agreement with Placer County Parks and Recreation to participate in the removal of refuse at Speedboat Beach and the immediate area.
- S. The permittee shall submit a Streetscape/Landscape Plan for the project for TRPA review and approval consistent with the requirements of the Washoe County Tahoe Area Plan. Said plan shall include both hardscape and softscape landscape elements; planting materials and planting details, sidewalk details, paving material, colors and textures, and lighting. (Note, signage requires separate TRPA review and approvals). The landscape plan shall also include a strategy for tree replacement. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.
- T. The permittee shall submit a long-term monitoring (5 years minimum) and at a minimum, a 20-year maintenance plan for all water quality and BMP improvements as well as any other measures as described in the Monitoring and Mitigation Program of the EIS for TRPA review and approval.

- U. The Permittee shall submit a monitoring plan to monitor the project's Daily Vehicle Trip Ends (DVTE), consistent with the Third Amendment to Settlement Agreement Regarding Tahoe Mariner and Boulder Bay Project, for TRPA review and approval. If after 5 years from project completion the monitoring determines that DVTE has increased beyond the 2,915-trip projection identified in the FEIS, then the applicant shall permanently retire existing development rights to reduce the DVTE to meet the 2,915 DVTE projection.
- V. The permittee shall submit a plan to implement an overnight guest parking fee and parking validation program consistent with the above referenced Settlement Agreement to create incentives for guests to utilize public transportation and onsite amenities.
- W. The permittee shall submit a plan to implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS, including, but not limited to:
  - (a) A shuttle pick-up and drop-off to an area ski resort during the winter ski season.
  - (b) Beach access (including Speedboat Beach) shuttle service.

Some level of shuttle service shall be provided year-round, with adjustments made for summer and winter peak seasons. During busy summer days, one proposed shuttle vehicle shall make round trips between the project site and nearby beaches for 12 hours a day, departing the project site once an hour.

- X. The final plans plan shall be revised to include:
  1. A heated asphalt 'snow melting system' along Wellness Way designed to aid in the melting of snow on the road surface.
  2. Notes and details indicating the repaving of Stateline Road between SR 28 and Cove Street using rubberized asphalt or other approved noise reducing road surfaces that have shown acceptable noise reductions.
  3. Inclusion of the Crystal Bay Hotel parcel into the project area. The site plan shall include demolition and site restoration details for the area where the Crystal Bay Motel will be demolished.
  4. Permanent water quality BMPs for the office building and parking lot that will remain on the site where the Crystal Bay Motel is to be demolished.
  5. Notes indicating all utilities shall be placed underground.
  6. Proposed snow storage calculations and locations of snow storage.
  7. Final plans shall include lighting details that conform to the Code of Ordinances.



8. A final landscape and irrigation plan showing the required proposed trees and shrubs consistent with the exhibits and visual simulations submitted with the project application.
  9. The final plans shall demonstrate how new combustion appliances conform to the air quality standards found in Subsection 65.1.4 and other applicable provisions of the TRPA Code. TRPA emission standards shall be noted and compared to the published emissions from proposed devices such as, but not limited to, water heaters and central furnaces.
- Y. A BMP INSPECTION AND MAINTENANCE PLAN shall be submitted detailing necessary maintenance activity and schedules for all BMPs installed on the property. All BMPs shall be maintained subject to the INSPECTION AND MAINTENANCE PLAN approved as part of this permit. All maintenance activities shall be recorded in a corresponding maintenance log. This log shall be maintained for the life of the property and made available for inspection by TRPA staff. If this log is not complete, TRPA will assume that maintenance has not been performed and reserves the right to revoke the BMP Certificate of Completion.
- Z. The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required offsite BMPs including the BMPs associated with the Crystal Bay Motel demolition site, the adjacent office building and associated parking lot. Further the installation of all on-site BMPs shall be completed at the end of each construction phase.
- AA. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- BB. The permittee shall revise the final landscape plan to include additional landscaping, consisting of evergreen trees (8 total trees, 8-10 feet in height), on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28.
- CC. The final landscape plan shall indicate the existing vegetation located adjacent to building G consisting of four conifer trees within or near the SR 28 right of way and shown in the photo simulation (see trees highlighted in green in Figure 8 of final scenic evaluation report prepared by Hauge Brueck Associates, dated October 14, 2022) shall be protected and maintained as part of the project plans.
- DD. Final project plans shall include a reconfiguration/relocation of the existing crosswalk located on Highway 28. The reconfiguration/relocation shall be determined in coordination with NDOT, Washoe County and TRPA and shall consider adjacent pedestrian circulation patterns on the north and south sides of Highway 28.

- EE. Final project plans shall include a Class 1 bike trail along the project frontage in a location determined through coordination with NDOT, Washoe County and TRPA.
  - FF. The permittee shall submit a Dust Control Plan to be implemented during construction.
  - GG. The permittee shall submit a construction schedule and construction staging plan.
  - HH. The permittee shall submit final construction plans.
6. Upon issuance of a Certificate of Occupancy for the first completed phase of the Waldorf Astoria project that requires employees to be on-site, the permittee shall implement the following measures designed to reduce employee-related trips to and from the project:
- A. Designation of an Employee Transportation Coordinator: The project controller will designate an Employee Transportation Coordinator (ETC) to coordinate and implement the transportation control measure activities required by the Employee Transportation Plan.
  - B. Posting Alternative Transportation Mode Information: The project controller shall provide to employer's alternative mode information, including current schedules, rates (including procedures for obtaining transit passes) and routes of mass transit service serving the Crystal Bay area, including the Tahoe Area Regional Transit ("TART") services, the North Lake Tahoe Express, and visitor shuttle service. In addition, the project controller shall also provide information regarding the location of all bicycle routes within at least a five-mile radius of the resort.
  - C. Bicycle Parking Facilities: Sufficient bicycle parking will be supplied to employees. The Waldorf Astoria will provide bicycle parking for all bicycle commuters, as determined by survey of employees. The bicycle parking facilities shall be, at a minimum, Class II stationary bicycle racks, and will be located adjacent to the employee entrance, as well as near the main hotel casino building entrance.
  - D. Preferential Carpool/Vanpool Parking. Parking spaces for a minimum of 4% of the employees shall be designated as carpool parking. These spaces will be in the most convenient location to access the employee entrance. In order to ensure proper usage of these spaces, signs or pavement marking shall be installed to designate these spots for carpool vehicles only.
  - E. In-House Carpool Matching Service. The Waldorf Astoria shall conduct a survey of employees to identify persons interested in being in carpools and match potential carpools by work shift and address. This survey and matching shall be performed on an annual basis for all interested employees.
  - F. Truckee-North Tahoe Transportation Management Association (TMA) Membership. The ETC or other designated management employee shall actively participate in the TMA. The ETC shall attend all membership meetings or send a designated representative, pay all required dues, and/or be involved in any other programs which

the TMA board administrators.

- G. Transit Pass Subsidy. The permittee shall provide a subsidy, on monthly transit passes, of 50% or the maximum taxable benefit limit, whichever is greater.
- H. Transit Shelter. The permittee shall provide a shuttle/trolley stop. This stop will be served by the North Tahoe Express, seasonal trolley services and employee shuttles. Additionally, the current TART stop on the north side of State Route 28 ("SR 28") directly adjacent to the site will be expanded per TART standards to accommodate two buses at one time. This, along with the other existing bus bay on the north side of SR 28 just west of Stateline Road, would allow up to three westbound vehicles to be in Crystal Bay at one time.
- I. Showers Provided. The permittee shall provide two employee restrooms/locker rooms, one located in the hotel area the other in the casino area, for a total of two male and two female facilities. One shower shall be provided in each of the four facilities (two male and two female).
- J. Lockers Provided. The permittee shall provide lockers inside each of the restroom/locker room areas. At least 20 lockers will be provided in total for use by employees only.
- K. On-Site Services. The permittee shall include an employee cafeteria and a lunchroom/break room.

The permittee shall maintain records documenting implementation of the above measures which shall be provided to TRPA upon request.

- 7. The Permittee shall implement the alternative transportation measures as outlined in the Mitigation and Monitoring Program of the Final EIS in perpetuity, including:
  - (a) A shuttle that provides pick-up and drop-off services to an area ski resort.
  - (b) A beach access shuttle service.
- 8. Prior to release of the project security the Permittee shall enter into a memorandum of understanding with the Truckee- North Tahoe Transportation Management Association ("TMA") for oversight and coordination of the proposed Alternative Transportation Program. As part of the above memorandum of understanding with TNT TMA, the permittee shall include a requirement to review transit expenditures on an annual basis with transit representatives of TART to evaluate the previous year's results and allocate funds toward public transportation efforts as deemed appropriate by TART, the TMA and the permittee.
- 9. The Resource Protection Plan (or Recovery Plan), submitted to the Nevada State Historic Preservation Office (NVSHPO) in May 2009 (revised September 2009), must be approved by the NVSHPO pursuant to TRPA Code Subsection 29.6.C(2) before demolition can occur. The Plan must include the following requirements:

- A. The permittee will preserve and restore the one extant neon sign from the 1940s-1950s period of significance for the Tahoe Biltmore and place it within the proposed mixed-use project.
  - B. The permittee will preserve and restore the 1962 "Tahoe Biltmore" Googie architectural sign and place it either within the proposed mixed-use project, pending final project design and height approvals from TRPA, or at an appropriate offsite location in Nevada (i.e. a sign preservation organization, etc.) to be determined in consultation with the TRPA and NVSHPO. If the sign is moved offsite, the permittee will incorporate "Googie" style design features of the "Tahoe Biltmore" sign into the design of project details, such as walkway lighting or signage. The permittee will incorporate interpretive signage into the proposed mixed-use project to document the history of the Tahoe Biltmore Resort. Interpretive signage will be publicly visible, and the contents and specific locations will be determined with guidance from a qualified historian.
  - C. The permittee will prepare a photograph/text interpretation of the history of the Tahoe Biltmore Resort and Cottages that includes the preservation of the historical photographs now on exhibit in the Tahoe Biltmore and other items or materials relating to the early history of the resort or North Shore. The display will be placed onsite in a permanent location easily accessible to the public (e.g., Hotel lobby, Meeting room foyer, Restaurant waiting area, or preservation of one of the Cottage structures as a museum, etc.).
  - D. The permittee will sponsor and produce a web-based booklet regarding the history of Crystal Bay for general public distribution (local retail shops, casinos, clubs, bookstores, etc.), smaller than the Bethel Van Tassel book (Wood Ships to Gaming Chips), and more specific to the North Shore than The Golden Age of Nevada Gambling by Moe. The booklet will include the historical photographs of Crystal Bay and its resort facilities archived in the Images of Lake Tahoe Collection at the University of Nevada, Reno.
  - E. The permittee will incorporate architectural details discussed in the Historic Resources section of the EIS into the final design of building entry ways, doors, and windows. Determination of the final architectural design and details of the building will be made in consultation with the NVSHPO office as required by mitigation measure CUL-1A of the EIS.
10. By acceptance of this permit the Permittee waives all claims it may have to hard or soft coverage which may have existed in 1978. This condition shall not be construed to exempt the Mariner Property from compliance with excess coverage mitigation requirements.
  11. Signs are not approved as a part of this permit. Sign approvals shall require submittal of a separate application. However, signage for the Waldorf Astoria project shall be in conformance with the current sign standards, or the adopted Washoe County Area Plan standards, depending on the applicable standards at the time sign approval.
  12. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of

waste material to surface drainage features is prohibited and constitutes a violation of this permit.

13. In the event that human remains are discovered, the Washoe County Coroner shall be contacted and, if the remains are determined to be Native American, the Nevada Office of Historic Preservation shall also be notified in accordance with Section 383.170 of the Nevada State Revised Statutes. Section 383.170 directs the SHPO to consult immediately with the Nevada Indian Commission and notify the appropriate Indian tribe. This section also authorizes the Indian tribe, with the permission of the landowner, to inspect the site and recommend an appropriate means for the treatment and disposition of the site and all associated artifacts and human remains.
14. No gates shall be installed on the new access road extending north from Highway 28 (aka "Wellness Way" on the east side of the project area located adjacent to the Granite Place Condominiums. This road shall remain open for public use.
15. All accessory uses shall not be advertised separately and shall not be operated independently of the associated primary use.
16. All unused multi-residential bonus units, tourist accommodation units and commercial floor area awarded to the project per TRPA Resolution No. 2008-11 as part of the CEPP shall be returned to the TRPA pools.
17. Excavation equipment is limited to approved construction areas to minimize site disturbance. No grading, excavation, storage or other construction related activities shall occur outside the area of disturbance.
18. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
19. The construction of a concrete washout facility is prohibited unless approved in writing by a TRPA Environmental Specialist.
20. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
21. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
22. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
23. This site shall be winterized in accordance with the provisions of Attachment Q by October 15<sup>th</sup> of each construction season.

24. Grading is prohibited any time of the year during periods of precipitation and for the resulting period when the site is covered with snow, or is in a saturated, muddy, or unstable condition.
25. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
26. All landscaping shall be maintained in perpetuity (and replaced as needed) in a condition consistent with the approved landscape plans.
27. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project (i.e. structural modifications, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties.
28. Temporary and permanent BMPs may be field fit as appropriate by the TRPA inspector. Parking barriers may be required at the discretion of the TRPA Environmental Specialist.
29. The permittee shall provide photographs to the TRPA Environmental Specialist taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project were constructed correctly (depth, fill material, etc.).
30. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise, or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment C

Site Plan, Floor Plans, & Elevations

<https://www.trpa.gov/wp-content/uploads/Attachment-C-Project-Plans.pdf>

Attachment D

Initial Environmental Checklist





**INITIAL ENVIRONMENTAL CHECKLIST  
FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

**Project Name: Boulder Bay CEP Project – Waldorf Astoria Plan Revision**

**APN/Project Location:** 123-042-01, 123-042-02, 123-052-02, 123-052-03, 123-052-04, 123-053-02, et al./ Crystal Bay  
**County/City:** Washoe County

**Project Description:**

This Plan Revision (PR) to the approved Boulder Bay Community Enhancement Project (CEP) Project (Approved Project) involves full build-out of the remaining Approved Project components with some programming changes. The mix and type of units have been refined and vary in size and count. The revised project reduces the number of hotel units from 275 to 134 (includes 22 lock-off units) and decreases the number of residential units from 59 to 43 which includes the previously constructed 18 units in the building that fronts Highway 28. This results in a net reduction of 157 units, a 47 percent reduction in density. This reduction in density allows additional space for amenities to support the level of service necessary to achieve the desired resort experience. Accessory uses total 48,930 square feet and include uses such as: casino restaurant and bar, hotel meeting spaces/halls/galleries, hotel gym/fitness, hotel spa, hotel salon, hotel kids club, pool bar/grill, and the hotel lobby and restaurant. There is no change to the approved gaming (10,000 square feet), commercial (18,700 square feet) or employee housing components (38 total bedrooms – 28 provided onsite in 14 units and 10 provided offsite).

This PR does not reduce the number of approved buildings (8), and their configuration remains substantially unchanged. It does involve slight changes to footprint size, building height, placement and architectural design. The Approved Project’s architectural character has been refined with orientation of the roof shapes and additional features that are consistent with the recently adopted Tahoe Area Plan. Overall, massing is consistent with the Approved Project evaluated in the EIS. Pursuant to Hauge Brueck Associates Memorandum, dated October 14, 2022, with some additional vegetation, “the revised project does not result in new scenic quality impacts associated with the overall threshold composite score for Roadway Unit 20D, nor does it require modifications to the existing mitigation measures included in the DEIS.”

The Approved Project’s internal driveway (Boulder Way) has been eliminated and the size of Building F has been reduced to expand the public plaza (the “Grove”) in the middle of the development and add a guest arrival area between Buildings D and E. These revisions allow for an outdoor programmable plaza and include preservation of a collection of mature pines creating a “grove”, an amphitheater nestled into the grade change to reduce vertical terracing toward the hotel (Building D), opportunities for year-round events (concerts, plays, etc.), retail focused inward rather than outward toward SR 28, a central gathering place open to the public as well as to guests and residents of the Approved Project.

As a result of the decrease in density, vehicle miles traveled (VMT) will be reduced from the Approved Project and the existing condition. The primary entrance to the Approved Project has been moved from SR 28 to Lakeview Avenue. The drainage plan has been updated to incorporate improved technology which will enhance treatment. The plan also increases water quality treatment and storage on-site. New infiltration basins, water quality improvement methodology, and techniques for low-impact development are retained to achieve the approved sediment reduction. To improve accessibility for maintenance, the water quality facilities have been reconfigured.

Land coverage and open space are unchanged compared to the Approved Project.

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion

The Project involves grading, excavation, and the placement of fill material for construction of facilities, BMPs and landscaping associated with the Project. The Project includes large excavations necessary for the foundations and parking garage. Potential environmental effects related to land capability and coverage, soils and geology, topographic alteration, seismic hazards, slope stability, and erosion potential are described in EIS Section 4.2 Geology and Earth Resources. Mitigation for addressing excess land coverage in the project area is outlined in EIS mitigation measure GEO-1 and summarized below.



**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](http://www.trpa.gov)

Per EIS Appendix AD, verified existing land coverage within the project area (including existing Washoe County ROW that will be abandoned) is 325,886 square feet over the TRPA allowable base land coverage. Excess land coverage would be reduced to 284,007 square feet under the Approved Project, which proposed to reduce land coverage by 15.9 percent. Excess land coverage is a significant impact that must be mitigated to reduce the impact to a less than significant level. As reported in the land coverage calculations for the Plan Revision (Coverage Plan sheet L0.05), TRPA land coverage would be reduced by 16.5% in the project area. The proposed land coverage reduction is greater than the 5 percent goal designated in the Washoe County Tahoe Area Plan (Section 110.220.40) and consistent with the TRPA CEP goals of the Boulder Bay Project.

The Plan Revision (Coverage Plan sheets L0.05 and L0.06) is consistent with the proposed land coverage reductions approved for the Project, documented in the 2011 TRPA Permit, and reported in the EIS. Mitigation of excess land coverage (including retirement of banked or existing land coverage within the Project Area) will benefit the project area and larger North Stateline planning area. As documented on Plan sheet L0.05, at a minimum excess land coverage will be mitigated with permanent retirement of 71,283 square feet of banked or existing land coverage from the former Sierra Park parcels (APN 123-071-34, 35, 36, 37), Crystal Bay Motel/Office and parking lot (APN 123-042-01, 02), Old Firehouse (APN 123-053-04), California offsite WQ treatment site (APN 090-305-016) and reductions in existing offsite land coverage within the SR 28 ROW. The final requirements for excess land coverage mitigation will be calculated in accordance with TRPA Code Subsection 30.6 as a condition of the Plan Revision permit.

The project area is located in IBC Seismic Hazard Zone 3. An appropriate level of engineering mandated by Washoe County Building Codes for Zone 3 areas governs project design and construction for the Project. Adherence to the IBC design requirements adopted and amended locally for Washoe County will minimize the potential effects of seismic hazards on future visitors. With redevelopment of the 1940s era existing buildings, the Project will reduce, but cannot completely eliminate, the adverse effects that could result from a significant seismic event. Even with facility upgrades, the Project cannot guarantee that there will be no future structural failures. In the event of facility failure personnel and visitors will need to be evacuated from the project area and possibly the Lake Tahoe Basin. As such, mitigation in the form of an emergency response plan is provided (GEO-2B Emergency Response Plan) to reduce the impact to a level of less than significant.

Excavation depths studied and approved for the Project are consistent with excavation proposed for the Plan Revision. Excavation depths were approved by TRPA staff as part of the Soil/Hydro Report on February 24, 2009 (Letter from Gustafson to Brian Helm) and allow excavation depths between 5 and 49 feet.

No changes to the proposed emergency response plan mitigation (GEO-2B) are required as a result of the Plan Revision.



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 www.trpa.gov

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

Project construction will involve temporary emissions from construction equipment and vehicle trips associated with construction personnel, and the generation of fugitive dust, both contributing pollutants to the air basin. An assessment of short-term (i.e., construction) air quality impacts and long-term (i.e., operational) regional air pollutant emissions, including mobile, stationary, and area source emissions was performed for the EIS. The analysis discusses the long-term benefits that occur from the replacement of existing buildings (including offsite TAUs that will be transferred to the project) with more efficient buildings as well as a reduction in vehicle trips and/or vehicle miles traveled as a result of transitioning land uses from gaming/commercial and hotel to a smaller gaming use and mixed use residential development. An Integrated Resource Model and Carbon Footprint study prepared for the Project (ARUP, 7/22/2009, Figure 3) documents the potential for 38 percent reduction in total energy use compared to existing conditions. The VMT study prepared by LSC Transportation Consultants (February 2023) documents a net reduction in annual average Tahoe Basin daily VMT of 2,234 compared to the Baseline Biltmore (existing) condition.



### 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](#)

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

#### Discussion

Impacts to water quality that may result from construction and the introduction of permanent facilities are discussed in the EIS. The impacts that may result to hydrology and water quality involve the creation of storm

water runoff from impervious surfaces associated with the Project and the excavation and fill to prepare the site for redevelopment. There are no active stream channels identified within the project area that will be impacted as a result of project construction or implementation. The Project area is not associated with flooding hazards, nor would it create flood conditions off-site. Effectiveness of proposed Best Management Practices (BMPs) on water quality are addressed. BMPs, standard practices incorporated into the Project, and recommended mitigation measures are proposed to address the potential short- and long-term impacts to hydrology and water quality. The EIS addresses the need for long-term water quality monitoring to ensure treatment levels are met and maintained.

Proposed storm water management consists of collection systems, infiltration and detention basins, drop inlets, pre-treatment vaults, underground infiltration vaults and underground piping to intercept runoff generated in the project area. The Project will treat runoff from the 50-year, one-hour storm event on-site, exceeding the standards required by TRPA Code. In addition one additional off-site water quality project will be constructed in conjunction with EIP No. 732 and will also be designed to the 50-year, one-hour storm event (California Stateline Road parcel). This off-site water quality treatment project was completed in 2014.

The Boulder Bay project proposes the use of a network of interrelated storm water conveyance and TMDL treatment strategies appropriate for urban infill regions. These strategies fall into four distinct categories and are designed to reduce annual run-off of total sediment, fine sediment, nitrogen and phosphorus. The TMDL treatment strategies are described below.

1. Pollutant Source Control (PSC): Reduce impervious coverage, improved roadways, stabilized eroding slopes and snow melted roadways.
2. Hydrologic Source Control (HSC): underground storm water infiltration, pervious pavement, roof storm water catchment systems and planted roofs.
3. Storm water Treatment (SWT): planted bio-retention systems in-line with storm water conveyance.
4. Airborne Source Control (ASC): regenerative air street sweeper, underground parking and alternative and public transportation program.

The Plan Revision would also exceed TRPA Code requirements for stormwater capture and treatment (NCE, Overall BMP Plan, Sheet C3.0). The system designed for the Plan Revision includes three components: CDS Hydrodynamic Separator, Stormwater Management StormFilter and Corrugated Metal Pipe (CMP) Stormwater Detention and Infiltration. Two detention locations are proposed to capture and treat stormwater and shown on sheet C3.0. One is located below building F (hotel) just above building H and captures runoff from zone 1. The other is located below building F (hotel) just above building G and captures runoff from zone 2. Both locations are in close proximity to each other and provide easy access for maintenance equipment within the pedestrian/emergency vehicle corridor.

The CDS Hydrodynamic Separator is first in line and captures debris, sediment and hydrocarbons from stormwater runoff and is sized for the 50 year, 1 hour storm event. The Stormwater Management StormFilter, second in line, is comprised of media-filled cartridges that trap particulates and absorb pollutants from stormwater runoff. It is also designed to capture the 50 year, 1 hours storm event. The last stormwater treatment component, the CMP is perforated for captured runoff to infiltrate the soil and is sized to detain the 100 year, 1 hour storm event. According to NCE application materials, the proposed system uses better technology and a higher level of water quality treatment than the system included in the approved Project and studied in the EIS.

CDS utilizes water velocity to create a swirling vortex to trap floatables and solids in the center that's larger than the screen aperture. StormFilter utilizes rechargeable, media-filled cartridges. The media is field and laboratory performance verified by the most stringent stormwater technology evaluation organizations. CDS is used to meet



**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

Total Maximum Daily Load (TMDL) requirements for stormwater quality control, inlet and outlet pollution control, and as pretreatment for filtration, detention/infiltration, rainwater harvesting systems, and Low Impact Development (LID) designs. StormFilter is used to trap particulates and adsorb pollutants such as total suspended solids, hydrocarbons, nutrients, metals and other common pollutants. Finally, CMP is perforated to infiltrate the soil to treat captured stormwater runoff naturally. In total, the Plan Revision includes a system that meets or exceeds the stormwater plan included in the approved Project.

#### 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The Project will result in minimal impacts to vegetation due to the existing developed nature of the project area. The EIS evaluates the potential direct, indirect and cumulative effects of the Project on: 1) existing vegetation



communities; 2) common and ecologically significant vegetation; and 3) special-status plant species, including TRPA Special Interest Species. No significant impacts were identified that required application of mitigation measures.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

## 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Project will result in minimal impacts to wildlife due to the existing developed nature of the project area. The EIS evaluates the potential direct, indirect and cumulative effects of the Project on: 1) existing wildlife habitats, and aquatic resources; 2) common and ecologically significant wildlife and aquatic resources; and 3) special-status wildlife and aquatic species, including TRPA Special Interest Species. The relationship of Project effects to TRPA thresholds for wildlife and fisheries is also evaluated. With the exception of potential harm to nesting bird species, no significant impacts were identified that required application of mitigation measures. Mitigation measure BIO-3 Active Raptor and Migratory Bird Nest Protection is included in the EIS to ensure nesting birds are not harmed during construction.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.



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

### Discussion

Short-term (e.g., construction) and long-term (e.g., traffic and building equipment) noise impacts, relative to sensitive receptors and their potential exposure are assessed and compared with current TRPA, Washoe County and Federal noise standards in the EIS. Noise levels and vibration of specific construction equipment are determined and resultant noise levels at nearby receptors (at given distances from the source) are calculated. Standard practices to reduce and regulate noise impacts are incorporated into the Project’s mitigation and monitoring program. Mitigation measures (NOISE-1) call for use of alternative pavement options on Stateline Road to lower noise levels from increases in traffic on that roadway. Mitigation measures NOISE-3A (Time of Day Construction Restrictions and Noise Barriers), NOISE-3B (Equipment Location Guidance) and NOISE-3C (Noise Complaint Coordination and Response) address short-term construction noise. Mitigation measures NOISE-5A (Mechanical Equipment Noise Level Specifications and Sound Control) and NOISE-5B (Loading Dock and Truck Circulation Design) address consistency with noise standards contained in the North Stateline Community Plan.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.



**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

## 7. Light and Glare

**Will the proposal:**

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

### Discussion

The EIS disclosed that the Project would use high efficiency, low reflective windows to reduce glare onsite. In addition, landscaping trees and architectural elements such as balconies, overhangs and shutters would reduce the overall presence and glare caused by windows. To reduce the potential for increased glare, the Project utilizes setbacks and variations in the upper floor plan of most buildings, as well as overhangs and other architectural details to reduce reflectivity.

Lighting fixtures will add glare and affect night time views in the area. Although lighting currently exists on the site, the amount of lighting will increase under the Project. Lighting will be located on the structures for safety and will be located at building entrance and exit locations, along the vehicle circulation routes, at parking lot entrances and within the pedestrian village. The increased number of units and facilities will increase the amount of light emitted within the project area. The project complies with existing County and TRPA ordinances to avoid impact to offsite properties from new light fixtures included on proposed structures.

Use of multistory landscaping, particularly tall trees and the preservation of tall trees on site will help to reduce the offsite impacts of increased night lighting. While light sources will increase within the project area under the Project, the potential effects of increased night lighting will be sufficiently reduced by complying with TRPA exterior lighting standards and design guidelines and other Washoe County Tahoe Area Plan policies.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Discussion**

Land use impacts include changes to onsite uses, land use compatibility, and community character. Land use compatibility issues with the surrounding neighborhood are studied in the EIS. The EIS addresses the Project’s consistency with TRPA (e.g., Code of Ordinances, Goals and Policies, Community Plans, and Community Enhancement Program Guidelines adopted by the TRPA Governing Board) and Washoe County planning guidelines and concludes that no significant impacts would result.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

**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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Substantial depletion of any non-renewable natural resource?        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Discussion**

No natural resources impacts were identified in the EIS and the Project Revisions do not change the findings.

**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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Involve possible interference with an emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion**

With site redevelopment the Project will reduce, but cannot completely eliminate, the adverse effects that could result from a significant seismic event. Even with facility upgrades, there could be future structural failures in the event of seismic activity. Wildfire is also an existing threat to any development within the Lake Tahoe region. In the event of emergency conditions, personnel and visitors will need to be evacuated from the project area and possibly the Lake Tahoe Basin. Mitigation in the form of an emergency response plan (GEO-2B Emergency Response Plan) is included in the EIS to reduce the impact to a level of less than significant.



**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

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

No population impacts were identified in the EIS and the Project Revisions do not change the findings.

## 12. Housing

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing?				
<i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The approved Project provides a benefit to workforce housing by including a commitment to provide 38 bedrooms of affordable housing. As included in the TRPA permit, the Project will provide a total of 38 bedrooms in affordable housing units. Based on a request from Placer County during the Project approval hearings:

The Project will provide 28 of the workforce housing bedrooms on site in two bedroom units located in buildings G or H. The Project will provide a minimum of 10 bedrooms in off site infill locations within a 10-mile radius of the project site. Boulder Bay will purchase the offsite bedrooms in one and two bedroom configurations located in pre-existing infill housing in the vicinity of the project site. The units may be single family, duplexes and condominiums. Each property will be refurbished to specific quality and sustainability standards developed according to the local jurisdictional requirements.

The Plan Revision provides 14 workforce housing units (2 bedroom units) in Building G and maintains the TRPA permit condition for the approved Project to secure offsite housing units within 10 miles of the project area to provide a minimum of 10 additional bedrooms. The selection of the offsite housing will be coordinated with Placer

County Community Development Department staff, and will be refurbished and deed restricted as affordable housing.

### 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

The EIS analysis discusses potential transportation benefits (e.g., trip reduction, improvements to traffic flow along State Route 28, improvements to pedestrian and bicycle facilities) that may result from project implementation as well as potential impacts. A new traffic study (LSC, March 23, 2023) has been prepared to compare the Plan Revision to the existing conditions defined in the EIS. Construction of the Project will generate short-term, construction-related traffic. Long-term traffic generated by the Project is analyzed because of changes to the current density and mix of uses at the project area (e.g., replacement of gaming area with additional residential and TAU development). The transportation analysis includes identification of major roadways and intersections that may be affected by the Project, traffic volumes on those roadways, and potential neighborhood effects from abandonment of public roadway right of way within the project area. Because of changes to the existing roadway network, the effects on local circulation patterns are discussed in the EIS. In addition, the analysis discusses the project’s ability to meet the generated parking demand and the adequacy of the onsite parking supply.

As documented in the EIS, when compared to the existing approved uses (No Project Alternative) within the project area (using trip rates to model operations), the approved Project would reduce daily project trip generation by approximately 2,352 trips and VMT by approximately 9,955. When compared to traffic counts collected in 2008 during a recession, the reduction in trips is less (approximately 348 trips). The Project’s VMT reduction exceeds the Washoe County Tahoe Area Plan goal of no more than a 1,150 increase in VMT for redevelopment projects. The Project will decrease vehicle trips and VMT primarily due to the proposed reduction in gaming floor area and a greater mix of onsite land uses. The Project includes an Alternative Transportation Plan, including transit shelters, a bus and shuttle turnout, financial subsidies to increase public transit service to the site, employee shuttle services, car- and bike-share services onsite, a shuttle for guests, and other alternative transit amenities.

Parking requirements were analyzed in the EIS transportation study to determine adequate parking for the proposed land uses. The approved Project includes the Crystal Bay Motel and Overflow parking lot property in the project area as modified for the proposed BMP retrofits, TAU relocation and site restoration plan.

In an effort to increase the incentives to utilize public transportation and eliminate passenger vehicle trips, the Project agreed to reduce the proposed parking to equal the Fehr & Peers Transportation Study minimum parking demand calculation of 460 spaces. The Plan Revision proposes 413 total spaces.

The Plan Revision moves the primary entrance to the Project from SR 28 to Lakeview Avenue by way of Stateline Avenue. In addition, the Project's internal driveway (Boulder Way) has been eliminated to expand the public plaza (provide more gathering space) in the middle of the development and adds a guest arrival area between Buildings D (hotel) and E (casino). The Plan Revision would reduce development compared to the existing condition by eliminating 199 of the approved hotel units and adding only 20 more residential condos (42 when counting the lock offs) to the 59 previously approved. The reduction in total number of hotel and residential units would reduce Project related daily vehicle trips and VMT when compared to existing conditions. At the site access points, the Plan Revision would result in a net reduction of 537 daily one-way vehicle-trips (or a 13-percent reduction) over the Baseline Biltmore use (LSC, 3/23/23, Table 3). LSC Transportation Consultants (February 2023) also documents that the Plan Revision would reduce VMT by 2,234 compared to the baseline conditions for the existing Biltmore site, and up to 4,497 when compared to the approved Project studied in the EIS (Table 7).

## 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The EIS evaluated impacts on power, water treatment and distribution, wastewater collection, solid waste collection and disposal, law enforcement services, fire protection services, schools, and communications. A discussion of emergency evacuation is also included in this section. Mitigation measures are included in Public



**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

Services and Utilities section (PSU-1A, 1B, 1C, and 1D and PSU-3A, 3B) to ensure that the Project coordinates with service providers during final project design, construction and special events to ensure public safety.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

## 15. Energy

**Will the proposal result in:**

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

**Discussion:**

No energy impacts were identified in the EIS and the Project Revisions do not change the findings. An Integrated Resource Model and Carbon Footprint study prepared for the Project (ARUP, 7/22/2009, Figure 3) documents the potential for 38 percent reduction in total energy use compared to existing conditions.

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**



**Mail**  
 PO Box 5310  
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 128 Market Street  
 Stateline, NV 89449

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

The EIS evaluated impacts on power, water treatment and distribution, wastewater collection, solid waste collection and disposal, law enforcement services, fire protection services, schools, and communications. A discussion of emergency evacuation is also included in this section. Mitigation measures are included in Public Services and Utilities section (PSU-1A, 1B, 1C, and 1D and PSU-3A, 3B) to ensure that the Project coordinates with utility providers during final project design and construction to ensure provision of adequate services.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.

## 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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

No human health impacts were identified in the EIS and the Project Revisions do not change the findings.

## 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Discussion

The impacts from the proposed Height Amendment and construction of the Project are evaluated in the EIS through the use of site visits and photographs from sensitive viewpoints on and near the project area and the review of visual simulations. Viewpoint locations were selected to include scenic travel routes from SR 28 and Lake Tahoe. The project area is located in Roadway Unit 20D (North Stateline Casino Core) and Shoreline Units 22 (Brockway) and 23 (Crystal Bay). The TRPA's latest Threshold Evaluation Report continues to identify Roadway Unit 20D as non-attainment and "at risk" for additional degradation as a result of the introduction of new structures. Both Shoreline Units 22 and 23 are currently listed as out of attainment.

The effects analysis considers the relationship of the Project's building massing, height and design to TRPA scenic ordinances and thresholds and Design Guidelines from the Washoe County Tahoe Area Plan. The evaluation addressed the proposed height amendment and the associated impacts on density and neighborhood character.

The height of the Tahoe Biltmore (76 ft) as measured by current TRPA standards is legally existing but not consistent with Washoe County Tahoe Area Plan Standards or TRPA Code. Visual simulations were completed from TRPA designated scenic resource locations and indicate that the project would improve travel route ratings along SR 28 and maintain travel route ratings from the Lake Tahoe shoreline. The Boulder Bay Permit issued by TRPA in 2011 (Section 5.F) includes a requirement to complete a balloon study to confirm the accuracy of the scenic simulations used in the EIS analysis. 3dFX Design and Hauge Brueck Associates completed the balloon study and published the results on January 3, 2023. The balloon study was completed for three viewpoints used in the EIS analysis. In each case, the balloon lines up closely to the roofline of the subject building in the corresponding photo-simulation. As such, the balloon study confirms the accuracy of the maximum building heights depicted in the photo-simulations prepared for the project EIS (2011) and subsequent Plan Revision application (2022).

TRPA recognize the need to allow additional height to achieve the goals in the Washoe County Tahoe Area Plan and the CEP. This is achieved by varying setbacks, creating a variety of roof pitches and creating building articulation. Proposed building heights do not exceed the height of the existing Tahoe Biltmore and require SR 28 setbacks of at least 180 feet for the tallest structures. Buildings have been designed to stairstep up the hill as viewed from SR 28 (e.g., only two and three story buildings are placed along the SR 28 frontage near the existing Biltmore) to reduce visible impact.

The Project is subject to TRPA design standards for building materials and colors to help reduce the visual impact from new structures. The Project includes neighborhood buffers on SR 28, Lakeview Avenue, and Wassou Road through setbacks and deed restricted open space, increases building set backs along SR 28, and includes the removal of the existing surface parking lots west of SR 28 and the Crystal Bay Motel east of SR 28. In addition by removing non conforming signage and relocating non-conforming building heights through the use of building setbacks, a higher degree of visual enhancement is achieved.

Under the Plan Revision the configuration of the new buildings remains substantially the same but there are slight changes to footprint size, building height, placement and architectural design. According to the HBA Scenic Analysis Report, dated Oct. 14, 2022, the revised Project structures are nevertheless consistent with building design, location and massing analyzed in the 2009 DEIS. With protection of certain existing trees and additional vegetative screening of Building A as viewed from southbound SR 28, the proposed Plan Revision does not result in new scenic quality impacts to Roadway Unit 20D or require modifications to the existing mitigation measures included in the EIS. The scenic quality threshold improvement scores identified in the 2009 DEIS (Table 4.5-6) should also be realized with the Plan Revision.

## 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

Construction and operation of the Project will have limited impacts to existing public access and recreational uses adjacent to the project area and in the project vicinity. The Project includes a public park and open space area and the potential for a connection to existing and proposed recreational trails adjacent to the project area. The EIS evaluated changes to existing recreation areas and uses, recreation area capacity and user experience as a result of project implementation.

The approved Project includes bike lanes along its frontage on SR 28 through Crystal Bay. The Project will also provide an easement through the Project area for the future shared use trail proposed for the SR 28 corridor. The Project includes an easement for the Nevada Stateline to Stateline multi-use trail through the project area, including an easement through the northern portion of the project area near Building A for the trails eventual construction, and use of the Boulder Bay transportation route through the pedestrian village to connect to Stateline Road and SR 28.

The approved Project includes 5.7 acres of deed restricted public open space, including 1.87 acres of public parks within the Washoe County Tahoe Area Plan area. The Project will construct and maintain two parks totaling 1.87 acres. The larger park (1.49 acres) on the northern end of the project area includes seating areas, footpaths, historical interpretive kiosks, and lake vistas and will be developed and maintained by Boulder Bay. The Stateline mini-park (0.38 acre) will be vegetated with native grasses and trees and will include a low stone monument celebrating both states, seating areas, NV, CA and USA flags and several kiosks with educational information on the stormwater function of the park site.

During TRPA Hearings on the EIS, the Project agreed to mitigation measures to reduce impacts to Speedboat Beach. The measures state that the Project shall not provide guests with van service to Speedboat Beach. Although access to Speedboat Beach cannot be restricted, as it is a public beach, the resort shall not promote the use of Speedboat Beach in informational materials or provide shuttle service to the beach to avoid overcrowding and environmental degradation that may result from overuse.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.



**Mail**  
 PO Box 5310  
 Stateline, NV 89449-5310

**Location**  
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

The Project is located entirely on developed land. The cultural and historical report prepared for the Project identifies certain existing structures as eligible for listing on the National Historic Register. The potential for disturbance of known and/or undiscovered cultural or historic resources due to project implementation are addressed. In addition, the evaluation methodology included consultation with the Washoe Tribe and the Nevada State Historic Preservation Office (NVSHPO) and evaluation of potentially significant resources in accordance with Section 106 of the National Historic Preservation Act. Mitigation measure CUL-1A Prepare Resource Protection Plan to Preserve Historically Eligible Signs and Document History of the Biltmore Resort is included in the EIS to reduce potential impacts to a less than significant level.

The Project Revision would not alter the conclusions of the EIS, nor require any additional protections.



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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion



**Mail**  
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**Contact**  
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 www.trpa.gov

**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:

<b>Paul Nielsen</b>	<small>Digitally signed by Paul Nielsen    DN: cn=Paul Nielsen, o=Tahoe Regional Planning Agency, ou, email=pnielsen@trpa.gov, c=US    Date: 2023.04.17 12:33:20 -0700'</small>	at <b>Douglas</b>	<b>4.17.23</b>
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

\_\_\_\_\_  
Signature of Evaluator

Date \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator

Attachment E  
Scenic Evaluation

**Memorandum**

**SACRAMENTO**

*MAIL & DELIVERIES*

P 916-283-5800  
F 916-273-4054  
6151 Fair Oaks Blvd, Ste. 108  
Carmichael, CA 95608

To: Tom Jacobson, EKN Development Group

From: Rob Brueck

Date: October 14, 2022

Subject: Scenic Quality Evaluation of Lake Tahoe Hotel & Residences  
(formerly Boulder Bay) Project Revisions

**LAKE TAHOE**

*NO MAIL*

P 775-267-7202

This memorandum provides an evaluation of scenic quality associated with revisions to the Boulder Bay project approved by TRPA in 2011 and documented in the site plans prepared by SB Architects for the Lake Tahoe Hotel & Residences (50% Schematic Design – TRPA Review Submission dated 10/12/2022). The evaluation focuses on how the proposed project revisions may change the scenic quality analysis and conclusions included in the 2009 Draft Environmental Impact Statement for the project.

**Lake Tahoe Hotel & Residences Project Revisions**

With a change in ownership, the Boulder Bay project approved by TRPA in 2011 has been revised with a modern interpretation of the traditional mountain vernacular in the region. The contemporary architectural vocabulary will utilize clean lines, varied pitched roofs, deep terraces and balconies. Expressing the context, it will feature a material palette of warm wood tones, accented by natural stone with complimentary metal tones capturing and mirroring the magnificence of the Sierra Nevada Mountains.

Figure 1 documents the 2011 approved Alternative C site plan and current proposal. Notable differences include a reduction in the size of building F to expand the public plaza (e.g., the Grove) located in the middle of the development and the addition of a guest arrival area located between buildings B and D. With the new guest arrival location off of Stateline/Lake View Avenue, the current proposal eliminates the proposed vehicular roadway (Boulder Way) that would have paralleled State Route 28 (SR 28) behind buildings G and H.

Figure 2 documents examples of changes to building design and architectural character with a comparison of elevations for building F (top two elevations) as viewed from the interior plaza (e.g., the Grove) and building H (bottom two elevations) as viewed from SR 28. The first elevation represents the building design as approved in 2011. The second elevation represents the current design revision.

Under the project revisions, the configuration of proposed buildings would not be substantially changed, but would include slight changes to footprint size, placement and architectural design. Therefore, this evaluation focuses on the changes relative to the original analysis included in the Boulder Bay Draft Environmental Impact Statement (DEIS).



**Figure 1: Site Plan Comparison**



**Previously Approved Alternate C - Landscape Illustrative**



**Proposed Design Revision - Landscape Illustrative**

**Figure 2: Comparison of Building F (top) and Building H (bottom) Elevations**



**1 BUILDING F - SOUTHEAST ELEVATION**  
1/16" = 1'-0"



GENERAL:  
THE FRONT OVERHANG SHALL BE 18" MINIMUM  
TRPA LOW POINT SHALL BE 6424'-0"  
ALL ELEVATIONS SHALL BE TO FINISH



## TRPA SCENIC RESOURCE UNITS

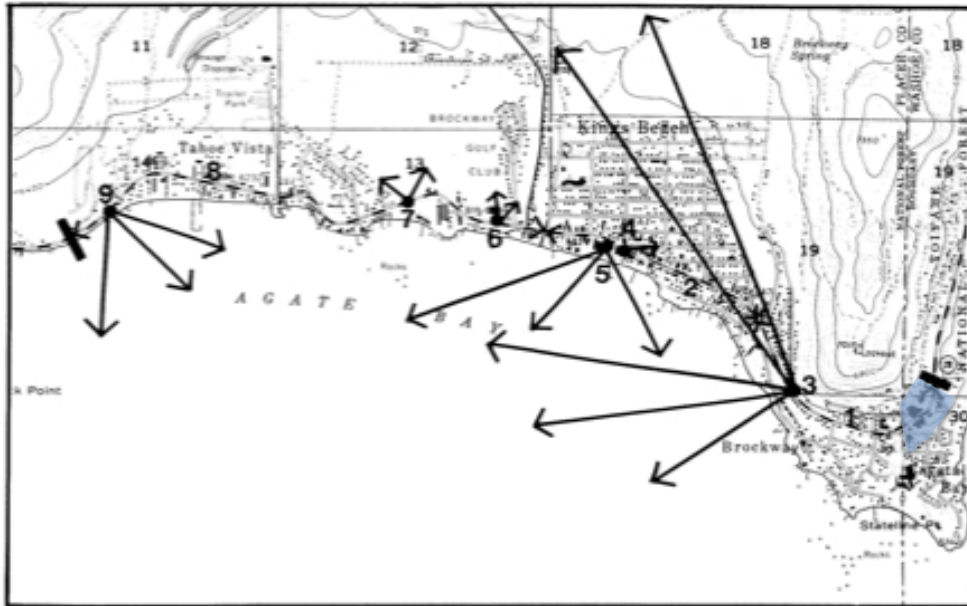
The 2009 DEIS provided a description of the visual setting and scenic resources of the project area, identified scenic impacts that would result from implementation of the Project (Alternative C), and recommended scenic mitigation measures. The Project area is visible from the portion of SR 28 designated as Roadway Unit 20D: North Stateline (highlighted blue in Figure 3) and Shoreline Unit 23: Crystal Bay (Figure 10) from Lake Tahoe.

The following evaluation describes the applicable scenic resources that were addressed in the 2009 DEIS and provides an analysis of how the proposed project revisions may change the scenic quality conclusions that were identified for the project.

### Roadway Travel Unit 20D (North Stateline Casino Core)

The Project area is located along the portion of SR 28 originally designated as Scenic Roadway Unit 20. In 2001, TRPA divided this Roadway Unit into four sub-units because of its length and diversity of character. The Washoe County portion of the Roadway Unit was relabeled 20D. The scenic quality rating is based on foreground, middleground and background views, views to the lake from the roadway, and other special features. The 2019 scenic quality travel route ratings are listed on TRPA's website (<https://thresholds.laketahoeinfo.org/ThresholdIndicator/Detail/58>). Roadway Unit 20D: North Stateline Core is a nonattainment area with a threshold composite score of 13.5 out of a possible score of 30; any units with a score of 15 or less are considered nonattainment areas in need of visual improvements.

**Figure 3: Roadway Unit 20D (North Stateline Casino Core)**



The 2009 DEIS (HBA, page 4.5-2) provided the following setting information for Roadway Unit 20D. This unit score increased from 13 in 2001 to 13.5 in 2006 due to the removal of a billboard (note: no changes have been made to the unit scores since 2006). Near the project site, the scenic quality is rated as low due to the poor quality of the high-density commercial uses and housing. This roadway unit is categorized as an “urban, rural transition visual environment.” The segment of the roadway unit in the project area is categorized as an urban environment. Urban scenic highway corridors are generally urbanized areas where man-made development is the dominant visual feature. According to the TRPA Scenic Quality Improvement Program (SQIP), the Stateline area is considered an “area of concern” due to

a disorganized visual character that contains poorly designed and/or maintained structures placed close to the roadway with little landscaping, uncoordinated signage, and visible overhead lines and satellite dish antennae. In addition, highly visible parking directly off SR 28 further affects the visual quality and contributes to traffic issues that also affect the visual character of the Stateline area. The SQIP also states that the scale, height and density of structures in the casino core are problematic and in contrast with the surrounding area. The SQIP recommends landscaping along the roadway and within developments (Chapter 30), signage consistent with TRPA guidelines (Chapter 26), landscape screening, and architectural upgrades to the casino buildings so that they reflect the natural character of Lake Tahoe. The Project responds to this recommendation by including landscaping along public roadways, integrating signage into the pedestrian amenities and building facades, and replacing the large monotone exterior of the Biltmore casino structure with building colors and materials more in line with the nearby natural landscape.

Roadway Unit 20 has an overall scenic quality rating of 2 and a rating of 2 for each of the scenic quality rating indicators (SQIP 1988 rating). Scenic quality rating indicators include: 1) Unity – the extent in which a landscape feature can be described as cohesive, 2) Vividness – a memorable or distinct quality, 3) Variety – the intermixture of interesting elements of a landscape unit, and 4) Intactness – the extent to which a landscape retains its natural condition.

Impact SR-2 of the DEIS (page 4.5-46) concludes that:

“the Project will result in site changes visible from SR 28 and Lake Tahoe. Views of project structures will be minimal from Lake Tahoe (DEIS Figure 4.5-12), and will not be visible from Scenic Recreation Units 7 or 8 (DEIS Figure 4.5-3). The project will be highly visible from SR 28, other local roadways and adjacent casinos and residences. While the project will be highly visible from SR 28, redevelopment of the project area will improve the architectural character of the area, will increase and improve landscaping, and will include the restoration of several previously disturbed areas (e.g., the former Tahoe Mariner site, Crystal Bay Motel, and the offsite Stateline mini-park site under a Boulder Bay agreement with Placer County).”

Key takeaways from the DEIS analysis of the original Project (Alternative C) include:

- Despite the increase in foreground structural elements at this location compared to the existing surface parking lot, the project would not decrease views through the project area to the ridgeline located to the northwest;
- Structures set back less than 60 feet from the State Route 28 edge of pavement may not exceed three stories tall, buildings G and H shall be reduced to two stories tall;
- While the project will be highly visible from SR 28, redevelopment of the project area will improve the architectural character of the area, will increase and improve landscaping, and will include the restoration of several previously disturbed areas;
- All of the structures would utilize the “Alpine Elegance” style of architecture promoted in the Community Plan and TRPA design guidelines. Buildings will consist of wood and stone treatments, gables, overhangs, and multiple planes;
- Reflective building materials shall be avoided and any metal roofing shall be consistent with TRPA recommended materials and colors;

- The spacing of the proposed buildings provides several viewsheds into and through the project area to the ridgeline behind as viewed from SR 28;
- While the existing casino structure is highly visible from SR 28 and does not blend with the natural background views, the structures (buildings G and H) closest to SR 28 under Alternative C are less dense, less massive, and more in character with the urban and natural landscape of Crystal Bay;
- The area will remain predominantly urban, but will also include some improvement with the removal and restoration of the Crystal Bay Motel, development of the mini-park at the Stateline under a Boulder Bay agreement with Placer County, and proposed landscaping along pedestrian spaces;
- The removal of the storage area located below Lakeview Avenue and its replacement with the realigned Wassou Road and building's A and B will not adversely affect overall visual quality because neither the proposed buildings or roadway modifications will block existing views of Lake Tahoe as seen from the northern end of the project area or the adjacent residential neighborhood to the north.
- However, the upper floor and roofline of building A will be highly visible from passing motorists due to the proximity of the building's location to SR 28. Based on the loss of natural views from SR 28 viewpoints due to the visibility of building A's roofline, this impact was identified as significant. Mitigation measure SR-1B (Redesign building A) was included in the DEIS to reduce the potential impact to less than significant.

In summary, the 2009 DEIS (page 4.5-49) documented anticipated benefits to the roadway unit ratings from implementation of the Alternative C Project as follows:

“Table 4.5-6 documents the changes to scenic roadway and shoreline unit travel route ratings for Alternative C. Roadway Unit 20D will see a 1.5 point improvement to the threshold composite with the increased scoring for manmade features and roadway distractions. The Roadway Unit 20D man-made features travel route rating criteria will improve from 2.5 to 3.5 as a result of the removal of man-made distractions including approximately 0.5 mile of overhead utilities, non-conforming signage (including the 60 foot tall Tahoe Biltmore sign), the Crystal Bay Motel, and the 76-foot tall Tahoe Biltmore hotel and casino building which does not provide adequate setback from SR 28. This improvement is limited to 1 point because of the increase in overall man-made features within the project area, including new man-made features on the northern end of the project area in the location of the open space required in the current Tahoe Mariner Settlement Agreement. The roadway distractions travel route rating criteria will improve from 3 to 3.5 as a result of the removal of two uncontrolled curb cuts on SR 28 (current Tahoe Biltmore parking lot access points and Reservoir road) and improvements to pedestrian and bicycle amenities along SR 28 that will improve pedestrian-auto safety.”

As part of the Project approval in 2011, deed restricted open space outlined in the Tahoe Mariner Settlement Agreement was relocated to other areas in the Boulder Bay project area. This relocation allowed for the consolidation of urban land uses on the southern end of the project area and preservation of the entirety of the far northern end.

**Table 4.5-6**

Alternative C - Scenic Roadway and Shoreline Unit Travel Route Ratings

	Roadway Unit 20D		Shoreline Unit 23	
	Existing Rating	Change	Existing Rating	Change
<b>Manmade Features</b>	2.5	<b>3.5</b>	1	1
<b>Roadway Distractions</b>	3	<b>3.5</b>	--	--
<b>Road Structure</b>	3	3	--	--
<b>Lake Views</b>	1	1	--	--
<b>Landscape Views</b>	1	1	3	3
<b>Variety</b>	3	3	3	3
<b>Threshold Composite</b>	13.5	15.0	7	7
<b>Status</b>	Non-attainment	Non-attainment	Non-attainment	Non-attainment

Source: Hauge Brueck Associates, 2009

Note: Changes as a result of the Project would improve the Roadway Unit 20D rating.

**Analysis of Revised Project**

To assist with this evaluation, updated photographic simulations (Figures 4 to 8) were prepared by project architects (SB Architects, 2022) to show how the revised Lake Tahoe Hotel & Residences Project design compares to the scenic quality analysis prepared for the Boulder Bay Project (Alternative C) in the 2009 DEIS. Each viewpoint (with the exception of Figure 8 which provides a new viewpoint location for this study) includes the existing condition, the 2009 simulation prepared for Alternative C and the simulation prepared for the current Project revision (2022). As shown in the simulations, the proposed revision to building location, footprint and architectural style result in minimal change to the overall building height and massing that was documented in the 2009 DEIS simulations. Noticeable changes are evident from viewpoints 13 and 14 (Figures 4 and 5).

At viewpoint 13 (SR 28 and Stateline) the casino façade (building E on left side of the image) is closer to the viewpoint location in the revised plan and somewhat wider and taller. However, neither the 2009 or current building design block views of a mapped TRPA scenic resource or ridgeline from this viewpoint, and both offer an improvement to building setback from the roadway, architectural style, and landscaping as compared to the existing Biltmore structure. At viewpoint 14 (Biltmore parking lot from SR 28), the revised location, size and architectural design of buildings G and H will continue to provide views through the project site of the ridgeline to the west and improve manmade features by replacing existing surface parking and retaining walls with buildings and landscaping that are consistent with Area Plan community design goals.

At viewpoint 15, building A is now seen alongside the roadway in the existing condition photo, as it was completed as Phase 1A in 2018. As shown in the 2009 simulation (Figure 6), vegetative planting was proposed along the roadway on either side of the park access roadway to screen the lower floors of the building. The landscaping proposed alongside SR 28 for the 2009 Project was revised as part of project review in 2017 to address changes to the park entrance roadway configuration (green areas highlighted on Figure 9), but has not been effective at providing the screening simulated during the DEIS analysis. It is likely that the small existing conifers will take another 5 to 10 years of growth to provide the proposed

level of building screening. As such, additional landscaping, consisting of larger diameter trees, shall be required on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28 viewpoint. Figure 9 shows the location of the required supplemental planting and the Figure 6 simulation documents the additional planting on each side of the park entrance roadway that is necessary to comply with the DEIS screening mitigation. The proposed supplemental planting includes 2 evergreen trees approximately 10-12 feet tall on the south side of the park access roadway and 3 evergreen trees approximately 10-12 feet tall on the north side of the park access roadway.

A new viewpoint (Figure 8) was added for this analysis to document potential changes to viewpoints while traveling north on SR 28. As shown in this new viewpoint location, existing vegetation that is proposed to remain within the SR 28 right of way along with proposed landscaping within the pedestrian corridor provides effective screening of proposed buildings (e.g., buildings G and C) and the south side of building A. As such, the existing vegetation shown in the simulation (highlighted in green) shall be protected and maintained in this location. A review of the site plan confirms that these four evergreen trees are healthy and will not be damaged during grading for utilities or the building G site preparation. Each of the trees is on the SR 28 side of the proposed pedestrian walkway and over 20 feet from the building G foundation.

At viewpoint 16, the simulation for the revised Project is consistent with the building height and massing proposed in the 2009 DEIS. From this Lake View Avenue viewpoint located above the Project in the residential neighborhood, the proposed buildings will not obstruct views to Lake Tahoe nor the ridgelines beyond.

## Conclusion

In each viewpoint location, the revised Project structures are consistent with the building design, location and massing analyzed in the 2009 DEIS. Therefore, with the recommendations summarized below (e.g., protect the existing trees shown in the new simulation viewpoint and supplement building A vegetative screening), the revised project does not result in new scenic quality impacts associated with the overall threshold composite score for Roadway Unit 20D, nor does it require additions to the existing mitigation measures included in the DEIS. The scenic quality threshold improvement scores identified in the 2009 DEIS (Table 4.5-6) should continue to be realized following Project construction and subsequent TRPA evaluation.

## Summary of Recommendations

1. Additional landscaping, consisting of taller evergreen trees, shall be required on each side of the park access roadway to improve screening of the building A ground level floors as viewed from the SR 28 viewpoint 15 (see areas highlighted in green on Figure 9 and the simulated planting plan on Figure 6). These trees shall be included on the Project landscaping plan for TRPA review and approval as part of the Permit Revision process.
2. Existing vegetation located adjacent to building G consisting of four conifer trees within or near the SR 28 right of way and shown in the photo simulation (see trees highlighted in green in Figure 8) shall be protected and maintained as part of the Project plans.

**Figure 4: Viewpoint 13 from SR 28 and Stateline**



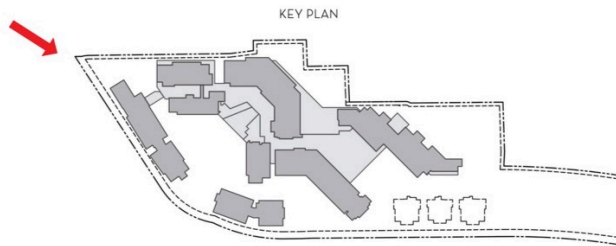
EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 01 - FROM SR 28 & STATELINE

View comparison when approaching the project site from the south along Highway SR 28 at the intersection of State Line Road.



PROPOSED DESIGN REVISIONS



Figure 5: Viewpoint 14 from SR 28



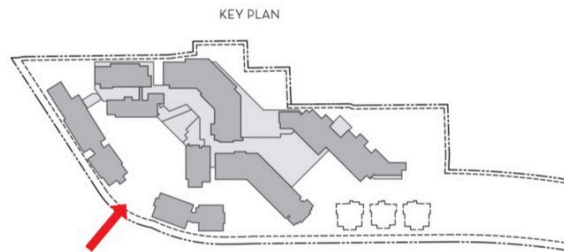
EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 02 - FROM SR 28

View comparison when driving past the sweeping curve from west moving north along the project site on Highway SR 28.



PROPOSED DESIGN REVISIONS



**Figure 6: Viewpoint 15 from SR 28 Looking South at Building A (Phase 1)**



SITE CONDITIONS PRIOR TO BUILDING A



PREVIOUS APPROVED ALTERNATE C



EXISTING SITE CONDITIONS



PROPOSED LANDSCAPE ADDITIONS



**Figure 7: Viewpoint 16 from Lake View Avenue**



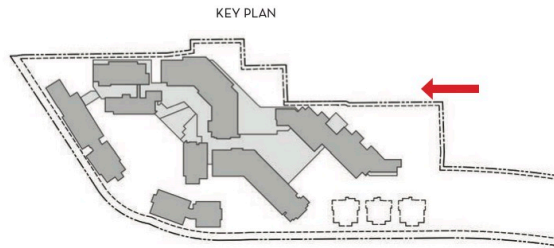
EXISTING SITE CONDITIONS - UPDATED



PREVIOUS APPROVED ALTERNATE C

VIEW 04 - FROM LAKE VIEW AVE.

View comparison when approaching the site from the east along Lakeview Ave. The highest level of building massing is shown being obscured by trees along the road. The clear view of the lake horizon is indicated along with the distant mountain ridge lines beyond.



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**Figure 8: New Viewpoint Looking North on SR 28**



EXISTING SITE CONDITIONS



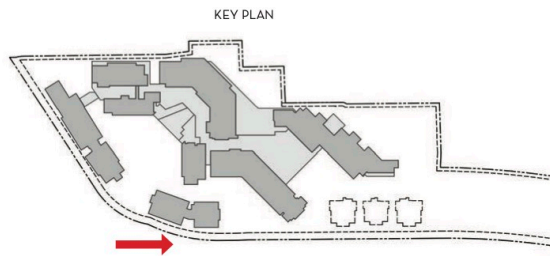
PROPOSED DESIGN REVISIONS

VIEW 05 - ADDITIONAL VIEW FROM SR 28

View comparison when driving north along SR 28 past buildings G, approaching Big Water Drive and existing condo buildings of Phase A.

The two story volume of building G is described screen intermittently by landscape elements and trees. Included in this view are the pedestrian improvements along the SR 28 frontage.

The larger trees anchoring the building C amenity area help screen the volume of the building beyond.



**Figure 9: 2022 Planting Plan for Building A Screening**



**Shoreline Travel Unit 23 (Crystal Bay)**

The Project area is located west of Crystal Bay (Shoreline Unit 23) on Lake Tahoe’s north shore between King’s Beach and Incline Village (see blue highlighted area on Figure 10). Shoreline Unit 23: Crystal Bay is a nonattainment area with a threshold composite score of 7.5 out of a possible score of 15; any units with a score of 7 or less are considered nonattainment areas in need of visual improvements. Unit 23 is considered nonattainment because the current composite score of 7.5 is less than the score of 11 that was recorded in 1982.

The 2009 DEIS (HBA, page 4.5-3) provided the following setting information. “Near the project site, shoreline views from Lake Tahoe are primarily of homes interspersed with trees and other vegetation along rocky slopes and cliffs. The spread of visible structural development in the past led to a lowering of the shoreline travel route rating near the project area. Mountain ridges are visible in the background, while middle and foreground views contain the natural landscape of trees, shrubs and rocky slopes interspersed with residences and other structures. The Project area is located east of Stateline Point, a distinctive and rocky point on Lake Tahoe and therefore not visible from Brockway (Shoreline Unit 22).”



**Figure 10: Shoreline Unit 23 (Crystal Bay)**



### Analysis of Revised Project

Impact SR-2 of the 2009 DEIS discloses that the top floor and roofline of building C will be visible from Lake Tahoe (page 4.5-46) through an existing forest clearing, but concludes that the visible portion of the structure will not exceed the height of the existing trees and would be similar to the visibility of the existing Crystal Bay Motel that is proposed for demolition. The DEIS concludes that Alternative C development will only be visible where existing development is currently visible, and so the impact as viewed from Lake Tahoe viewpoints is considered to be less than significant. The project revisions would not substantially increase the height or location of building C and therefore the 2009 DEIS impact conclusions for Shoreline Unit 23 would remain unchanged.

### Scenic Recreational Resources

In addition to the roadway and shoreline unit resources discussed above, there are scenic recreational resources nearby the project site including Burnt Cedar Beach (Unit 8), Incline Beach (Unit 7) and Ski Incline (Unit 6), all of which are located east of the project area. The 2009 DEIS (page 4.5-4) provides the following setting information for these nearby recreational resources:

“Ski Incline includes distant views of the lake and southwestern shores, while the two beaches provide wide views of the lake and surrounding shorelines. Each scenic recreation area is rated in attainment as shown in Table 4.5-2. According to the 2001 scenic quality rating, development at Stateline, primarily road cuts and structures extending above the canopy level or located on the slopes of Crystal Bay are visible from the beaches and detract from the natural scenic quality. Views toward the project area from the beaches are shown in Figure 4.5-3. Views from Ski Incline do not include the project site due to distance, topography and screening vegetation (as viewed from the ski resort) at the ski resort; therefore, they are not included in the figure.”

DEIS page 4.5-21 documents that the project area is not visible from the two Incline beaches or other recreational areas to the west. Therefore, no additional analysis of recreational resources is required.

“As discussed under Scenic Recreation Units 7 and 8, the project site is not visible from area beaches located to the east because of the distance between the beaches and the project area. From the west, the project site is not visible from the lake or SR 28 due to intervening topography and vegetation located on Stateline Point.”

Attachment F  
Balloon Height Study



**Memorandum**

**SACRAMENTO**

*MAIL & DELIVERIES*

P 916-283-5800  
F 916-273-4054  
6151 Fair Oaks Blvd, Ste. 108  
Carmichael, CA 95608

To: Tom Jacobson, EKN Development Group

From: Rob Brueck

Date: January 3, 2023

Subject: Balloon Study for Lake Tahoe Hotel & Residences (formerly Boulder Bay) Project Revision Scenic Simulations

**LAKE TAHOE**

*NO MAIL*

P 775-267-7202

This memorandum summarizes the results of a balloon study performed to confirm the accuracy of scenic simulations prepared for the Lake Tahoe Hotel and Residences project. Boulder Bay Permit condition 5.F outlines the requirements of the study as follows:

- F. Permittee shall erect story poles and/or helium balloons as a means of confirming the accuracy of the proposed maximum building heights depicted in the photo-simulations in the FEIS for TRPA review and approval. Photos of the erected story poles and/or helium balloons shall be taken from the same vantage points as the photo-simulations and superimposed onto the photo-simulations. The accuracy of the erected story poles/helium balloons and superimposed images shall be certified by a licensed surveyor, architect and/or engineer.

Figure 1 shows the locations where balloons were placed and photographed to document the maximum building height of applicable buildings for each viewpoint. From viewpoint 1, the balloon was photographed to document maximum building height for buildings H and D. From viewpoint 2, the balloon was photographed to document maximum building height for buildings G and D. However, because of intervening vegetation, the balloon is not visible at the building D location from this viewpoint. For viewpoint 4, the balloon was photographed to document maximum building height for building B.

The balloon study fieldwork was led by Aaron Souza (3dFX Design) with assistance from photographer Scott Thompson (Vista Estate Visuals). Balloon locations and elevations that document maximum building height at each location were provided by design team engineer Steven Solis (N Consulting Engineers). Figures 2 through 5 include photographs to document existing conditions, photo-simulation of the project, and the balloon study from each of the three viewpoints. In each case, the balloon lines up closely to the roofline of the subject building in the corresponding photo-simulation. As such, the balloon study confirms the accuracy of the maximum building heights depicted in the photo-simulations prepared for the project EIS (2011) and subsequent Plan Revision application (2022).

Figure 6 shows a drone photograph looking southeast towards Lake Tahoe, taken at the elevation of the high point of building D (see Figure 1 for the drone location). This photo shows the intervening vegetation between the building D location and the viewpoint 2 location used for the photo-simulation. It also documents that the closest Lake Tahoe nearshore to the south and east of the project site is screened by intervening topography and vegetation. Only Lake Tahoe viewpoints from more distant shorelines to the southeast will provide views through the tree canopy to the project rooflines. From these locations, the project buildings will not be discernable to the viewer as disclosed in the 2011 EIS.

Figure 1: Photo Viewpoints and Balloon Locations

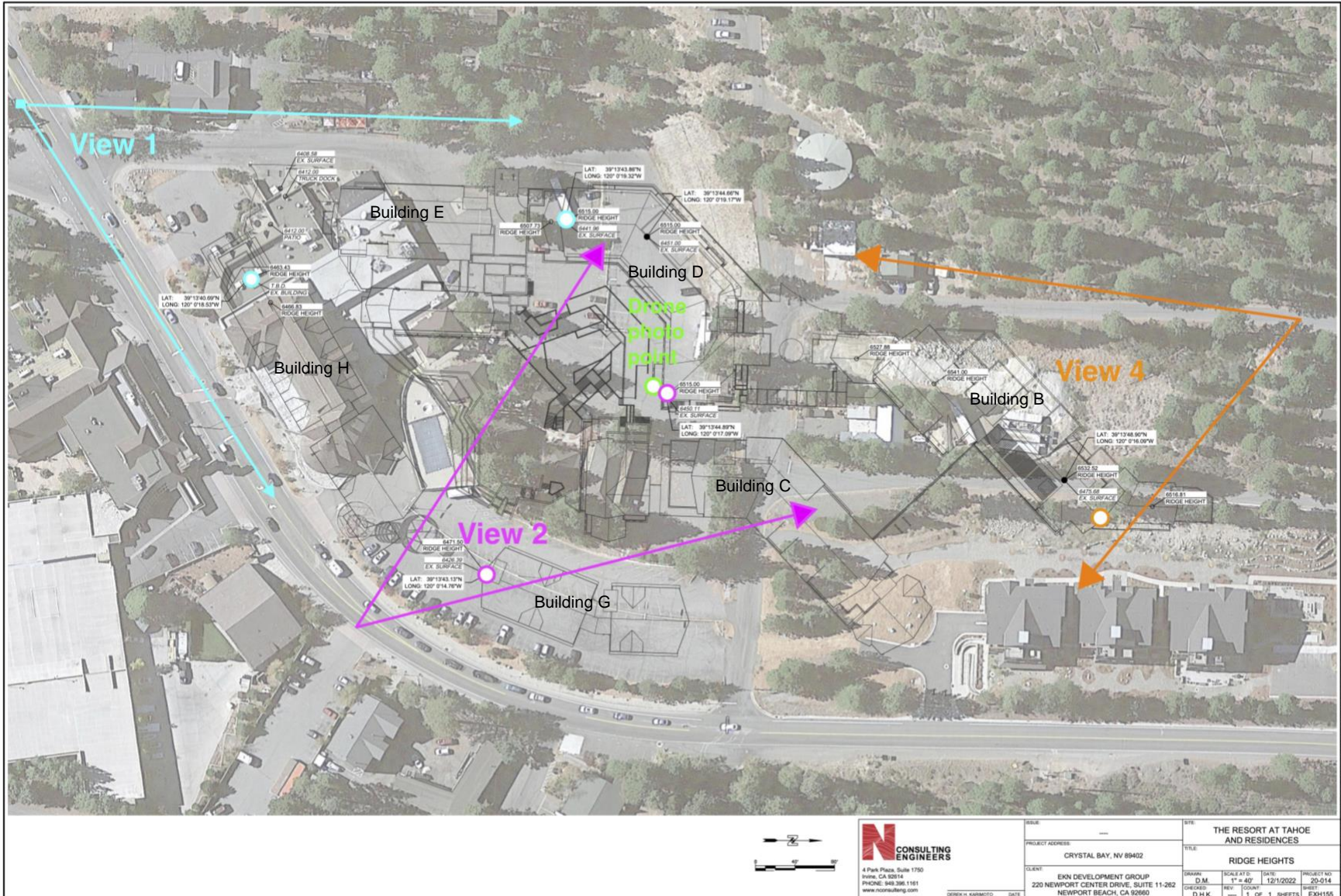




Figure 2: Viewpoint 1 – Building H Balloon



EXISTING SITE CONDITIONS - UPDATED



BALLOON STUDY

VIEW 01 - FROM SR 28 & STATELINE

View comparison when approaching the project site from the south along Highway SR 28 at the intersection of State Line Road.



PROPOSED DESIGN REVISIONS

Figure 3: Viewpoint 1 – Building D Balloon



EXISTING SITE CONDITIONS - UPDATED



BALLOON STUDY

VIEW 01 - FROM SR 28 & STATELINE

View comparison when approaching the project site from the south along Highway SR 28 at the intersection of State Line Road.



KEY PLAN



PROPOSED DESIGN REVISIONS

**Figure 4: Viewpoint 2 – Building G Balloon**



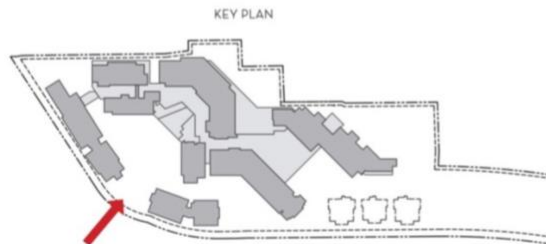
EXISTING SITE CONDITIONS - UPDATED



BALLOON STUDY

VIEW 02 - FROM SR 28

View comparison when driving past the sweeping curve from west moving north along the project site on Highway SR 28.



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**Figure 5: Viewpoint 4 – Building B Balloon**



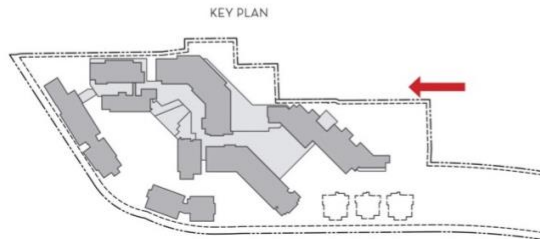
EXISTING SITE CONDITIONS - UPDATED



BALLOON STUDY

VIEW 04 - FROM LAKE VIEW AVE.

View comparison when approaching the site from the east along Lakeview Ave. The highest level of building massing is shown being obscured by trees along the road. The clear view of the lake horizon is indicated along with the distant mountain ridge lines beyond.



PROPOSED DESIGN REVISIONS

*Figure 6: Drone photo looking southeast from high point of Building D*



Attachment G

VMT Memo





LSC Transportation Consultants, Inc.  
2690 Lake Forest Road, Suite C  
P.O. Box 5875  
Tahoe City, CA 96145  
530-583-4053 ▲ FAX: 530-583-5966  
info@lscstrans.com ▲ www.lscstrans.com

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## TECHNICAL MEMORANDUM

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**DATE:** 4/17/2023

**TO:** Tom Jacobson, EKN Development Group

**CC:** Lew Feldman, Feldman Thiel LLP

**CC:** Kara Thiel, Feldman Thiel LLP

**FROM:** Sara Hawley, PE and Sierra Brown, PE, LSC Transportation Consultants, Inc.

**SUBJECT:** Waldorf Astoria Lake Tahoe – VMT Analysis

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This memorandum necessarily reconciles the calculation of Vehicle Miles Traveled (VMT) as originally calculated in the Boulder Bay EIS utilizing "Alternative A" (Existing Biltmore uses at full capacity and optimum operations) as the baseline for measuring impacts versus the "Baseline Biltmore" (the 2008 traffic trip counts adjusted to 2006 economic conditions), the currently applicable baseline as referenced in the TRPA Governing Board hearing for Boulder Bay. Application of the prior baseline demonstrated significant VMT reduction comparing the Tahoe Biltmore uses at full capacity and optimum operations (Alternative A) to the approved "Boulder Bay Alternative C" (Boulder Bay) whereas application of the applicable baseline from the time of the project approval (currently called "Baseline Biltmore") results in a 14% VMT increase in Boulder Bay VMT compared to the Baseline Biltmore.

Replacement of the higher Alternative A baseline (with relatively high trip generation) with the lower Baseline Biltmore (with a lower trip generation similar to Boulder Bay) substantially increases the VMT net impact of Boulder Bay. Moreover, although the Boulder Bay daily trips used in the VMT calculations are almost identical to that of the Baseline Biltmore, Boulder Bay results in increased VMT because it has a longer average trip length. Notably, the proposed Waldorf Astoria Lake Tahoe (WALT) proposed plan revision, utilizing the applicable baseline (Baseline Biltmore), results in a 14% VMT reduction compared to the Baseline Biltmore and a 24% VMT reduction compared to Boulder Bay.

This memorandum documents the findings and conclusions of a trip generation and Vehicle Miles Traveled (VMT) analysis regarding the Waldorf Astoria Lake Tahoe (WALT) development project located at the existing Tahoe Biltmore Lodge and Casino site along State Route (SR) 28 in Crystal Bay, Nevada. The project proposes to redevelop the Biltmore site and remove the previous motel use on the Crystal Bay Motel site. While the project applicant also owns the SR 28 Commercial

Center next to The Nugget on the south side of SR 28, no changes are planned to this facility as part of the current proposal.

## OVERALL ASSUMPTIONS

The analysis is based on the following overall assumptions:

- The “Baseline Biltmore” scenario reflects Year 2006 operating conditions at the Biltmore and associated uses.
- The “Boulder Bay” scenario assumes full buildout of the approved Boulder Bay program.
- The “WALT” scenario assumes full buildout of the proposed WALT project.

First, the land use assumptions are summarized. Next, the trip generation of all three program scenarios is evaluated, and the WALT project’s net impact on trip generation is determined, as compared to both Baseline Biltmore and Boulder Bay. Finally, a VMT analysis is performed for each scenario, and the proposed project’s impact on VMT is determined.

## LAND USE COMPARISON

The land use quantities for each scenario are summarized in Table 1. As shown, the total number of lodging/residential units under each scenario is as follows:

- 111 units for the Baseline Biltmore use
- 374 units for Boulder Bay
- 191 units for WALT

Also worth noting is that the previous casino was 22,400 square feet, while the Boulder Bay and WALT casino floor area is reduced to 10,000 square feet. Although Boulder Bay and WALT have the same total commercial floor area (18,715 square feet), Boulder Bay has more retail area, and WALT has more restaurant area. Additionally, according to the Boulder Bay approvals, the WALT project proponent will provide a shuttle service as an amenity available to the site’s residents and guests upon request, with service to/from public beaches (excluding Speedboat Beach) in summer and to/from Northstar California Resort in winter. Some level of shuttle service will be provided year-round, with adjustments made for summer and winter peak seasons.

## TRIP GENERATION

Trip generation is the process by which engineers estimate the amount of traffic that would be associated with a development proposal. This trip generation analysis is conducted for summer daily and PM peak-hour conditions. First, the trip generation of the Baseline Biltmore is presented. Next, the trip generation of approved Boulder Bay is evaluated. A detailed trip generation analysis is conducted for the proposed WALT. Finally, comparisons are provided between all three program scenarios.

**TABLE 1: Waldorf Astoria at Lake Tahoe (WALT) - Land Use Comparison**

	Baseline Biltmore		Approved Boulder Bay		WALT	
<b>LODGING/RESIDENTIAL</b>						
Hotel Units	92	Units	301	Units	76	Units
Motel Units	19	Units	-	-	-	-
Hotel Residential <sup>1</sup>	-	-	-	-	58	Keys
Granite Place (≤3 floors)	-	-	18	DU	18	DU
Whole Ownership (>3 floors)	-	-	41	DU	25	DU
Employee Housing	-	-	14	DU	14	DU
Shuttle Vehicle	-	-	1	vehicle	1	vehicle
Meeting Space	Accessory Use		Accessory Use		Accessory Use	
Convenience Dining	Accessory Use		Accessory Use		Accessory Use	
Bar/Lounge	Accessory Use		Accessory Use		Accessory Use	
Service Retail	Accessory Use		Accessory Use		Accessory Use	
Daycare Center	Accessory Use		Accessory Use		Accessory Use	
Spa	Accessory Use		Accessory Use		Accessory Use	
Fitness Center	Accessory Use		Accessory Use		Accessory Use	
<i>Subtotal Lodging/Residential</i>	<i>111</i>	<i>DU</i>	<i>374</i>	<i>Units</i>	<i>191</i>	<i>Units</i>
<b>CASINO</b>	<i>22.383</i>	<i>KSF</i>	<i>10.000</i>	<i>KSF</i>	<i>10.000</i>	<i>KSF</i>
<b>RESTAURANT</b>						
Café/Fast Food	-	-	0.863	KSF	2.235	KSF
Casual Dining	4.5	KSF	2.347	KSF	12.280	KSF
Fine Dining	3.3	KSF	3.333	KSF	-	-
<i>Subtotal Restaurant</i>	<i>7.8</i>	<i>KSF</i>	<i>6.543</i>	<i>KSF</i>	<i>14.515</i>	<i>KSF</i>
<b>RETAIL/COMMERCIAL</b>						
Retail	-	-	12.172	KSF	4.2	KSF
<b>RECREATION</b>						
County Park	-	-	3.07	acres	3.07	acres

DU = Dwelling Units; KSF = 1,000 Square Feet

Note 1: WALT Hotel residential units include 36 main units and 22 lock-offs for a total of 58 keys.

Source: LSC Transportation Consultants, Inc.

## **Trip Generation of Baseline Biltmore**

At the time of this study, the Biltmore operations are completely closed. For purposes of this analysis, the daily trip generation of the Baseline Biltmore use is assumed to be 3,895 daily one-way external trips on the surrounding roadway network. This figure represents actual vehicle trips counted on the Biltmore site driveways in Year 2008, adjusted to reflect Year 2006 (busier) conditions. The estimated daily trip generation of 3,895 was provided by Fehr & Peers as the lead traffic consultant for the Boulder Bay EIS (reference “Project Alternatives Trip Generation Summary”, Fehr & Peers, March 11, 2011, attached herein as Appendix A, and referenced in the TRPA staff summary for the Governing Board hearing for Boulder Bay). Of the 3,895 daily external trips, 320 occur during the PM peak hour.

The 3,895 daily trips do not include “pass-by” trips, which are trips generated on the site driveways by vehicles already present on SR 28 “passing-by” the Biltmore site as part of a longer trip. For example, a driver traveling around Lake Tahoe who stops by a restaurant at the Biltmore site would be making a pass-by trip. In this case, the restaurant land use would have generated one inbound plus one outbound trip on the site driveway but would not have generated new traffic on SR 28. Based on the analysis for the approved Baseline Biltmore use, the number of pass-by trips generated by the previous use is 184 daily pass-by trips, with 15 occurring during the PM peak hour. To estimate the total trips crossing the site driveways, the pass-by trips are added to the external trips. This results in a total of 4,079 daily trips and 335 PM peak-hour trips crossing the site driveways. Detailed calculations are provided in Appendix A.

## **Trip Generation of Boulder Bay**

The daily trip generation approved for Boulder Bay is 3,891 daily vehicle trips. This was the figure presented to the TRPA Governing Board during the hearing when the project was approved. It was provided by Fehr & Peers as the lead traffic consultant for the Boulder Bay EIS (reference “Project Alternatives Trip Generation Summary”, Fehr & Peers, March 11, 2011, attached herein as Appendix B, and referenced in the TRPA staff summary for the Governing Board hearing for Boulder Bay). The 3,891 daily trip number was derived by Fehr & Peers by applying trip generation rates to the Boulder Bay land use quantities and applying reductions for internal trips, non-auto trips, and pass-by trips. Of the 3,891 daily trips, 294 occur during the PM peak hour. The 3,891 daily trips are one-way external trips on the surrounding roadway network. This does not include pass-by trips. The number of pass-by trips generated by Boulder Bay is 574 daily pass-by trips, with 37 occurring during the PM peak hour. To estimate the total trips crossing the site driveways, the pass-by trips are added to the external trips. This results in a total of 4,465 daily trips and 331 PM peak-hour trips crossing the site driveways. Detailed calculations are provided in Appendix B.

## Trip Generation of Proposed WALT

The proposed WALT land uses and land use quantities are shown in Table 2. The land use types are based on the categories identified in the ITE *Trip Generation* manual. Standard daily and peak-hour trip generation rates are drawn from the Institute of Transportation Engineers (ITE) *Trip Generation, 11th Edition* manual (ITE, 2021), with the exception of the casino, as discussed below. The trip generation rates are based on the following methodology and assumptions:

- *Lodging/Residential Trip Generation* – The number of available units is increased from 111 previously existing hotel/motel units to 191 proposed lodging and residential units, including 14 employee housing units. In comparison with the approved Boulder Bay project, the number of units has decreased by 157 (from 374 to 191).
- *Hotel Residential Units* – These units will be available for participation in a rental pool operated by the hotel, and they will be served by hotel employees. As such, these units are treated as commercial lodging units, rather than residential condos. In addition, 100 percent of lock-off units are assumed to be locked-off, to remain conservatively high in the analysis of trip generation and VMT impacts. For purposes of this analysis, 36 “base” units plus 22 lock-off units are assumed, for a total of 58 keys.
- *Trip Generation of WALT Shuttle Service* – According to the previous approvals, the project proponent will provide a shuttle service as an amenity available to WALT residents and guests upon request, with service to/from public beaches (excluding Speedboat Beach) in summer and to/from Northstar California Resort in winter. Some level of shuttle service will be provided year-round, with adjustments made for summer and winter peak seasons. During busy summer days, one proposed shuttle vehicle is assumed to make round trips between the WALT and nearby beaches for 12 hours a day, departing the Resort once an hour. The shuttle vehicle trips crossing the WALT site driveways are shown as a separate line item under the lodging/residential category in Table 2.
- *Casino Trip Generation* – With implementation of the proposed project, casino floor area would be reduced from 22,400 to 10,000 square feet (reduced by roughly half), similar to Boulder Bay. As typical hotels do not contain a casino, the casino gaming area is analyzed individually. The trip generation of the casino is estimated based upon the TRPA-approved trip rates of 265.88 daily one-way trips per thousand square feet of gaming floor area and 16.67 PM peak-hour trips per thousand square feet. These trip rates match the casino trip rates in the approved EIS.
- *Restaurant/Bar Trip Generation* – The proposed WALT provides about twice as much restaurant floor area as the Baseline Biltmore and Boulder Bay programs. Convenience dining and bar/lounge uses within the hotel have been integrated into the “Hotel” rate, according to the Institute of Transportation Engineers (ITE) definition of a “Hotel” use. (The ITE definition for a hotel is as follows: “A hotel is a place of lodging that provides sleeping accommodations and supporting facilities such as a full-service restaurant, cocktail lounge, meeting rooms, banquet room, and convention facilities. A hotel typically provides a swimming pool or another recreational facility such as a fitness room.”)



- *Retail Trip Generation* – The WALT retail commercial floor area is only about one-third of the Boulder Bay retail use, excluding the accessory uses within the hotel. The service retail uses are included in the ITE “Hotel” rate, by definition.
- *Meeting Space Trip Generation* – The trip generation of the WALT meeting space is included in the ITE “Hotel” rate, by definition.

### Reductions for Internal Trips

As is typical of a mixed-land use development, some persons generating a trip at the site would visit more than one of the land uses at the site during the same “trip.” Common traffic engineering practice dictates that a reduction in total trip generation can be applied to the project, as some of the persons generating trips at one of the land uses can generate a trip at another of the included land uses without generating an additional vehicle trip at the common site access point(s). As an example, a portion of the trips generated by a property with both retail and restaurant uses would be internal to the property, as some restaurant customers also visit the retail shops, or retail employees frequent the restaurant. Some of the restaurant customers would also be patrons of the hotel or other on-site amenities. The portion of the persons generating a trip at a mixed-use development that would visit two or more uses within the development is based on the types of uses within the development, the size of the individual uses, and the distances between them.

The proportion of trips that remain internal to the site (such as lodging guests visiting the casino) are based upon surveys conducted of the previous Biltmore site lodging guests, casino guests, and employees in 2007, a review of the trip internalization assumptions in the approved EIS, and the guidance provided in the ITE *Trip Generation Handbook* regarding internal capture within a mixed-use development. The 2007 Biltmore surveys (as applied in LSC's 2008 Boulder Bay Resort traffic study) were reviewed, along with other available data (such as the EIS and other similar resort hotel/casino trip generation analyses) to estimate the trip internalization of the WALT<sup>1</sup>. Next, the number of trip-ends leaving one use and entering another use on the site were reviewed and “balanced”, to ensure that the internal trip-ends generated by one use actually have another on-site use to go to/from. (If the trip internalization is not balanced, then some internal trip-ends would be made to/from nowhere.) As shown in the middle column of Table 2, about one-third of the trips generated by the lodging uses are expected to be made to/from another on-site use. This assumption is reasonable, based on the standard daily trip generation rate of about 8 one-way trips per day, per hotel room, the expected portion of lodging trips that would be regional access trips, and the propensity for lodging guests to patron the on-site dining options.

About 45 percent of trips made to/from the casino are estimated to be made internally to the site. This is less than the casino internal trip percentage in the approved Boulder Bay analysis, given that the WALT has fewer lodging units and therefore fewer casino patrons staying onsite. Approximately 26 percent of restaurant trips and 55 percent of retail trips would be made internally.<sup>2</sup> Overall, 35

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<sup>1</sup>The ITE Trip Gen Handbook provides internal capture rates for some WALT uses, such as hotel/residential, restaurant and retail. The project's internal capture based on these rates was evaluated (along with the NCHRP 684 Internal Trip Capture Estimation Tool) and used as one of the data points in developing the WALT internal capture rates.

<sup>2</sup> 35% of WALT retail trips are estimated to be made to/from on-site lodging/residential uses, plus 10% to/from on-site restaurants, plus 10% to/from WALT casino, for a total of 55% internal trips to/from WALT retail uses.



percent of WALT trips would be made internally. In comparison, the trip generation analysis for Boulder Bay indicates 33 percent of overall site-generated trips would be internal. The overall internal trip percentage for the WALT is slightly higher than for Boulder Bay, which is consistent with the fact that the WALT has twice as much restaurant area to attract patrons from other uses on the site.

### Reductions for Non-Auto Modes

Nearly all data presented in the ITE *Trip Generation* manual volumes have been collected at low-density, single-use, homogeneous, general urban or suburban developments with little or no public transit service and little or no convenient pedestrian access (ITE *Trip Generation Handbook, 3rd Edition*, pg. 6, 2017, which is the current version of the handbook). Additional reductions for non-auto modes are based on the characteristics of the community, and on the quality and quantity of bicycle, pedestrian, and transit facilities. The project site is currently served by Tahoe Truckee Area Regional Transportation (TART) transit service (including TART Connect microtransit), the North Lake Tahoe Express, and employee shuttles.

The proportion of external trips made via non-auto modes (walking, bicycling, transit) is based upon surveys conducted of the previous Biltmore site lodging guests, casino guests, and employees in 2007<sup>3</sup>. In particular, guests walking between the site uses and other nearby properties (such as the Crystal Bay Club) results in a relatively high proportion of non-auto trips in the North Stateline area. Additionally, data from the TRPA 2018 Summer Travel Surveys conducted at recreational and commercial sites in Crystal Bay (before the TART Connect microtransit service was implemented) suggest that approximately 27 percent of trips made in the area are by non-auto modes.

The approved Boulder Bay analysis assumed 23 percent of external trips made to/from the lodging uses were made via non-auto modes. This figure is increased by 5 percent to reflect the TART Connect microtransit service (as well as the free fares on the TART mainline), which was not in operation at the time of the Biltmore surveys. TART Connect currently provides direct service from the WALT site west to Tahoe Vista (the "Kings Beach/Tahoe Vista" zone), and from the WALT site east to Incline Village (the "Incline Village/Crystal Bay" zone). Based on TART Connect ridership data from 2021 and 2022, the average daily ridership in the summer season increased from 149 to 411 riders per day (or a 276-percent increase) in the Kings Beach/Tahoe Vista zone and from 323 to 489 (151-percent increase) in the Incline Village/Crystal Bay zone. TART Connect ran 7 days a week from 8 AM to Midnight in the past two summers and winters, with evening service in the fall and spring. It is expected to be an attractive option for some guests, residents, customers, and employees traveling to/from the WALT site. Of the 3 zones served by TART Connect microtransit, the Incline Village Zone is the most productive. As the WALT project would increase the number of calls for TART Connect, this would increase the potential for shared rides. As such, the number of vehicle trips would not be expected to increase due to TART Connect microtransit, as this is an existing service, and the project is anticipated to increase the number of groups on the shuttle vehicles.

Additionally, based on the extent of service assumed for the WALT beach shuttle service, it is estimated to reduce vehicular trips to/from the WALT lodging and condominium uses by an additional 6 percent. (This equates to a reduction of 56 one-way vehicle trips made by

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<sup>3</sup>The 2007 Biltmore surveys were used in determining the proportion of external trips made via non-auto modes, as applied in LSC's 2008 Boulder Bay Resort traffic study. This is one of the data points used in estimating the external non-auto trips for the WALT.



lodging/residential groups over the course of the day. Considering the beach shuttle is assumed to make 24 one-way trips over the course of the day, it's assumed to carry approximately 2.3 groups per one-way trip, on average (56 divided by 24). The resulting percent reduction for external trips made to/from the lodging and residential units via non-auto modes is 34 percent. Smaller reductions for non-auto travel (ranging from 9 percent to 12 percent) are applied to the remaining land use types, as shown in the middle column of Table 2. These reductions are well below the non-auto mode split indicated by the TRPA surveys, to remain conservative in this analysis.

### Trip Generation at Site Driveways

Applying the trip generation rates to the WALT land use quantities and applying reductions for non-auto travel and internal trips yields a total vehicular trip generation crossing the site driveways of approximately 3,542 daily one-way vehicle-trips, of which 261 (157 entering and 104 exiting) occur during the PM peak hour. The peak-hour trips are relatively low compared to total daily trips, as casino-related traffic typically peaks later in the day, after the peak hour of traffic along SR 28.

Comparing the daily trip generation of the WALT and that of the Baseline Biltmore indicates that the WALT would result in a net reduction of 537 daily vehicle-trips (or a 13-percent reduction) at the site access driveways over the course of a peak summer day. During the key PM peak hour, the WALT would reduce vehicle-trips at the driveways by 74, or 22 percent.

### Trip Generation on Roadway Network

Not all trips on the site driveways are new trips on area roadways. A reduction for pass-by activity is appropriate for some commercial land uses, but not for lodging or employment land uses that are the primary purpose of a trip. In addition, as a recreational destination, no pass-by reduction is assumed for the casino land use. Site-specific data on pass-by rates is not available at this time. The *ITE Trip Generation Handbook, 3<sup>rd</sup> Edition* (ITE, 2017, which is the current version of the handbook) and the *Trip Generation Manual 11<sup>th</sup> Edition, ITE 2021 Pass-by Rates* spreadsheet presents data collected from many sites regarding the proportion of pass-by trips by land use category, which were applied to the total driveway trip volumes. As shown in the far-right columns of Table 2, this factor reduces the WALT program's overall vehicle-trip generation on adjacent roadways to 2,886 daily one-way vehicle-trips, including 208 during the PM peak hour. Considering the impact on regional roadways such as SR 28 away from the site access driveways (reflecting reductions for pass-by trips), the WALT would result in an overall net reduction in trip generation of 26 percent over the course of a day, and 35 percent over the key PM peak hour, compared to the Baseline Biltmore use.

Note that even if the percent reductions for internal and non-auto trips were reduced by 15 percent (or multiplied by a factor of 0.85) across the board, the WALT total trip generation would still be less than the Baseline Biltmore trip generation.

### **Trip Generation Comparison Between WALT and Boulder Bay**

Comparing the daily external trip generation of the WALT and the approved Boulder Bay project land uses indicates that the WALT would result in a net reduction of 923 daily vehicle-trips (or a 21-percent reduction) at the site access driveways over the course of a peak day. The reduction in PM peak-hour trips in comparison with Boulder Bay would also be 21 percent. The impact on the

regional roadways (after reductions for pass-by trips) equates to a 26-percent reduction in daily trips and a 29-percent reduction in PM peak-hour trips.

## VEHICLE MILES TRAVELED

Vehicle Miles Traveled (VMT) is evaluated in accordance with TRPA's *Project Impact Assessment Guidelines* (TRPA, June 2021). VMT analysis is conducted on an annual average daily basis, reflecting that it is a basis for overall greenhouse gas emissions. VMT for each scenario is calculated by multiplying daily trip generation by an annual-to-peak daily factor and multiplying by the average trip length within the Tahoe Basin. First, the VMT of Boulder Bay is compared to that of the Baseline Biltmore use. Next, the VMT of the WALT is compared to that of the Baseline Biltmore use. Finally, the VMT of the WALT is compared to that of Boulder Bay.

### Annual Average Daily Trip Factors

It is necessary to convert peak daily trips to annual average daily trips, to coincide with the TRPA's new impact guidelines for the proposed use. Factors are estimated that reflect the ratio of average daily activity (and thus trip generation) to peak daily activity. These factors are defined as follows:

- *Lodging Uses*—The North Lake Tahoe Resort Association (now called North Tahoe Community Alliance) provides monthly occupancy data for North Tahoe lodging sites. The annual average monthly occupancy rate for 2022 is calculated and divided by the peak month occupancy, to estimate the average-to-peak day factor. The same calculation is performed for 2021. The average of the 2021 and 2022 data is applied in this analysis. The resulting average-to-peak day factor is 0.69. In other words, the daily trip generation of the lodging uses on an annual average day is assumed to be 69 percent of that on a peak summer day.
- *Casino* – The Nevada Gaming Control Board website provides monthly gaming wins for the Washoe County North Shore Lake Tahoe Area gaming locations. Based upon a review of the variation in monthly gaming wins for the 12-month period from December 2021-November 2022, the average-to-peak day factor for casino trip generation is estimated to be 0.78.

The average-to-peak day factors for remaining uses are based on the lodging factor.

### Average Trip Length

The final data element needed to define VMT is the average vehicle-trip length (in miles). These values for the Baseline Biltmore and Boulder Bay are calculated based on the VMT summary provided in Table 4.8-16 of the approved EIS dated November 2009, attached as Appendix C. Dividing the VMT for each alternative by the daily trips yields the average trip length. The Baseline Biltmore use has an estimated average trip length of 5.94 miles (based on EIS Alternative A), while Boulder Bay has an average trip length of 6.79 miles (based on EIS Alternative C). The average trip length is longer for Boulder Bay than the Baseline Biltmore because Boulder Bay has substantially more visitor trips, which have a longer average trip length in the Basin than residential trips. (The EIS assumed average trip lengths of 7.77 miles for visitors and only 4.42 miles for residents.)

Boulder Bay has more lodging, dining, and retail trips than the Baseline Biltmore. Most trips made to/from these uses are made by visitors.

WALT Average Trip Length

The average vehicle-trip length for trips made to/from the WALT is based on the following data and assumptions:

- *Lodging*—These land uses generate two types of trips: regional access trips (to and from Tahoe) and local trips. The proportion of total trips generated by the regional access trip (travel between Tahoe and the visitor’s home) is first calculated. The average length of stay during the summer months is assumed to be approximately 2.9 days, based on the average of 2015 data from the Ritz-Carlton Hotel (2.46 days) and North Lake Tahoe Resort Association (now North Tahoe Community Alliance) 2003-2016 hotel/motel/B&B visitor data (3.4 days). This is equivalent to 0.69 access trips per lodging unit per day. For the WALT uses, the portion of the total lodging trips that are regional access trips is calculated to be 20 percent. None of the regional access trips are assumed to be by non-auto modes.

Table 3 presents an analysis of the average trip length for these regional access trips, assuming that the preponderance of such trips come from residents of Nevada and California. As shown in the lower portion of the table, the average trip length within the Tahoe Basin for regional access trips is 7.48 miles. For local trips, the weighted average trip length identified by TRPA (using the TRPA’s Project Impact Assessment tool) for the VMT analysis zone encompassing the project site (6.52 miles) is used. The weighted average of the regional access and local trip lengths is calculated to be 6.71 miles. This trip length is applied to the WALT lodging line items.

<b>TABLE 3: WALT - Lodging Average Trip Length</b>			
Description	Percent of External Trips	Average Trip Length within Tahoe Basin (mi)	Proposed WALT
<u>Regional Access Trip Origin/Destination</u>			
Reno/Sparks/RTIA	20%	9	
Sacramento	15%	5	
Bay Area	43%	5	
Central Valley	8%	5	
Los Angeles	10%	17	
Las Vegas	2%	17	
San Diego Region	2%	17	
Percent of Total Lodging Trips: Regional Access Trips			20%
Percent of Total Lodging Trips: Local Trips			80%
Weighted Average Trip Length: Regional Access Trips (mi)			7.48
Average Trip Length: Local Trips (mi)			6.52
<b>Total Lodging Average Trip Length</b>			<b>6.71</b>
<i>Source: LSC Transportation Consultants, Inc.</i>			

- **Shuttle Vehicle**—For the WALT shuttle vehicle, the weighted average trip length is estimated to be 5.42 miles, assuming the shuttle travels to/from a point in Tahoe Vista during the non-summer months and to/from the Village at Northstar during the winter months.
- The TRPA average trip length for the project’s VMT analysis zone (Zone 72) of 6.52 is applied to the remaining WALT uses.

### VMT of Baseline Biltmore

The VMT analysis for the Baseline Biltmore use is summarized in Table 4. The peak-summer daily external trip generation for the Baseline Biltmore is 3,895 one-way vehicle trips, as discussed above. It is important to note that this figure represents trip generation during the busiest season of each land use (summer). Only “non-pass-by” trips are considered, as pass-by trips do not result in additional regional VMT. Applying the annual average-to-peak day factor (0.69) to the summer daily trips yields 2,688 average daily external vehicle trips. Multiplying the average daily trips by the average trip length for the Baseline Biltmore yields a total annual average daily VMT of 15,967 within the Tahoe Basin. This is considered the baseline for use in measuring the VMT impacts of the other programs.

<b>Table 4: Baseline Tahoe Biltmore VMT</b>	
Total Daily External Trip Generation after Pass-by Reduction	3,895
Annual Average -to- Peak Day Factor	0.69
Average Daily Vehicle Trips	2,688
Tahoe Basin Average Trip Length (Miles)	5.94
Annual Average Daily Tahoe Basin VMT	15,967
<i>Source: LSC Transportation Consultants, Inc.</i>	

### VMT of Boulder Bay

The VMT analysis for Boulder Bay is summarized in Table 5. The peak-summer daily external trip generation for Boulder Bay is 3,891 one-way vehicle trips, as discussed above. Similar to Baseline Biltmore, this figure represents trip generation during the busiest season of each land use (summer). Applying the annual average-to-peak day factor (0.69) to the summer daily trips yields 2,685 average daily external vehicle trips. Multiplying the average daily trips by the average trip length for the Boulder Bay yields a total annual average daily VMT of 18,230 within the Tahoe Basin.

<b>TABLE 5: Boulder Bay VMT</b>	
Total Daily External Trip Generation after Pass-by Reduction	3,891
Annual Average -to- Peak Day Factor	0.69
Average Daily Vehicle Trips	2,685
Tahoe Basin Average Trip Length (Miles)	6.79
Annual Average Daily Tahoe Basin VMT	18,230
<i>Source: LSC Transportation Consultants, Inc.</i>	

### VMT of WALT

The VMT analysis for the WALT is summarized in Table 6. For this multi-use project, each land use is analyzed independently and then summed. As shown in the lower portion of Table 6, the total daily external vehicle trips on an average day is calculated to be 2,109. Multiplying this figure by the average trip length for each use category and summing over all categories yields a total annual average daily VMT generated by the WALT of 13,794 VMT within the Tahoe Basin. Of this total, almost half (48 percent) is generated by the casino, while 28 percent is generated by the restaurant uses. The lodging and residential uses generate 22 percent of the total VMT.

### VMT Impacts Comparison

Table 7 presents a comparison across the three program scenarios.

#### VMT Impacts of Boulder Bay

As indicated, approved Boulder Bay would result in a net increase in annual average Tahoe Basin daily VMT of 2,263 (or a 15-percent increase). The EIS indicated Boulder Bay would result in a reduction in VMT over the approved Biltmore uses (EIS Alternative A). However, Alternative A is not the same as Baseline Biltmore. (Alternative A has a much higher level of trip generation than Baseline Biltmore and Boulder Bay, because Alternative A trips were estimated by applying trip generation rates to the approved Biltmore land use quantities, assuming full capacity and optimum operations. On the other hand, Baseline Biltmore trips are based on actual traffic counts conducted at the site driveways, adjusted to Year 2006 conditions.) The EIS did not calculate the VMT of the Baseline Biltmore (2006 conditions) scenario. A VMT comparison of Boulder Bay and Baseline Biltmore is not provided in the EIS. Furthermore, the EIS did not address impacts on an annual average day, because the annual average standard did not exist at that time.

#### VMT Impacts of WALT

As shown in Table 7, the proposed WALT would result in a net reduction in annual average Tahoe Basin daily VMT of 2,173 (or a 14-percent reduction) compared to the Baseline Biltmore. In

Description	ITE Use Category	Quantity	Land Use Units	Daily Non-Passby Trips <sup>1</sup>	Annual Average-to-Peak Day Factor	Average Daily Vehicle Trips	Tahoe VMT Analysis			
							Tahoe Basin Average Trip Length (Miles)	Tahoe Basin VMT	Annual Average Daily VMT	% of Total Project Avg Daily VMT
<b>PROPOSED WALT</b>										
<b>LODGING/RESIDENTIAL</b>										
Hotel Units	Hotel	76	Units	267	0.69	184	6.71	1,235	9.0%	
Hotel Residential <sup>3</sup>	Hotel	58	Keys	204	0.69	141	6.71	946	6.9%	
Granite Place (<=3 floors) <sup>2</sup>	Multifamily Housing (Low-Rise)	18	DU	53	0.69	37	6.52	241	1.7%	
Exclusive Residential (>3 floors)	Multifamily Housing (Mid-Rise)	25	DU	50	0.69	35	6.52	228	1.7%	
Employee Housing	Multifamily Housing (Low-Rise)	14	DU	49	0.69	34	6.52	222	1.6%	
Shuttle Vehicle	N/A (vehicle-trip analysis)	1	vehicle	24	0.69	17	5.42	92	0.7%	
Meeting Space	Accessory Use					Accessory Use to Hotel				
Convenience Dining	Accessory Use					Accessory Use to Hotel				
Bar/Lounge	Accessory Use					Accessory Use to Hotel				
Service Retail	Accessory Use					Accessory Use to Hotel				
Daycare Center	Accessory Use					Accessory Use to Hotel				
Spa/Fitness Center	Accessory Use					Accessory Use to Hotel				
<b>Subtotal Lodging/Residential</b>		<b>191</b>	<b>Units</b>	<b>647</b>	<b>0.78</b>	<b>448</b>	<b>6.52</b>	<b>2,964</b>	<b>21.6%</b>	
<b>CASINO</b>	<b>Gaming (Non-Restricted)</b>	<b>10</b>	<b>KSF</b>	<b>1,287</b>	<b>0.78</b>	<b>1,004</b>	<b>6.52</b>	<b>6,546</b>	<b>47.5%</b>	
<b>MEETINGS/EVENTS</b>										
<b>RESTAURANT</b>										
Café/Fast Food	Fast Food, No Drive Through	2.24	KSF	374	0.69	258	6.52	1,682	12.2%	
Casual Dining	High Turnover - Sit Down Restaurant	12.28	KSF	488	0.69	337	6.52	2,197	15.9%	
<b>Subtotal Restaurant</b>		<b>14.52</b>	<b>KSF</b>	<b>862</b>		<b>595</b>		<b>3,879</b>	<b>28.1%</b>	
<b>RETAIL/COMMERCIAL</b>										
Specialty Retail	Strip Retail Plaza (<40k)	4.2	KSF	89	0.69	61	6.52	398	2.9%	
<b>RECREATION</b>										
County Park <sup>3</sup>	Public Park	3.07	acres	1	0.69	1	6.52	7	0.1%	
<b>TOTAL PROPOSED WALT</b>		<b>2,886</b>		<b>2,886</b>		<b>2,109</b>	<b>6.54</b>	<b>13,794</b>	<b>100%</b>	
VMT of Baseline Biltmore								15,967		
<b>PROJECT NET IMPACT ON VMT (WALT minus Baseline Biltmore)</b>								<b>-2,173</b>		
<b>% Change Compared to Baseline Biltmore</b>								<b>-14%</b>		
<b>PROJECT NET CHANGE BETWEEN BOULDER BAY AND WALT (WALT minus Boulder Bay)</b>										
VMT of Boulder Bay								18,230		
<b>PROJECT NET CHANGE BETWEEN BOULDER BAY AND WALT (WALT minus Boulder Bay)</b>								<b>-4,436</b>		
<b>% Change Compared to Boulder Bay</b>								<b>-24%</b>		
DU= Dwelling Unit. KSF = 1,000 Square Feet Note 1: Reference Table 2 for trip generation of Waldorf Astoria at Lake Tahoe (WALT). Note 2: Although these 18 low-rise units were recently constructed (Granite Place condominiums), they are included in the proposed uses. Note 3: Although this park was recently constructed, it is included in the proposed uses. Source: LSC Transportation Consultants, Inc.										

<b>TABLE 7: WALT - Trip Generation and VMT Impacts Comparison</b>				
	Trip Generation at Site Driveways	Trip Generation on External Roadways (After Reductions for Pass-by Trips)		Annual Average Daily Tahoe Basin VMT
	Summer Daily	Summer Daily	Average Daily	
Baseline Biltmore Land Uses	4,079	3,895	2,688	15,967
Approved Boulder Bay Land Uses	4,465	3,891	2,685	18,230
Proposed WALT Land Uses	3,542	2,886	2,109	13,794
Net Change from Baseline Biltmore to Boulder Bay	386	-4	-3	2,263
Net Change from Baseline Biltmore to WALT	-537	-1,009	-579	<b>-2,173</b>
Net Change from Boulder Bay to WALT	-923	-1,005	-576	<b>-4,436</b>
% Change from Baseline Biltmore to Boulder Bay	9%	-0.1%	-0.1%	14%
% Change from Baseline Biltmore to WALT	-13%	-26%	-22%	<b>-14%</b>
% Change from Boulder Bay to WALT	-21%	-26%	-21%	<b>-24%</b>

*Source: LSC Transportation Consultants, Inc.*

comparison with Boulder Bay, the WALT project would generate 4,436 fewer VMT (or a 24-percent reduction in VMT). The project is therefore considered to be a low-VMT proposal that is not considered significant. Based on current TRPA standards, there is no need to evaluate specific mitigation measures to reduce VMT associated with the WALT, beyond those measures included in the approved Boulder Bay permit.

- Attachments: Appendix A – Baseline Biltmore Trips  
 Appendix B – Boulder Bay Trips  
 Appendix C – Baseline Biltmore and Boulder Bay Trip Lengths

**BASELINE TAHOE BILTMORE TRIP GENERATION**

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**Appendix A: Baseline Tahoe Biltmore Trip Generation**

	Daily	PM Peak Hour
Trip Generation from Counts		168
PM Peak Hour/Daily Trip Generation Ratio (6.4%)	2,625	
Tahoe Biltmore Overflow Parking Lot Trip Generation	114	57
Operating Conditions Adjustment (28% decline)	1,068	87
Pass-By Trips <sup>1</sup>	-184	-15
Crystal Bay Motel Trip Generation	186	11
Crystal Bay Office Trip Generation	86	12
<b>Total Trip Generation at Site Driveways (without Pass-by Reduction)</b>	<b>4,079</b>	<b>335</b>
<b>Total Trip Generation on External Roadways (after Pass-by Reduction)</b>	<b>3,895</b>	<b>320</b>

Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011)  
 Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (May 17, 2010)

Appendix A:  
Reference for Baseline Biltmore DVTE

Mr. Brueck  
March 11, 2011  
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PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) <sup>1</sup>	234	2,846	237	2,880
Baseline Existing Conditions <sup>2</sup>	315	3,849	320	3,895
Alternative A	373	5,853	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	294	3,891
Alternative C (Reduced)	260	3,389	281	3,766
Alternative D	302	3,948	330	4,419
Alternative E	554	8,468	566	8,609

Notes: <sup>1</sup> Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space.  
<sup>2</sup> Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected.

Sources: Fehr & Peers, 2011

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).



Appendix A:  
Reference for Baseline Biltmore Pass-by Trips

Mr. Brueck  
July 6, 2010  
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	PM Peak Hour	Daily
Trip Generation from Counts	188	
PM Peak Hour/Daily Trip Generation Ratio (8.4%)		2,625
Tahoe Biltmore Overflow Parking Lot Trip Generation	57	114
Operating Conditions Adjustment (28% decline) <sup>1</sup>	87	1,088
Pass-By Trips <sup>2</sup>	(-20)	(-230)
Crystal Bay Motel Trip Generation <sup>3</sup>	11	186
Crystal Bay Office Trip Generation <sup>3</sup>	12	86
<b>Total</b>	<b>315</b>	<b>3,849</b>

Notes: <sup>1</sup> Adjustment is applied to counted volumes and Tahoe Biltmore overflow parking lot volumes because the Tahoe Biltmore overflow parking lot information provided was specific to the time that the traffic count data was collected and employee levels represent the 2008 operating conditions of the Tahoe Biltmore.  
<sup>2</sup> Pass-by trips only apply to traffic count volumes and the growth applied to the traffic count volumes.  
<sup>3</sup> The 2008 adjustment was not applied to the Crystal Bay Motel or Crystal Bay office space, as these trips were estimated based on TRPA Trip Table and ITE trip generation rates.

Source: Fehr & Peers, 2010

**BASELINE AND PROJECT ALTERNATIVES TRIP GENERATION COMPARISON**

*Project Alternatives Trip Generation*

Tables 9, 10, 11, 12 and 13 show the trip generation estimates for Boulder Bay project alternatives A, B, C, D, and E, respectively. The Crystal Bay Motel and Crystal Bay office will remain part of the project site for Alternatives A, B, and E, and have been included in the trip generation estimates for these alternatives to provide a direct comparison to the existing trip generation of the site. Alternatives C and D will remove the Crystal Bay Motel, therefore this use was not included in the trip generation estimates for these alternatives.

**BOULDER BAY TRIP GENERATION**

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## Appendix B: Boulder Bay Trip Generation

Land Use	Density	Unit	Daily	PM Peak Hour
Whole Ownership (Condo)	59	DU	346	31
Employee Housing (Apartment)	14	DU	94	9
Hotel	301	Rooms	2,685	211
Casino	1	KSF	2,659	167
Meeting Space	21.253	KSF	Accessory Use to Hotel	
Spa	19.089	KSF	Accessory Use to Hotel	
Fitness Center	9.86	KSF	Accessory Use to Hotel	
Daycare Center	1.665	KSF	Accessory Use to Hotel	
Convenience Dining	1.25	KSF	Accessory Use to Hotel	
Café/Fast Food	1.25	KSF	895	33
Casual Dining (High Turnover Sit-Down Restaurant)	3.398	KSF	432	38
Fine Dining (Quality Restaurant)	4.825	KSF	434	36
Bar/Lounge	2.25	KSF	Accessory Use to Hotel	
Specialty Retail	9.272	KSF	411	25
Service Retail	3.65	KSF	Accessory Use to Hotel	
County Park	3.07	Acres	7	0
Crystal Bay Office Space	7,772	KSF	86	12
<b>Total "Raw" Trip Generation</b>			<b>8,049</b>	<b>562</b>
Alternative Mode Trips			-959	-69
Internal Capture Trips			-2,625	-162
Pass-By Trips <sup>1</sup>			-574	-37
<b>Total Trip Generation at Site Driveways (without Pass-by Reduction)</b>			<b>4,465</b>	<b>331</b>
<b>Total Trip Generation on External Roadways (after Pass-by Reduction)</b>			<b>3,891</b>	<b>294</b>

DU = Dwelling Units; KSF = 1,000 square feet

Note 1: Pass-by Trips Updated per Alternative Pass-by Calculation memo by Fehr & Peers (March 11, 2011)

Source: Boulder Bay Alternative Baseline Existing Conditions Traffic Volumes (July 6, 2010)



Appendix B:  
 Boulder Bay (Alternative C) DVTE

PROJECT ALTERNATIVES TRIP GENERATION SUMMARY				
Alternative	Trip Generation (with Original Pass-By Calculations)		Trip Generation (with New Pass-By Calculations)	
	PM Peak Hour	Daily	PM Peak Hour	Daily
Existing Conditions (Based on 2008 Traffic Counts) <sup>1</sup>	234	2,848	237	2,880
Baseline Existing Conditions <sup>2</sup>	315	3,849	320	3,895
Alternative A	373	5,853	381	5,934
Alternative B	504	7,870	513	7,957
Alternative C	274	3,501	284	3,891
Alternative C (Reduced)	280	3,389	281	3,768
Alternative D	302	3,948	330	4,419
Alternative E	554	8,468	566	8,609

Notes: <sup>1</sup> Includes trip generation estimates of the Tahoe Biltmore overflow parking lot, Crystal Bay Motel, and Crystal Bay office space.  
<sup>2</sup> Includes an adjustment factor to account for the economic conditions at the time the traffic volumes counts were collected.  
 Sources: Fehr & Peers, 2011

As shown in the table, Alternative C and Alternative C (Reduced) generate fewer daily and PM peak hour trips than Alternative A (TRPA Significance Standard) and the Alternative Baseline Existing Conditions (Appendix AA) (calculations provided in the Final EIS). Therefore, the conclusions in the FEIS are unchanged (i.e. no additional impacts identified).



Appendix B:  
 Boulder Bay (Alt. C) Pass-By Trips Source



Alternative C (Proposed Project)

Lane Use	Density <sup>1</sup>	Trips			
		Daily	PM	PM In	PM Out
Whole Ownership (Condo)	59 du	346	31	21	10
Employee Housing (Apartment)	14 du	94	9	6	3
Hotel	301 rms	2,685	211	103	107
Casino	10 ksf	2,659	167	75	92
Meeting Space	21,253 ksf	Accessory Use to Hotel			
Spa	19,089 ksf	Accessory Use to Hotel			
Fitness Center	9,88 ksf	Accessory Use to Hotel			
Daycare Center	1,665 ksf	Accessory Use to Hotel			
Convenience Dining	1.25 ksf	Accessory Use to Hotel			
Café/Fast Food	1.25 ksf	895	33	17	16
Casual Dining (High Turnover Sit-Down Restaurant)	3,398 ksf	432	38	22	16
Fine Dining (Quality Restaurant)	4,825 ksf	434	36	24	12
Bar/Lounge	2.25 ksf	Accessory Use to Hotel			
Specialty Retail	9,272 ksf	411	25	11	14
Service Retail	3.65 ksf	Accessory Use to Hotel			
County Park	3.07 acres	7	0	0	0
Total "Raw" Trip Generation		7,983	549	279	270
Alternative Mode Trips		(-959)	(-69)	(-35)	(-34)
Internal Capture Trips		(-2,625)	(-162)	(-88)	(-74)
Pass-By Trips		(-964)	(-57)	(-32)	(-25)
<i>Total External Roadway Trips Created by Tahoe Biltmore Primary Project Site</i>		3,415	262	124	137
Crystal Bay Office Space	7,772 ksf	86	12	2	10
Total Alternative C Trip Generation		3,501	274	126	147

Notes: <sup>1</sup> du = dwelling units, rms = rooms, ksf = 1,000 square feet  
 Source: Fehr & Peers, 2010

**BASELINE BILTMORE AND BOULDER BAY TRIP LENGTHS**

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**Table 4.8-16**

VMT Analysis Comparison

Project Alternative	Daily Trip Generation	Project Alternative VMT	Existing Tahoe Biltmore VMT	Total New Project Alternative VMT	Overall Avg Trip Length (mi)
⇒ A (currently approved uses)	5,581	33,140	(-33,140)	0	⇒ 5.94
⇒ B	7,598	45,675	(-33,140)	12,535	
⇒ C	3,415	23,185	(-33,140)	(-9,955)	⇒ 6.79
D	3,862	23,335	(-33,140)	(-9,805)	
E	8,197	50,891	(-33,140)	17,751	

Source: Fehr & Peers, 2009

Mitigation: **TRANS-1: Traffic and Air Quality Mitigation Program**

Boulder Bay shall pay the appropriate air quality mitigation fee in accordance with Chapter 93 – Traffic and Air Quality Mitigation Program of the TRPA Code of Ordinances.

After Mitigation: *Less than Significant Impact; Alternatives B and E*

Implementation of mitigation measure TRANS-1 will reduce the impact to a less than significant level.

Analysis: *Less than Significant Impact; Alternatives C and D*

Alternatives C and D will generate less VMT than the existing (Alternative A) site. Alternative C will generate 9,955 less VMT than the existing Tahoe Biltmore (assuming full operational capacity). Alternative D will generate 9,805 less VMT.

Mitigation: No mitigation is required.

**IMPACT: TRANS-3: Will the Project result in changes to existing parking facilities, or demand for new parking?**

Analysis: *No Impact; Alternatives A and B*

Alternative A will not include changes to the existing parking supply or locations.

Alternative B will not include changes to the existing parking supply or locations. A Shared Parking analysis, which accounts for internalization between uses and time of day factors, was performed to determine the minimum number of parking spaces that will be needed to adequately serve the uses included in Alternative B. The results show that a minimum of 227 spaces will be needed.

Attachment H

V(g) Findings & Checklist

# PROJECT REVIEW CONFORMANCE CHECKLIST & V (g) FINDINGS

(Commercial/Tourist Accommodation/Public Service/Recreation/Resource Mngt.)

Project Name: Waldorf Astoria

Project Type: Mixed Use

APN / Project Number: TRPA File Number CEPP2014- 0138-01, Assessor's Parcel Number (APN) 123-051-02, #

Project Review Planner: PN Date of Review: 4.18.23

NOTE: if the answer to question b. on any of the following questions is no, please provide a written justification on a separate sheet for making the findings required in subsections 4.4.1 and 4.4.2 of the code. If the answer to question b. is yes or if no answer is required, this checklist shall serve as justifications for making said findings. Any positive impacts of the project on the thresholds that have not been addressed in these questions should also be noted.

## CATEGORY: AIR QUALITY

### THRESHOLD: CARBON MONOXIDE (CO)

INDICATOR: (CO) 8-hr. avg. Stateline CA station

- |    |    |   |   |                                     |   |                                     |
|----|----|---|---|-------------------------------------|---|-------------------------------------|
| 1. | a. | Does the project generate new vehicle trips?                  | Y | <input type="checkbox"/>            | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.2.4.B.1? | Y | <input type="checkbox"/>            | N | <input type="checkbox"/>            |
| 2. | a. | Does the project create new points of vehicular access?       | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/>            |
|    | b. | If yes, is the project consistent with Subsection 34.3.2?     | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/>            |
| 3. | a. | Does the project include combustion appliances?               | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/>            |
|    | b. | If yes, is the project consistent with Subsection 65.1.4?     | Y | <input type="checkbox"/>            | N | <input type="checkbox"/>            |
| 4. | a. | Does the project include a new stationary source of CO?       | Y | <input type="checkbox"/>            | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?     | Y | <input type="checkbox"/>            | N | <input type="checkbox"/>            |

### THRESHOLD: OZONE

INDICATOR: Ozone, 1-hr. avg. Lk. Tahoe Blvd station

- |    |    |   |   |                                     |   |                                     |
|----|----|---|---|-------------------------------------|---|-------------------------------------|
| 1. | a. | Does the project increase regional VMT?                               | Y | <input type="checkbox"/>            | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.2.4?             | Y | <input type="checkbox"/>            | N | <input type="checkbox"/>            |
| 2. | a. | Does the project include new gas/oil space/water heaters?             | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/>            |
|    | b. | If yes, is the project consistent with Subsection 65.1.4?             | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/>            |
| 3. | a. | Does the project include a new stationary source of NO <sup>2</sup> ? | Y | <input type="checkbox"/>            | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?             | Y | <input type="checkbox"/>            | N | <input type="checkbox"/>            |

### THRESHOLD: PARTICULATE MATTER

INDICATOR: Part. Matter, 24-hr. avg. Lk. Tahoe Blvd station

- |    |    |   |   |                          |   |                                     |
|----|----|---|---|--------------------------|---|-------------------------------------|
| 1. | a. | Does the project increase airborne dust emissions?                      | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 60.4.3?               | Y | <input type="checkbox"/> | N | <input type="checkbox"/>            |
| 2. | a. | Does the project include a new stationary source of particulate matter? | Y | <input type="checkbox"/> | N | <input checked="" type="checkbox"/> |
|    | b. | If yes, is the project consistent with Subsection 65.1.6?               | Y | <input type="checkbox"/> | N | <input type="checkbox"/>            |

3. a. Refer to question 1, Ozone, above.

THRESHOLD: VISIBILITY

INDICATOR: miles of visibility, veg and subregional path

1. a. Refer to questions 1-3, Particulate Matter, above.

THRESHOLD: TRAFFIC VOLUME  
US 50 CORRIDOR, WINTER, 4pm-12am

INDICATOR: traffic volume, US 50 at Park Ave.  
Jan.-Mar. avg., 4pm-12am

1. a. Refer to question 1, CO, above.

THRESHOLD: NO<sup>2</sup> EMISSIONS

INDICATOR: VMT

1. a. Refer to questions 1-2, VMT, below.

THRESHOLD: WOOD SMOKE

INDICATOR: number of wood heaters

1. a. Does the project include any new wood heaters? Y  N   
b. If yes, is the project consistent with Subsection 65.1.4.B? Y  N

THRESHOLD: VMT

INDICATOR: changes in number of trips and avg. trip length

1. a. Does the project increase average trip length? Y  N   
b. If yes, is the project consistent with Subsection 65.2.4.B? Y  N   
2. a. refer to question 1, CO, above.

CATEGORY: WATER QUALITY

THRESHOLD: TURBIDITY

INDICATOR: turbidity of indicator stations

1. a. Does the project increase impervious coverage or create permanent soil disturbance? Y  N   
b. If yes, is the project consistent with Subsection 60.2.3? Y  N   
2. a. Does the project create temporary soil disturbance? Y  N   
b. If yes, is the project consistent with Subsection 60.4.3? Y  N   
3. a. Does the project require the use of fertilizer? Y  N   
b. If yes, is the project consistent with Subsection 60.1.8? Y  N   
4. a. Does the project include domestic wastewater discharge to the surface or groundwater? Y  N   
b. If yes, is the project consistent with Subsection 60.1.3.B? Y  N   
5. a. Does the project disturb or encroach on an existing SEZ? Y  N   
b. If yes, is the project consistent with Subsection 30.5? Y  N

THRESHOLD: CLARITY, WINTER (IN LAKE)

INDICATOR: secch depth, Dec.-Mar. avg. TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: PHYTOPLANKTON PRIMARY PRODUCTIVITY (IN LAKE)

INDICATOR: phyto, primary productivity, ann. Avg., TRG index station

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: DIN LOAD, SURFACE RUNOFF

INDICATOR: DIN x discharge, tributary network annual total 1

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN LOAD, GROUNDWATER

INDICATOR: DIN x discharge, grndwtr. Network, annual total

1. a. Refer to questions 2 & 3, turbidity, above.

THRESHOLD: DIN LOAD, ATMOSPHERIC

INDICATOR: NO3 + HNO, annual avg. Lake Tahoe Blvd station

1. a. Refer to question 4, turbidity, above.

THRESHOLD: NUTRIENT LOADS, GENERAL

INDICATOR: sol. P x discharge sol. Fe x

1. a. Refer to questions 1-5, turbidity, above.

THRESHOLD: TOTAL N, P, Fe, (trib.) CA ONLY

INDICATOR: single reading, tributary network

1. a. Refer to questions 1, 2, 3, and 5, turbidity, above.

THRESHOLD: DIN; SOL, P, Fe, SS (trib.) NV ONLY

INDICATOR: single reading tributary network

1. a. Refer to questions 1, 2, 3 and 5, turbidity, above.

THRESHOLD: DIN, SOL, P, Fe, SS, GREASE/OIL DISCHARGED TO SURFACE WATER FROM RUNOFF

INDICATOR: single reading runoff sites

1. a. Does the project route impervious surface runoff directly into Lake Tahoe or a major tributary? Y  N
- b. If yes, is the discharge structure consistent with BMP handbook? Y  N
2. a. Does the project create large impervious areas (e.g. parking lots) which may serve as a source of airborne pollutants, grease or oil? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3, 60.4.6, 60.4.9? Y  N

THRESHOLD: TOTAL N, TOTAL P, TOTAL Fe TURBIDITY, GREASE/OIL DISCHARGE TO GRDWTR FROM RUNOFF

INDICATOR: single reading runoff site

1. a. Does the project include infiltration devices to infiltrate impervious surface runoff directly underground? Y  N
- b. If yes, is the project consistent with Subsection 60.4.6? Y  N

**CATEGORY: SOIL CONSERVATION**

**THRESHOLD: IMPERVIOUS COVERAGE**

INDICATOR: area or coverage

1. a. Does the project include new or relocated coverage? Y  N   
b. If yes, is the project consistent with Subsection 30.4, 30.5, 30.6? Y  N

**THRESHOLD: NATURALLY-FUNCTIONING SEZ**

INDICATOR: area of SEZ

1. a. Does the project disturb or encroach on a naturally-functioning SEZ? Y  N   
b. If yes, is the project consistent with Subsection 30.5? Y  N

**CATEGORY: VEGETATION**

**THRESHOLD: PLANT & STRUCTURAL DIVERSITY**

INDICATOR: plant & structural diversity

1. a. Does the project create a change in diversity? Y  N   
b. If yes, does the project include vegetation management techniques to increase diversity (reveg., thinning)? Y  N

**THRESHOLD: MEADOW & RIPARIAN VEGETATION**

INDICATOR: area of meadow & riparian veg.

1. a. Refer to question 5, turbidity, above.

**THRESHOLD: DECIDUOUS RIPARIAN VEGETATION**

INDICATOR: area of riparian vegetation

1. a. Refer to question 5, turbidity, above.

**THRESHOLD: SHRUB ASSOCIATION**

INDICATOR: area of shrub association

1. a. Does the project create an increase in the areal extent of the shrub association? Y  N   
b. If yes, has the additional area been calculated, and a determination been made that the total area is less than or equal to 25%? Y  N

**THRESHOLD: YELLOW PINE ASSOCIATION (not mature)**

INDICATOR: area of yellow pine assoc.

1. a. Does the project create a change in the areal extent of the immature yellow pine association? Y  N   
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y  N

**THRESHOLD: RED FIR ASSOCIATION**

INDICATOR: area of red fir assoc.

1. a. Does the project create a change in the areal extent of the immature red fir association? Y  N   
b. If yes, has the additional area been calculated, and a determination made that the total area in the Region is between 15 and 25%? Y  N

**THRESHOLD: FOREST OPENINGS**

INDICATOR: size and location of forest openings

1. a. Does the project create new forest openings? Y  N   
b. If yes, is the new opening less than 8 acres? Y  N

2. a. Does the project create new forest openings adjacent to other openings? Y  N
- b. If yes, are the resultant adjacent openings not of the same relative age class or successional stage? Y  N

**THRESHOLD: UNCOMMON PLANT COMMUNITITES**

INDICATOR: habitat sites

1. a. Will the project impact the habitats for the deepwater sphagnum bog, Osgood Swamp, or the Freel Peak Cushing Plant Community? Y  N
- b. If yes, have modifications been included in the project to protect these plant communities? Y  N

**THRESHOLD: SENSITIVE VEGETATION**

INDICATOR: number of habitat sites

1. a. Will the project impact the habitats of the Carex paucifructus, the Lewis pyomaea longipetala, the Draba asterophora v., or the Rorippa subumbellata? Y  N
- b. If yes, have modifications been included in the project to protect these plant communities? Y  N

**CATEGORY: WILDLIFE**

**THRESHOLD: SPECIAL INTEREST SPECIES**

INDICATOR: number of habitat sites

1. a. Will the project result in the loss, modification or increased disturbance of habitat site for goshawk, osprey, bald eagle, (winter and nesting), golden eagle, peregrine falcon, waterfowl, or deer, as mapped on official TRPA maps? Y  N
- b. If yes, have modifications been included in the project to protect these habitat sites? Y  N

**CATEGORY: FISHERIES**

**THRESHOLD: EXCELLENT STREAM HABITAT**

INDICATOR: sites of excellent stream habitat

1. a. Does the project include stream channelization, stream dredging, removal of rock or gravel from a stream, culverts, bridges, or water diversions affecting a stream identified as fish habitat? Y  N
- b. If yes, have modifications been included in the project to offset impacts on stream habitat and contribute to the upgrading of stream habitat? Y  N
2. a. Will the project result in siltation, urban runoff, snow disposal, or litter that may affect water quality in a stream identified as fish habitat? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N

**THRESHOLD: GOOD STREAM HABITAT**

INDICATOR: miles of good stream habitat

1. a. Refer to questions 1 and 2, above.

**THRESHOLD: MARGIANL STREAM HABITAT**

INDICATOR: miles of marginal stream habitat

1. a. Refer to questions 1 and 2, above.



THRESHOLD: INSTREAM FLOWS

INDICATOR: increase flows

- 1. a. Does the project include new water diversions? Y  N
- b. If yes, is there evidence in the record to indicate that flows will remain within adopted TRPA standards or, in the absence of adopted standards, that flows will not be diminished? Y  N
- 2. a. Does the project include new coverage or disturbance that could contribute to uncontrolled runoff reaching a stream identified as fish habitat? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N
- 3. a. Refer to question 5, turbidity, above.

THRESHOLD: LAKE HABITAT

INDICATOR: area of excellent habitat

- 1. a. Does the project include development in the shorezone, removal of rock or gravel from the lake, or removal of vegetation in the shorezone? Y  N
- b. If yes, is the project consistent with Chapters 80-86? Y  N
- 2. a. Does the project increase the potential for siltation, runoff, or erosion entering Lake Tahoe? Y  N
- b. If yes, is the project consistent with Subsections 60.4.3 and 60.4.6? Y  N

CATEGORY: NOISE

THRESHOLD: SINGLE EVENT, AIRCRAFT, DAYTIME

INDICATOR: dBA, LMAX, TRPA ref. points, 8am-8pm, single reading

- 1. a. Does the project involve the commercial or private operation of aircraft? Y  N
- b. If yes, does the project comply with the Interim Service Agreement affecting aircraft operations at the South Lake Tahoe Airport, or will the project meet the TRPA noise thresholds, or is the project exempt under Code section 68.9? Y  N

THRESHOLD: SINGLE EVENT, AIRCRAFT, NIGHTTIME

INDICATOR: dBA, LMAX, TRPA ref. points, 8am-8pm, single reading

- 1. a. Refer to question 1, single event, aircraft, above.

THRESHOLD: SINGLE-EVENT, BOATS

INDICATOR: dBA, LMAX, at 50 ft., single reading

- 1. a. Does the project involve a marina or boat launching facility? Y  N
- b. If yes, is the project consistent with Subsection 68.3? Y  N

THRESHOLD: SINGLE-EVENT, MOTOR VEHICLE LESS THAN 6,000 LBS. CVM

INDICATOR: dBA, LMAX, at 50 ft., single reading

- 1. a. Does the project include the operation of fleet vehicles or other commercial vehicles? Y  N
- b. If yes, is the project consistent with Subsection 68.3? Y  N

THRESHOLD: SINGLE-EVENT, MOTOR VEHICLE GREATER THAN 6,000 LBS. CVM

INDICATOR: dBA, LMAX, at 50 ft., single reading

1. a. Refer to question 1, single event, motor vehicle, above.

THRESHOLD: SINGLE-EVENT, MOTORCYCLE

INDICATOR: dBA, LMAX, at 50 ft., single reading

1. a. Does the project involve the offering of motorcycles for lease or rent or the operation of a motorcycle course? Y  N
- b. If yes, is the project consistent with Subsection 68.3? Y  N

THRESHOLD: SINGLE-EVENT, ORVS

INDICATOR: dBA, LMAX, at 50 ft., single reading

1. a. Does the project involve the offering of ORVs for rent or lease or the operation of an ORV course? Y  N
- b. If yes, is the project consistent with Subsection 68.3? Y  N

THRESHOLD: SINGLE-EVENT, SNOWMOBILES

INDICATOR: dBA, LMAX, at 50 ft., single reading

1. a. Does the project involve the offering of snowmobiles for rent or lease or the operation of a snowmobile course? Y  N
- b. If yes, is the project consistent with Subsection 68.3? Y  N

THRESHOLD: COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)

1. a. Does the project involve the creation of a new or relocated land use? Y  N
- b. If yes, is the project consistent with the applicable plan area statement? Y  N
2. a. Is the project located within a transportation corridor as mapped on TRPA maps? Y  N
- b. If yes, does the project include components to reduce the transmission of noise from the corridor, in accordance with the TRPA Design Review Guidelines? Y  N
3. a. Does the project involve a use or activity for which TRPA has received a CNEL related noise complaint and for which TRPA has required remedial action in accordance with Chapter 68? Y  N
- b. If yes, is the project consistent with the remedial action plan? Y  N

CATEGORY: SCENIC RESOURCES

THRESHOLD: ROADWAY AND SHORELINE RATINGS

1. a. Is the project located within, or visible from, a roadway or shoreline unit targeted for scenic upgrading? Y  N
- b. If yes, is the project consistent with the TRPA Scenic Quality Implementation Program (SQUIP)? Y  N
2. a. Is the project located within, or visible from, a roadway or shoreline unit not targeted for scenic upgrading? Y  N
- b. If yes, is there evidence in the record that the project will not cause a significant decrease in scenic quality, and is the project consistent with the TRPA Design Review Guidelines? Y  N

**CATEGORY: RECREATION**

**THRESHOLD: PRESERVE AND ENHANCE THE HIGH QUALITY RECREATION EXPERIENCE**

INDICATOR: dispersed rec. capacity

1. a. Is the project located in a conservation or recreation plan area? Y  N   
 b. If yes, is the project consistent with the applicable plan area statement? Y  N

**THRESHOLD: ESTABLISH FAIR SHARE OF CAPACITY FOR OUTDOOR RECREATION**

**AVAILABLE TO THE GENERAL PUBLIC**

INDICATOR: PAOTs

1. a. Does the project require an allocation of PAOTs? Y  N   
 b. If yes, is the recreational opportunity involved available to the public? Y  N

**CATEGORY: CODE/RULES OF PROCEDURE REQUIREMENTS**

1. Does the project require Governing Board Review (Chapter 2)? Y  N   
 5. Does the project require notice to adjacent property owners (Art. XII Rules of Procedure)? Y  N

6. Is the project consistent with the following:

Chapter 2	(Project Review)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 6	(Tracking-Data Sheets/Log Book)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 21	(Permissible Uses)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 22	(Temporary Uses)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 30	(Coverage)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 31	(Density)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 32	(Basic Service)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.3	(Grading)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.4	(Special Reports)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.5	(Construction Schedule)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 33.6	(Vegetation Protection)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Driveways)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 34	(Parking)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 35	(Natural Hazards-Floodplain)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 36	(Design Standards)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 37	(Height)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 38	(Signs)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 50	(Allocations)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 51	(Transfers)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 52	(Bonus Units-MFD only)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 53	(IPES)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 60	(BMP's)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.1	(Water Quality)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 60.2	(Water Quality Mitigation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.1	(Tree Removal)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.3.6	(Sensitive Plants/Fire Hazard)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 61.4	(Revegetation)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 62	(Wildlife)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 63	(Fish)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.1	(Air Quality)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Chapter 65.2	(Traffic/Air Quality Mitigation)	N/A	<input checked="" type="checkbox"/>	Y <input type="checkbox"/>	N <input type="checkbox"/>
Chapter 67	(Historic Resource)	N/A	<input type="checkbox"/>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

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STAFF REPORT

Date: April 19, 2023

To: Governing Board

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.

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Summary and Staff Recommendation:

Staff requests consideration for approval of 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 Governing Board 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 2023-\_\_ (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 four Governing Board members from each state 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.

Providing sufficient workforce housing supports numerous Regional Plan goals and thresholds. The Regional Plan serves as the region’s Sustainable Community Strategy, and having sufficient workforce housing in walkable communities is the key strategy for achieving the region’s vehicle miles traveled reduction threshold as well as its envisioned land use pattern. Workforce housing also supports Regional Plan goals in the Housing Subelement and Public Services and Facilities Element, particularly public safety, by providing housing for critical workers such as emergency services, police, and fire, among others.

#### *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”<sup>1</sup> 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 under the current definition.

#### 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:

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<sup>1</sup> 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/>.

- 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, including but not limited to public agencies and not-for-profit employers. 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 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, and to alert homeowners that the full penalty as specified in the Compact of up to \$5,000 per day that a violation persists may be imposed for failure to comply with the terms of 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 a minor code update to allow a separate driveway for an ADU. Based on input, staff added additional qualifying language that includes public safety into this final recommendation.

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

#### Local Government and Housing Committee Recommendation

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.

#### Regional Plan Implementation Committee (RPIC) Recommendation

The 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.

#### Advisory Planning Commission (APC) Recommendation

The APC made a recommendation for approval to the Governing Board on April 12, 2023, with a recommendation to include a specific reference to public agencies and non-profits as employers for which qualifying households can work. Staff has added this reference to the proposed code and deed-restriction language. APC members also asked that in the next presentation to Governing Board, staff further draw out the need for workforce housing in the region and the tie to Regional Plan goals and thresholds, such as the vehicle miles traveled threshold, and the need for workers to support public safety and public services.

#### Contact Information:

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

#### Attachments:

- A. Ordinance 2023-\_\_
  - Exhibit 1 "Achievable" Code Amendments and Minor Code Amendments – draft code changes
- B. Employment Area for Achievable definition – Greater Tahoe-Truckee area
- C. Affordable, Moderate and Achievable Deed Restriction template and Compliance Form (in track changes)
- D. Public comment
- E. Findings and Finding of No Significant Effect
- F. Initial Environmental Checklist and Threshold Indicators
- G. Compliance Measures



Attachment A  
Ordinance 2023-\_\_

TAHOE REGIONAL PLANNING AGENCY

ORDINANCE 2023-\_\_\_

AN ORDINANCE AMENDING AND ORDINANCE 87-9, AS AMENDED, TO  
AMEND TRPA'S CODE OF ORDINANCES, SECTIONS 52.3.4 AND 90.2  
REGARDING THE "ACHIEVABLE" DEFINITION AND SECTION 34.3.3  
REGARDING DRIVEWAYS FOR ACCESSORY DWELLING UNITS

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").
- 1.40            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 to Attachment A

“Achievable” Code Amendments and Minor Code Amendments –  
draft code changes

**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, and the potential to be fined a civil penalty of up to \$5,000 per day for failure to comply with the terms of the deed-restriction on each day for which the violation persists ~~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 ~~an income~~ qualified renter if no longer the occupant, or sell the unit only to a ~~an 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.

**FG.** 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 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, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or

~~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](#) 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**

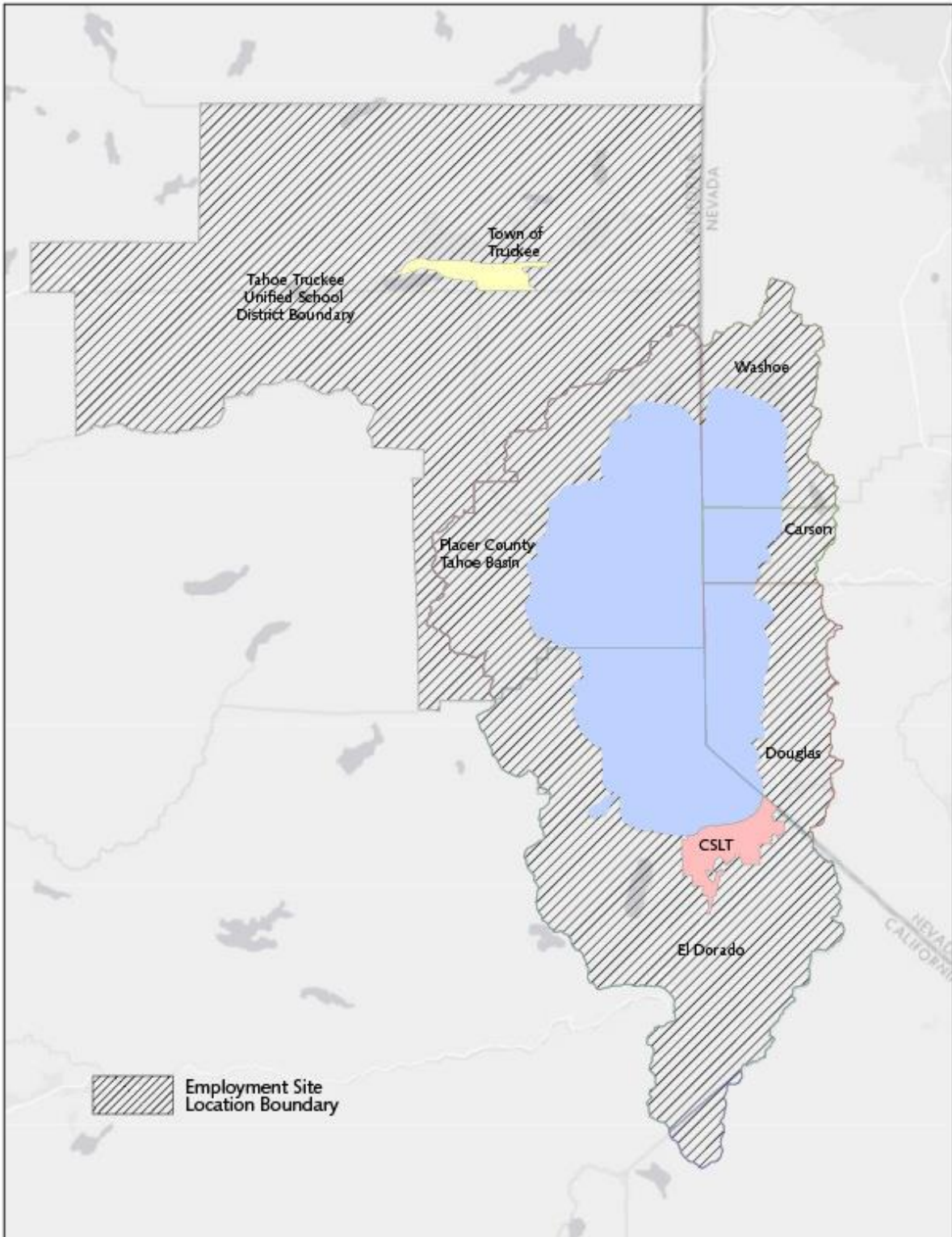
Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road, [except as provided for in subparagraph A, below](#). Additional or transferred development that generates more 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. 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 \(e.g. sensitive land disturbance, land coverage, tree removal, grading, safety, etc.\).](#)

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. \_\_\_\_\_

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**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, including but not limited to public agencies and not-for-profit employers. 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.

**E. Occupancy, Rental and Sale.** Such housing shall be occupied, rented and sold to households that meet one or more of the criteria in D., above, and shall be rented and sold at prices affordable to households who meet one or more of the criteria in D., above with the following exceptions:

1. For home purchasers, a qualifying buyer may be actively engaged in seeking employment that meets these requirements, with the understanding that all other provisions of this deed-restriction can and will be enforced after purchase.
2. For purchases of multi-family apartment buildings with rental units, the buyer does not need to meet the criteria in D. in order to purchase the property.
3. The employment requirement in D. 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.

**F. 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.

**G. 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 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. Failure to comply with the requirements of this deed-restriction may result in a civil penalty of up to \\$5,000 per day for each day for which the violation persists.](#)
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)

APPROVED AS TO FORM:

\_\_\_\_\_  
Tahoe Regional Planning Agency

Dated: \_\_\_\_\_

*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](mailto: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 or, deed-restriction disclosure form. Failure to comply with the requirements of this deed-restriction may result in a civil penalty of up to \$5,000 per day for each day for which the violation persists.**  
~~, 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): \_\_\_\_\_

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):** \_\_\_\_\_

Attachment D

Public comment

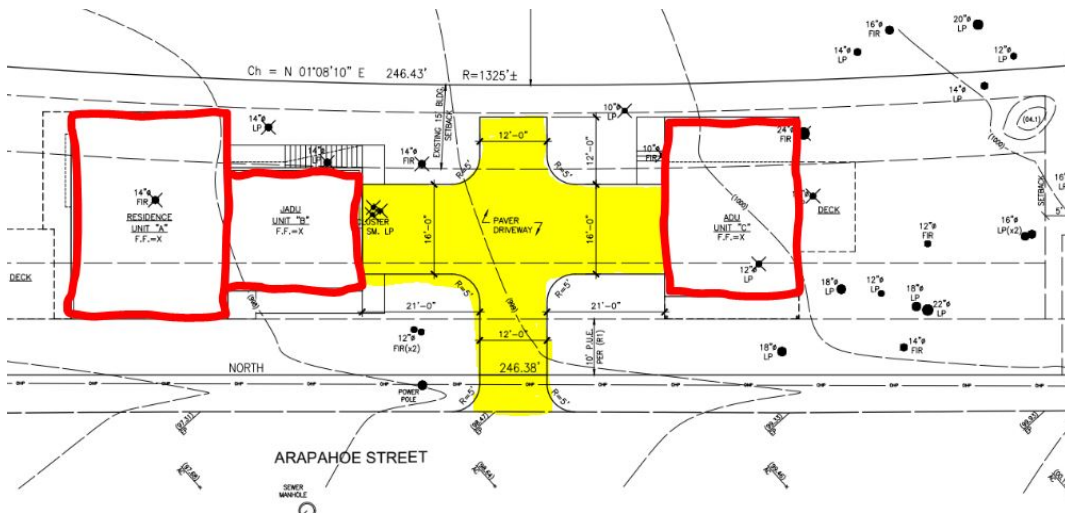


# Karen Fink

**From:** Brandon Reinhardt <brandon.reinhardt@gmail.com>  
**Sent:** Wednesday, April 12, 2023 10:25 AM  
**To:** Karen Fink; Tracy Campbell  
**Subject:** ADU Map

Hi Karen and Tracy.

I joined the committee meeting today and wanted to submit the attached visual for the next meeting that is contemplating the 2 driveway issue. The point of this visual is to demonstrate how it's actually MORE impactful to the footprint and coverage to have one driveway that can legally service two units, than simply having two driveways. Please take a look at this map where the units are outlined in RED and the singular shared driveway is highlighted in YELLOW. Hopefully this drawing makes it clear why the singular driveway requirement makes it very difficult to create an ADU and have more of an impact on coverage.



Thanks,  
Brandon Reinhardt

## Karen Fink

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**From:** kathie julian <kathiejulian@yahoo.com>  
**Sent:** Tuesday, April 11, 2023 3:32 PM  
**To:** Brendan Ferry; ElleryStahler; Jason Drew; Crystal Jacobsen; Kevin Hill; Eric Young; Heather Ferris; Garth Alling; ExecutiveAssistant Washoe; Steve Teshara; Eric Guevin; Kmonel; Ben Letton; Judy Simon; Susan Chandler; Hilary Roverud; Jennifer Carr  
**Cc:** Karen Fink; Tracy Campbell  
**Subject:** Comment - proposed amendments to the Achievable Deed Restrictions

Dear Members:

With regard to the **Agenda Item regarding the proposed amendments to the “Achievable” deed restriction category definition**, please consider these comments for the record.

**Sadly, deed Restrictions are not a silver bullet or panacea.** They require substantial resources and commitment to design, monitor and, most important, to enforce. **Successful deed restrictions require a dedicated housing authority or body, and cooperation/coordination with local/county government.** With respect to monitoring and enforcing deed restrictions in Incline Village/Crystal Bay, this is a significant challenge. This is also a challenge for TRPA as monitoring and enforcing large-scale deed restrictions would seem to be a distraction from its core mandate.

**Communities having deed restrictions should have easy access to that information.** Currently, the community would need to examine every parcel on the Parcel Tracker to determine which ones are deed restricted. And even then, that would not explain how they are restricted. As public resources support housing with such deed restrictions — to greater or lesser degree — **the public should have access to information about where such deed restricted properties are and how they are restricted.** (This would undoubtedly help the monitoring authorities with their job.)

While **TRPA recent efforts to identify and better monitor deed restrictions in Incline Village/Crystal Bay are appreciated**, it remains a question as to the overall capacity of TRPA to both monitor and enforce deed restrictions — especially as they might increase in number in California and Nevada.

Finally, **it is not clear what interest or legal responsibility Washoe County might have to monitor or enforce deed restrictions in Incline Village/Crystal Bay.** Without a strong commitment by the County, could deed restrictions be effectively enforced?

These are a few of the many questions that should be factored into discussions on the use of deed restrictions to achieve affordable housing goals in the Tahoe Basin.

Thanks and regards.

Kathie M. Julian  
PO Box 5477  
Incline Village, NV 89450  
E-mail: kathiejulian@gmail.com

**From:** Amanda Adams <[amanda@tahoadams.com](mailto:amanda@tahoadams.com)>  
**Sent:** Saturday, February 18, 2023 8:38 PM  
**To:** Duane Wallace <[duane\\_wallace@hotmail.com](mailto:duane_wallace@hotmail.com)>; Karen Fink <[kfink@trpa.gov](mailto:kfink@trpa.gov)>  
**Cc:** Joe irvin <[jirvin@cityofslt.us](mailto:jirvin@cityofslt.us)>; Hilary Roverud <[hroverud@cityofslt.us](mailto:hroverud@cityofslt.us)>; John Friedrich <[jfriedrich@cityofslt.us](mailto:jfriedrich@cityofslt.us)>; [creegan@cityofslt.us](mailto:creegan@cityofslt.us); [srobbins@cityofslt.us](mailto:srobbins@cityofslt.us); [cbass@cityofslt.us](mailto:cbass@cityofslt.us); Heather Stroud <[hstroud@cityofslt.us](mailto: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 families 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

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

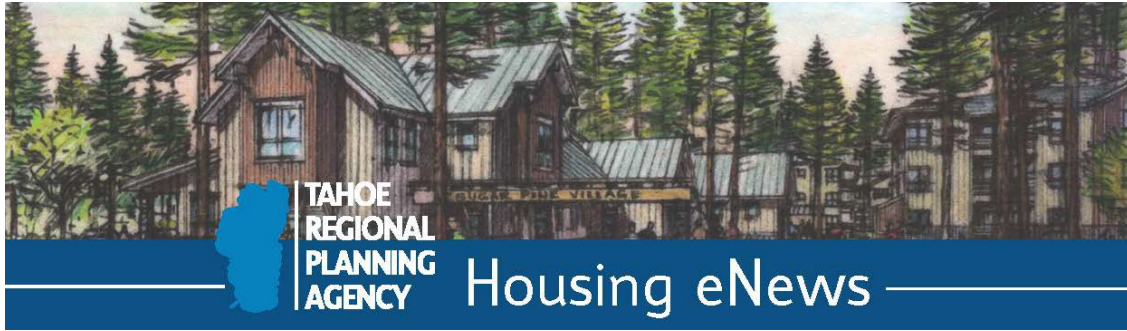
Karen,

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

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**From:** Karen Fink <[kfink@trpa.gov](mailto:kfink@trpa.gov)>  
**Sent:** Friday, February 17, 2023 3:18 PM  
**To:** Duane Wallace <[duane\\_wallace@hotmail.com](mailto:duane_wallace@hotmail.com)>  
**Subject:** Tahoe Housing Updates and Events



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## Tahoe Affordable Housing Updates and Events

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### "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](#)

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**From:** Duane Wallace <[duane\\_wallace@hotmail.com](mailto:duane_wallace@hotmail.com)>  
**Sent:** Saturday, February 18, 2023 5:28 PM  
**To:** Karen Fink <[kfink@trpa.gov](mailto:kfink@trpa.gov)>  
**Cc:** Joe irvin <[jirvin@cityofslt.us](mailto:jirvin@cityofslt.us)>; Hilary Roverud <[hroverud@cityofslt.us](mailto:hroverud@cityofslt.us)>; John Friedrich <[jfriedrich@cityofslt.us](mailto:jfriedrich@cityofslt.us)>; Amanda Adams <[amanda@tahoeadams.com](mailto:amanda@tahoeadams.com)>; [ccreegan@cityofslt.us](mailto:ccreegan@cityofslt.us); [srobbins@cityofslt.us](mailto:srobbins@cityofslt.us); [cbass@cityofslt.us](mailto:cbass@cityofslt.us); Heather Stroud <[hstroud@cityofslt.us](mailto: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](mailto:kfink@trpa.gov)>  
**Sent:** Friday, February 17, 2023 3:18 PM  
**To:** Duane Wallace <[duane\\_wallace@hotmail.com](mailto:duane_wallace@hotmail.com)>  
**Subject:** Tahoe Housing Updates and Events



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## Tahoe Affordable Housing Updates and Events

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## "Achievable" Definition Updates

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[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.

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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.



**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

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**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



**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.).





**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

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)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### 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.

## 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Deterioration of ambient (existing) air quality?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. The creation of objectionable odors?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Increased use of diesel fuel?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Alterations to the course or flow of 100-year flood waters?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Change in the amount of surface water in any water body?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

#### 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 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.

## 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)? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Reduction of the number of any unique, rare or endangered species of animals?   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Deterioration of existing fish or wildlife habitat quantity or quality?   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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.

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

### 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.



**Mail**  
 PO Box 5310  
 Stateline, NV 89449-5310

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## 7. Light and Glare

Will the proposal:

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

### 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Expand or intensify an existing non-conforming use?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 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? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Substantial depletion of any non-renewable natural resource?        | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Involve possible interference with an emergency evacuation plan?   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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.





**Mail**  
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## 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? | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input type="radio"/> |
| b. Include or result in the temporary or permanent displacement of residents?                                | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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?  |                       |                                  |                       |                       |
| <i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>                          |                       |                                  |                       |                       |
| 1. Will the proposal decrease the amount of housing in the Tahoe Region?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 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? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Alterations to waterborne, rail or air traffic?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Police protection?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Schools?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Parks or other recreational facilities?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Maintenance of public facilities, including roads?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Other governmental services?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 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?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

**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?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Communication systems?   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?                              | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| e. Storm water drainage?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| f. Solid waste and disposal?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

**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)? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Exposure of people to potential health hazards?                                     | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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?  | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| b. Be visible from any public recreation area or TRPA designated bicycle trail?   | <input type="radio"/> | <input type="radio"/>            | <input type="radio"/> | <input checked="" type="radio"/> |
| c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?       | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |
| e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?                     | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/>            |

### 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?  | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b. Create additional recreation capacity?   | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| c. Have the potential to create conflicts between recreation uses, either existing or proposed? | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| d. Result in a decrease or loss of public access to any lake, waterway, or public lands?        | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

### 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.



**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

## 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?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 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 archeological/historic requirements. The proposed amendments do not make any changes to these requirements.

## 21. Findings of Significance

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

### Discussion





**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

**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: **Karen Fink**

Digitally signed by Karen Fink  
DN: cn=Karen Fink, o=Tahoe Regional Planning Agency, ou,  
email=kfink@trpa.org, c=US  
Date: 2023.04.19 12:32:42 -07'00'

at

Person preparing application

County

Date

**Applicant Written Comments:** (Attach additional sheets if necessary)

---

## Determination:

### On the basis of this evaluation:

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

\_\_\_\_\_  
Signature of Evaluator

\_\_\_\_\_  
Title of Evaluator

Date

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
<b>WATER QUALITY/SEZ - IN PLACE</b>				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	<b>N</b>	The proposed amendments make no changes to BMP requirements and implementation programs.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	<b>N</b>	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	<b>N</b>	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	<b>N</b>	
5	Capital Improvements Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	<b>N</b>	The proposed amendments make no changes to policies that would impact the Capital Improvement Program for Erosion and Runoff Control.
6	Excess land coverage mitigation program: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ	<b>N</b>	The proposed amendments do not change excess mitigation requirements.
7	Effluent (Discharge) limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	<b>N</b>	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	<b>N</b>	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: <i>Code of Ordinances Chapters 30 and 61</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The amendments do not change policies and provisions that require the protection and restoration of SEZs.
15	SEZ setbacks: <i>Code of Ordinances Chapter 53</i>	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.

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	<b>N</b>	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will stay in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	<b>N</b>	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	<b>N</b>	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	<b>Y</b>	See response to Compliance Measures 1 through 4.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	<b>N</b>	The amendments will not directly increase funding for EIP projects for erosion and runoff control.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	<b>N</b>	There are no changes to the artificial wetlands/runoff treatment program proposed.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	<b>N</b>	The amendments do not affect existing provisions regarding the transfer of development from SEZs.
23	Improved mass transportation	WQ, Trans, Noise	<b>Y</b>	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	<b>Y</b>	The amendments do not affect redevelopment or any redirection of land use.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	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	<b>N</b>	

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: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The amendments will not change BMP requirements. See response to Compliance Measures 1 through 4.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	There are no changes to allowable timber harvesting requirements or permissibility as part of the amendments.
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	There are no changes to outdoor recreation requirements or permissibility as part of this proposal.
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	There are no changes to off-road vehicle use as part of this proposal.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes to coverage regulations or regulations related to encroachment into sensitive areas are included in the amendments.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	No changes are being proposed that would modify existing code provisions related to the shorezone or impact these compliance measures.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	



ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	The amendments do not alter the list of exempt activities. No changes are proposed.
<b>WATER QUALITY/SEZ – SUPPLEMENTAL</b>				
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The amendments do not include any provisions that would impact Compliance Measures 52 through 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	

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	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
72	Pedestrian facilities	Trans, Rec, Scenic	<b>N</b>	
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	The amendments do not make any changes to wood or gas heater controls, or stationary source controls.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	
76	U.S. Postal Service Mail Delivery	Trans	<b>N</b>	The amendments do not include any provisions that would impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	The amendments do not make any changes to indirect source review/air quality mitigation requirements, or idling restrictions.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	
79	Vehicle Emission Limitations (State/Federal)	WQ, AQ	<b>N</b>	The amendments do not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	<b>N</b>	The amendments do not make any changes to open burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	<b>N</b>	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	<b>N</b>	The amendments do not make any changes to the employer-based trip reduction programs or vehicle rental programs described in Chapter 65.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	<b>N</b>	
84	Parking Standards	Trans	<b>N</b>	The amendments do not make any changes related to parking management areas, parking fees, or parking facilities.
85	Parking Management Areas	Trans	<b>N</b>	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
86	Parking Fees	Trans	<b>N</b>	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.
87	Parking Facilities	Trans	<b>N</b>	
88	Traffic Management Program - Tahoe City	Trans	<b>N</b>	
89	US 50 Traffic Signal Synchronization - South Shore	Trans	<b>N</b>	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	<b>N</b>	
91	Waterborne excursions	WQ, Trans, Rec	<b>N</b>	
92	Waterborne transit services	WQ, Trans, Scenic	<b>N</b>	
93	Air Quality Studies and Monitoring	WQ, AQ	<b>N</b>	
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	<b>N</b>	
95	Demand Responsive Transit - North Shore	Trans	<b>N</b>	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	<b>N</b>	
97	Heavenly Ski Resort Gondola	Trans	<b>N</b>	
<b>AIR QUALITY/TRANSPORTATION – SUPPLEMENTAL</b>				
98	Demand Responsive Transit - North Shore	Trans	<b>N</b>	See response to Compliance Measures 23, 62 through 97, and 1-4 (Road improvements, BMPs).
99	Transit System - South Shore	Trans	<b>N</b>	
100	Transit Passenger Facilities	Trans	<b>N</b>	
101	South Shore Transit Maintenance Facility - South Shore	Trans	<b>N</b>	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
102	Transit Service - Fallen Leaf Lake	WQ, Trans	<b>N</b>	
103	Transit Institutional Improvements	Trans	<b>N</b>	
104	Transit Capital and Operations Funding Acquisition	Trans	<b>N</b>	
105	Transit/Fixed Guideway Easements - South Shore	Trans	<b>N</b>	
106	Visitor Capture Program	Trans	<b>N</b>	
107	Pedestrian and Bicycle Facilities--South Shore	Trans, Rec	<b>N</b>	
108	Pedestrian and Bicycle Facilities--North Shore	Trans, Rec	<b>N</b>	
109	Parking Inventories and Studies Standards	Trans	<b>N</b>	
110	Parking Management Areas	Trans	<b>N</b>	
111	Parking Fees	Trans	<b>N</b>	
112	Establishment of Parking Task Force	Trans	<b>N</b>	
113	Construct parking facilities	Trans	<b>N</b>	
114	Intersection improvements--South Shore	Trans, Scenic	<b>N</b>	
115	Intersection improvements--North Shore	Trans, Scenic	<b>N</b>	
116	Roadway Improvements - South Shore	Trans, Scenic	<b>N</b>	
117	Roadway Improvements - North Shore	Trans, Scenic	<b>N</b>	
118	Loop Road - South Shore	Trans, Scenic	<b>N</b>	
119	Montreal Road Extension	Trans	<b>N</b>	
120	Kingsbury Connector	Trans	<b>N</b>	

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	
<b>VEGETATION - IN PLACE</b>				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The amendments will not alter the provisions of Chapter 33 in the TRPA Code of Ordinances.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The amendments do not alter tree removal, prescribed burning, vegetation management or plant protection and fire hazard reduction provisions of Chapter 61 of the Code.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	<b>N</b>	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	<b>N</b>	See response to Compliance Measures 43 through 50.
136	Project Review	WQ, Veg	<b>N</b>	The amendments do not make any changes to the project review process or compliance inspections.
137	Compliance inspections	Veg	<b>N</b>	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	<b>N</b>	See response to Compliance Measures 43 through 50.
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	<b>N</b>	See response to Compliance Measure 11.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	<b>N</b>	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	<b>N</b>	The amendments are consistent with the 2012 Regional Plan, including the Conservation Element and Vegetation Subelement Goals and Policies.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	<b>N</b>	The amendments do not make any changes to provisions of Lake Successional Old Growth and Stream Environment Zone Vegetation.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	<b>N</b>	
144	Tahoe Yellow Cress Conservation Strategy	Veg	<b>N</b>	The amendments do not impact efforts to conserve the Tahoe Yellow Cress.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	<b>N</b>	The amendments will not impact efforts to control or eliminate noxious weeks.
146	Freel Peak Cushion Plant Community Protection	Veg	<b>N</b>	N/A

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>VEGETATION – SUPPLEMENTAL</b>				
147	Deepwater Plant Protection	WQ, Veg	<b>N</b>	See response to Compliance Measures 16 and 17 and 43 through 50.
<b>WILDLIFE - IN PLACE</b>				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	<b>N</b>	See response to Compliance Measures 16 and 17.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	<b>N</b>	The amendments do not include any changes to the Stream Restoration Program.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	<b>N</b>	The amendments do not include any changes to existing BMP and revegetation requirements.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	<b>N</b>	The amendments do not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	<b>N</b>	See response to Compliance Measure 133.
153	Project Review	Wildlife	<b>N</b>	See response to Compliance Measure 136 and 137.
<b>FISHERIES - IN PLACE</b>				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	<b>N</b>	See response to Compliance Measures 16 and 17.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	<b>N</b>	The amendments do not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	<b>N</b>	See response to Compliance Measures 43 through 50.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	<b>N</b>	



<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	<b>N</b>	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	<b>N</b>	See response to Compliance Measures 16 and 17.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	<b>N</b>	See response to Compliance Measure 14.
163	Stream restoration program	WQ, Soils/SEZ, Fish	<b>N</b>	See response to Compliance Measures 16 and 17.
164	Riparian restoration	WQ, Soils/SEZ, Fish	<b>N</b>	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	<b>N</b>	
166	BMP and revegetation practices	WQ, Fish	<b>N</b>	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	<b>N</b>	See response to Compliance Measures 16 and 17.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	<b>N</b>	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	<b>N</b>	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	<b>N</b>	The amendments are not modifying existing compliance or inspection programs or provisions.
171	Public Education Program	Wildlife, Fish	<b>N</b>	The amendments do not make any changes to education and outreach efforts for wildlife and fish.
<b>NOISE - IN PLACE</b>				

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
172	Airport noise enforcement program	Wildlife, Fish	<b>N</b>	The amendments are not modifying existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	<b>N</b>	
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	<b>N</b>	
175	ORV restrictions	AQ, Wildlife, Noise, Rec	<b>N</b>	The amendments are not modifying existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	<b>N</b>	
177	Land use planning and controls	Wildlife, Noise	<b>N</b>	See response to Compliance Measure 9. There are no changes to allowed uses.
178	Vehicle trip reduction programs	Trans, Noise	<b>N</b>	The amendments do not make any changes to vehicle trip reduction programs.
179	Transportation corridor design criteria	Trans, Noise	<b>N</b>	The amendments do not make any changes to transportation corridor design criteria.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	<b>N</b>	N/A
181	Loudspeaker restrictions	Wildlife, Noise	<b>N</b>	The amendments are not modifying loudspeaker restrictions.
182	Project Review	Noise	<b>N</b>	See response to Compliance Measures 136 and 137.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	<b>N</b>	Existing complaint systems are not being modified by the amendments.
184	Transportation corridor compliance program	Trans, Noise	<b>N</b>	None of these compliance measures will be modified with the proposal.
185	Exemptions to noise limitations	Noise	<b>N</b>	
186	TRPA's Environmental Improvement Program (EIP)	Noise	<b>N</b>	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
187	Personal watercraft noise controls	Wildlife, Noise	<b>N</b>	
<b>NOISE – SUPPLEMENTAL</b>				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	<b>N</b>	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of this set of amendments.
<b>RECREATION - IN PLACE</b>				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	<b>N</b>	See response to Compliance Measures 10 and 18. There are no changes to the allocation of development.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	<b>N</b>	No changes to master plans requirements are included as part of this amendment.
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	<b>N</b>	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	<b>N</b>	The amendments are not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	<b>N</b>	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	<b>N</b>	The amendments do not include any changes to provisions related to scenic quality of recreation facilities.
195	Density standards	Rec	<b>N</b>	The amendments do not change density standards.
196	Bonus incentive program	Rec	<b>Y</b>	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: <i>Code of Ordinances</i> Chapter 4	Rec	<b>N</b>	The amendments do not affect required findings.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	<b>N</b>	The amendments will not impact the Lake Tahoe Recreation Sign Guidelines.

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
199	Annual user surveys	Rec	<b>N</b>	The amendments will not affect user surveys.
<b>RECREATION – SUPPLEMENTAL</b>				
200	Regional recreational plan	Rec	<b>N</b>	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	<b>N</b>	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	<b>N</b>	
203	Economic Modeling	Rec	<b>N</b>	
<b>SCENIC - IN PLACE</b>				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	<b>N</b>	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	<b>Y</b>	See response to Compliance Measure 11.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	<b>N</b>	The amendments do not affect height standards.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	<b>Y</b>	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: <i>Code of Ordinances</i> Chapter 38	Scenic	<b>N</b>	The amendments do not make changes to design standards and guidelines relating to signage.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	<b>N</b>	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	<b>N</b>	The amendments do not make any changes to the Design Standards in Chapter 36.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	<b>N</b>	See response to Compliance Measures 43 through 50.

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	<b>N</b>	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	<b>N</b>	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: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	<b>N</b>	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	<b>N</b>	See response to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	<b>N</b>	The amendments do not make any changes to the Design Review Guidelines.
217	Scenic Quality Improvement Program(SQIP)	Scenic	<b>N</b>	The amendments do not conflict with the SQIP and are not anticipated to impact scenic ratings.
218	Project Review Information Packet	Scenic	<b>N</b>	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	<b>N</b>	
220	Nevada-side Utility Line Undergrounding Program	Scenic	<b>N</b>	N/A
<b>SCENIC – SUPPLEMENTAL</b>				
221	Real Time Monitoring Program	Scenic	<b>N</b>	No changes to the real time monitoring program are being proposed.
222	Integrate project identified in SQIP	Scenic	<b>N</b>	The amendment does not include projects identified in the SQIP.



# Tahoe In Brief

## Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

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April 2023

# TRPA CALENDAR AT-A-GLANCE

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## ***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

## ***JULY 2023***

- July 12: TRPA Advisory Planning Commission Meeting
- July 26: TRPA Governing Board Meeting

Potential agenda items May to August could include:

- 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
- Tahoe Valley and Tourist Core Area Plan amendments
- Tahoe Keys Lagoons Aquatic Weed Control Methods Test status update
- Climate Smart Code Update
- Climate Resilience Dashboard

# TRPA STRATEGIC INITIATIVES

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## 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**

### ***BUILDING RESILIENCY: CLIMATE CHANGE & SUSTAINABILITY STRATEGIC INITIATIVE***

Every TRPA initiative includes strategies to strengthen the resilience of Tahoe's environment, communities, and economy to the emerging stresses of climate change and to improve the region's sustainability. The Climate Change Strategic Initiative harmonizes the goals of both states and local governments in the Tahoe Region while maintaining the region's reputation as a global leader in sustainability.

#### **Climate Resilience Dashboard**

Staff has selected a consultant team to develop an updated climate resilience dashboard for the Tahoe Region. In coming months, the team will engage stakeholders and research best practices for tracking and measuring progress towards climate resilience.

#### **Climate Smart Code**

The UC Davis student team will present their preliminary findings and recommendations to the Governing Board in May before moving specific code changes for adoption later this year.

**TRPA Staff Contact:** Devin Middlebrook, Government Affairs Manager  
775-589-5230, [dmiddlebrook@trpa.gov](mailto:dmiddlebrook@trpa.gov)



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

- Tahoe Interagency Executive Steering Committee

**Website(s):**

- <https://www.trpa.gov/programs/climate-resilience/>
- <https://sustainability.laketahoeinfo.org/>

**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.

**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 TRPA Governing Board on changes to regional height, density, and coverage standards that would help make housing more affordable for local residents. The Tahoe Living Working Group will provide input on these code amendments on April 21, and staff anticipates bringing informational items related to these amendments forward to the TRPA Governing Board committees beginning in May or June.

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



### **Increasing Pace and Scale for AIS Control**

TRPA staff released a Request for Qualifications seeking bids for aquatic invasive species (AIS) control and surveillance. To achieve program goals in invasive aquatic plant reductions, the pace and scale of control projects must increase. Having multiple qualified contractors available for reduction work is necessary. Eight proposals were submitted, and staff is preparing work order contracts with several contractors with more interviews scheduled to take place. Control and surveillance work under these new contracts is anticipated for the 2023 season and beyond.

### **Spanish Language AIS Outreach**

The Bipartisan Infrastructure Law (BIL) is providing funds to develop Spanish language AIS outreach materials including non-motorized vessel rack cards and an informational video on the AIS program website. These new outreach tools will be available for the 2023 boating season.

### **Paddle-Craft Cleaning Units**

In coordination with TRPA, the Washoe Tribe, USDA Forest Service, and the League to Save Lake Tahoe, with funding from the League and the BIL, new non-motorized watercraft cleaning equipment will be available at Meeks Bay Resort, Echo Lakes, Fallen Leaf Lake, and other locations in Tahoe throughout the boating season. The cleaning units will be placed on trailers to mobilize to priority locations and outfitted with tools to remove any potential AIS before launching. The units will include the ability to track usage to inform partners where the units are used most frequently to help forecast their future use.

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

See tables on the next pages for permitting details.

## TRPA Applications by Project Type through March 31, 2023

TRPA Applications by Project Type	2021	2022	2023 YTD
Residential Projects	242	267	65
Commercial Projects	11	18	15
Recreation/Public Service Projects	44	48	19
Environmental Improvement Projects	13	5	2
Shorezone/Lakezone Projects	130	66	4
Buoy and Mooring Projects	48	15	6
Grading Projects	37	35	6
Verifications and Banking	427	379	56
Transfers of Development	55	59	22
Other	142	233	32
<b>Grand Total</b>	<b>1,149</b>	<b>1,125</b>	<b>227</b>

## Completeness Review Performance

	<u>January 31, 2023</u>	<u>February 28, 2023</u>	<u>March 31, 2023</u>
<b>Completeness Reviews Finished During Period</b>	<b>73</b>	<b>82</b>	<b>74</b>
Reviewed within 30 Days of Submission	73	82	74
Over 30 Days from Submission	1	0	0
Percent Over 30 Days	1%	0%	0%
Files with Completeness Over 30 Days	HIST2022-1549 (Historic Det.; 31 days)	N/A	N/A
<b>Applications Not Yet Reviewed for Completeness</b>	<b>38</b>	<b>32</b>	<b>31</b>
Under 30 Days Since Submission	38	32	30
Over 30 Days Since Submission	0	0	1
Percent Over 30 Days	N/A	N/A	3%
Files with Completeness Over 30 Days	N/A	N/A	ALLOC2023-0187 (Allocation; 35 days)

## Application Review Performance

	<u>January 31, 2023</u>	<u>February 28, 2023</u>	<u>March 31, 2023</u>
<b>Issued Permits</b>	<b>59</b>	<b>56</b>	<b>60</b>
Issued within 120 Days of Complete Application	51	49	50
Issued over 120 Days from Complete Application	8	7	10
Percent Over 120 Days	14%	13%	17%
Files with Issued Permits - Over 120 Days:	ERSP2022-0242 (Shore-Lakezone; 311 days)	MOOR2021-1896 (Mooring Permit; 194 days)	MOOR2021-1798 (Mooring Permit; 277 days)
	MOOR2021-1777 (Mooring Permit; 135 days)	MOOR2021-1690 (Mooring Permit; 188 days)	MOOR2021-0768 (Mooring Permit; 226 days)
	ERSP2022-0097 (Shore-Lakezone; 176 days)	MOOR2021-1823 (Mooring Permit; 187 days)	MOOR2021-1819 (Mooring Permit; 212 days)
	MOOR2021-1832 (Mooring Permit; 176 days)	MOOR2021-1831 (Mooring Permit; 158 days)	MOOR2022-0268 (Mooring Permit; 182 days)
	MOOR2021-1689 (Mooring Permit; 198 days)	MOOR2021-1822 (Mooring Permit; 143 days)	ERSP2022-1029 (Shore-Lakezone; 182 days)
	ERSP2022-1688 (Residential Dwelling; 127 days)	MOOR2021-1845 (Mooring Permit; 138 days)	MOOR2021-1299 (Mooring Permit; 180 days)
	ERSP2022-1601 (Residential Dwelling; 121 days)	ERSP2022-0939 (Residential; 126 days)	MOOR2022-1668 (Mooring Permit; 161 days)
	LLAD2022-1063 (Lot Line Adj., 121 days)		MOOR2021-1891 (Mooring Permit; 158 days)
			ERSP2021-0044 (Sign; 143 days)
			SUBD2022-1184 (Subdivision, 131 days)

	<u>January 31, 2023</u>	<u>February 28, 2023</u>	<u>March 31, 2023</u>
<b>Applications in Review</b>	<b>99</b>	<b>97</b>	<b>80</b>
Under 120 Days in TRPA Review	83	82	79
Over 120 Days in TRPA Review	16	15	1
Percent Over 120 Days	16.2%	15.5%	1.3%
Files In Review - Over 120 Days:	MOOR2021-1798 (Mooring Permit; 239 days)	MOOR2021-1798 (Mooring Permit; 267 days)	MOOR2021-1820 (Mooring Permit; 289 days)
	ERSP2022-1124 (Shore-Lakezone; 230 days)	MOOR2021-1820 (Mooring Permit; 258 days)	

MOOR2021-1930 (Mooring Permit; 209 days)	MOOR2021-0768 (Mooring Permit; 218 days)
MOOR2021-0768 (Mooring Permit; 190 days)	MOOR2021-1075 (Mooring Permit; 218 days)
MOOR2021-1075 (Mooring Permit; 190 days)	MOOR2022-1635 (Mooring Permit; 166 days)
MOOR2021-1819 (Mooring Permit; 190 days)	ERSP2022-1772 (Shore-Lakezone; 161 days)
MOOR2021-1830 (Mooring Permit; 190 days)	MOOR2022-1579 (Mooring Permit; 158 days)
MOOR2021-1887 (Mooring Permit; 190 days)	MOOR2022-1808 (Mooring Permit; 152 days)
MOOR2021-1902 (Mooring Permit; 190 days)	MOOR2022-1668 (Mooring Permit; 151 days)
MOOR2021-1907 (Mooring Permit; 190 days)	MOOR2021-1847 (Mooring Permit; 137 days)
MOOR2021-1909 (Mooring Permit; 190 days)	MOOR2021-1869 (Mooring Permit; 137 days)
MOOR2022-1635 (Mooring Permit; 138 days)	ERSP2022-0065 (Shore-Lakezone; 132 days)
ERSP2022-1772 (Shore-Lakezone; 133 days)	MOOR2022-1826 (Mooring Permit; 127 days)
MOOR2022-1579 (Mooring Permit; 130 days)	MOOR2022-1834 (Mooring Permit; 127 days)
MOOR2022-1808 (Mooring Permit; 124 days)	MOOR2022-1835 (Mooring Permit; 127 days)
MOOR2022-1668 (Mooring Permit; 123 days)	

	<u>January 31, 2023</u>	<u>February 28, 2023</u>	<u>March 31, 2023</u>
<b>Applications Requiring Additional Info. From Applicants for TRPA Review</b>	<b>111</b>	<b>104</b>	<b>121</b>

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





**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 19, 2023  
 To: Environmental Improvement, Transportation, & Public Outreach Committee  
 From: TRPA Staff  
 Subject: Transportation Funding Update

Summary and Staff Recommendation:

No action is requested at this time. This is an informational item. Staff will provide an update on transportation funding through Quarter 2 of the Federal Fiscal Year (October 1, 2022 – March 31, 2023).

Background:

Transportation funding remains a priority for TRPA and partners to deliver on VMT reduction and other goals identified in the Lake Tahoe Regional Transportation Plan (RTP). The momentum around the shared funding approach (the 7-7-7 strategy) remains strong. Since the last update, there have been additional formal endorsements of the 7-7-7 shared funding approach by Placer County, Washoe County, Secretary of Natural Resources in California, Director of the Nevada Department of Conservation and Natural Resources, and City of South Lake Tahoe. Formal endorsement is also in motion by multiple additional partners, including a pending resolution of support in the Nevada Legislature. The collaborative momentum and commitment to the 7-7-7 strategy across multiple sectors and partners has resulted in significant new funding for transportation projects and services identified in the [Transportation Action Plan](#).

FFY23 Q2	Federal	State-CA	State-NV	Local/Private
<b>Target</b>	\$7,000,000	\$4,500,000	\$2,500,000	\$7,000,000
<b>Secured</b>	\$9,575,000	\$	\$2,600,000	\$7,148,000
<b>Difference</b>	+\$2,575,000	-\$4,500,000	+\$ 100,000	+\$ 148,000

Sustainable Funding Initiative Overview

The Sustainable Funding Initiative began shortly after the adoption of the 2020 RTP, guided by the Bi-State Consultation on Transportation, with the support of the TRPA Governing Board’s Environmental Improvement, Transportation and Public Outreach Committee (EITPO) and the board of the Tahoe Transportation District. The Tahoe Transportation Implementation Committee (TTIC) has also collaborated extensively on this initiative, helping to identify and secure new transportation funding sources to fulfill an annual \$20M minimum funding gap identified to achieve RTP goals.

The [Transportation Action Plan](#) is a strategic regional Capital Improvement Program (CIP) that includes regionally significant projects. With new funding available, it is critical for all sectors to move forward

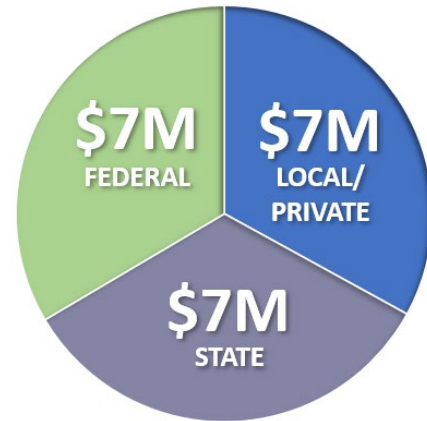


together to meet cost sharing requirements and to leverage investments. The Transportation Action Plan is focused on accelerating implementation of RTP priorities that will:

- Contribute to required per capita VMT reductions
- Protect Lake clarity and the environment
- Address peak periods of recreation site congestion
- Support workforce/affordable housing
- Improve roadway safety for all users

**Sectors Approach: “7-7-7” Framework**

A funding strategy evaluation was completed in December 2021. After review of this analysis and a robust stakeholder process, stakeholder groups determined a single revenue source was not the preferred path to fulfill the funding gap at this time. In response to the pivot from a single regional revenue source, the partnership developed a shared funding approach dubbed the “7-7-7 strategy.” This framework utilized the model of the Environmental Improvement Program (EIP) and distributed the \$20+ million annual shortfall among the Federal, State, and Local/Private sectors to advance transportation needs in each sector. This 7-7-7 strategy supports implementation of transportation improvements across the region and across all sectors.



A schedule of milestones to close the funding gap for the Regional Transportation Plan and reduce vehicle miles traveled (VMT) was adopted by the TRPA board in 2021. The next upcoming milestone is the realization of funding source(s) that are reasonably expected to meet the needs set forth for it in the Regional Transportation Plan by December 31<sup>st</sup>, 2023. If this is not achieved, the standard of significance for all land uses shall be no-net unmitigated VMT, except for deed restricted affordable and/or workforce housing. This measure will remain in effect until the funding sources described in DP-5.4.B are realized.

**7-7-7 Progress (Through Q2 = 10/1/22- 3/31/23)**

There has been a significant ramp up in funding for transportation over the last year following the establishment of the Transportation Action Plan and the 7-7-7 funding strategy. Below is an update on the progress for meeting the identified \$20 million additional annual funding need across all sectors. Additional detail is also included in the funding tracking worksheet (Attachment A).

**Federal sector:** The region continues to pursue the unprecedented levels of funding available from the Federal Infrastructure Investment and Jobs Act (IIJA) through a coordinated and collaborative partnership. We are proud to report that new federal funding awarded this fiscal year has exceeded the \$7 million federal target and brought in nearly \$9 million as of April 1, 2023. The Tahoe Region has also received funding for three transportation projects under the new Community Project Funding/Congressionally Designated Spending programs. The support from Tahoe’s congressional delegation and active grant pursuit from regional partners has contributed to priority projects in the Transportation Action Plan.

**Target: \$7M**

**Secured: \$9.6M = Target Met**

**State sector:** Legislative and administrative pursuits for funding are underway in both states. California is facing an estimated \$24 billion budget shortfall causing uncertainty for financial commitments. A recent \$22.5M California budget request did not move forward, however new funding requests are submitted and pending. This includes a significant TTD application for over \$48 million to the Transit and Intercity Rail Capital Program (TIRCP). TRPA is also exploring other legislative vehicles to align the recognition of the federal population of 210,000 that was designated for Tahoe to apply to various state transportation formula funding programs.

In Nevada, new funding for the Spooner Mobility Hub and AIS Inspection Station project has been secured (\$2.6M) from the Nevada Department of Transportation (NDOT). With this new critical funding investment, the project is now fully funded and can move forward to final planning and implementation. Funding discussions are also in progress with the Nevada Division of State Lands regarding Tahoe EIP Bonds and Conserve Nevada programs to support recreation access along the SR 28 corridor. The Nevada Legislature is also considering a resolution of endorsement of the Tahoe Transportation Action Plan and the 7-7-7 funding strategy via ACR5, and the authorization of additional Tahoe EIP Bond capacity.

**CA Target: \$4.5M**  
**Secured \$0 Target Not Met**

**NV Target: \$2.5M**  
**Secured \$2.6M Target Met**

**Local/Private sector:** The commitment to the 7-7-7 funding strategy has been illustrated by the increased funding participation from local governments and the private sector. The expansion and support of new pilot microtransit around Lake Tahoe has resulted in an expanding public/private partnership to deliver new services. New funding totaling over \$7 million has been secured to operate new microtransit services in Incline Village, North, and South Lake Tahoe. The additional funding has also contributed critical local match for Transportation Action Plan Projects along SR 28, Douglas County, South Tahoe, and in Placer County. Transportation investments continue to be a priority for local governments and new private sector partners, in addition to the Tahoe Fund and League to Save Lake Tahoe.

**Local/Private Target: \$7M**  
**Secured \$7.05M Target Met**

For additional information visit the funding initiative website: [Sustainable Funding Initiative | Tahoe Regional Planning Agency - TRPA](#)

Contact Information:

For questions regarding this agenda item, please contact Nick Haven, MPO Director, at 775-589-5256 or [nhaven@trpa.gov](mailto:nhaven@trpa.gov).

Attachment:

- A. 7-7-7 Transportation Funding Tracking Worksheet

Attachment A

7-7-7 Transportation Funding Tracking Worksheet

**7-7-7 Transportation Funding Tracking Worksheet****(Qtr. 2 - as of 4/1/23)**

This working list of secured funding includes funding above and beyond expected revenue anticipated by the 2020 Regional Transportation Plan. This list will be updated as new funding is secured during the balance of the 2022-23 Federal Fiscal Year.

**Federal:**

CDS/Earmarks Received:	SR 28/Spooner Mobility Hub	\$2,000,000
	TTD Transit Maintenance Facility	\$2,000,000
	Kahle Drive Complete Streets	\$1,385,000
	TTD Strengthening Mobility and Revolutionizing Transportation (SMART)	\$1,045,000
	Regional Grant Program – IJJA Increased Project funds(STBG, CMAQ, and CRP)	\$ 745,000
	SNPLMA (USFS) – SR 28 Chimney Beach Parking	\$2,400,000
	<b>Total FY23</b>	<b>\$9,575,000</b>

**State of CA:**

-CA facing \$24 billion budget shortfall, TRPA budget request not moved forward.		
-Pending TTD Application for Transit and Intercity Rail Capital Program (TIRCP) for \$48,000,000.		
-Exploring legislative fix to recognize Federal Population change in state programs (145,000 CA + 65,000 NV) Estimated resulting funding \$4,000,000 annually.	<b>Total FY23</b>	<b>\$0</b>

**State of NV:**

Multiple active legislative requests:

- ACR 5 NV support of Tahoe Transportation Action Plan and 7-7-7 strategy.
- Tahoe EIP Bond capacity authorization

NV Department of Transportation - Spooner Mobility Hub/AIS	\$2,600,000
<b>Total FY23</b>	<b>\$2,600,000</b>

**Local/Private:**

City of South Lake Tahoe	Microtransit (\$200k/ yr+ \$662k seed)	\$ 862,000
Placer County	Microtransit+Projects (TART Connect)	\$2,400,000
El Dorado County	Microtransit (Lake Link)	\$ 200,000
Douglas County	Microtransit (Lake Link)	\$ 520,000
	Kahle Complete Streets	\$ 250,000
Washoe County	Microtransit (TART Connect)	\$ 130,000
	Microtransit (TART Connect) RTC	\$ 290,000
Private Sector	Lake Link Private Consortium	\$1,000,000
	League to Save Lake Tahoe (Micro)	\$ 120,000
	IVCBVB Incline Microtransit	\$ 65,000
	Kahle Complete Streets	\$ 350,000
	Tahoe Fund (SR 28 & Incline Micro)	\$ 961,000
	<b>Total FY23</b>	<b>\$7,148,000</b>

	Federal	State-CA	State-NV	Local/Private
<b>Target</b>	\$7,000,000	\$4,500,000	\$2,500,000	\$7,000,000
<b>Secured</b>	\$9,575,000	\$	\$2,600,000	\$7,148,000
<b>Difference</b>	<b>+\$2,575,000</b>	<b>-\$4,500,000</b>	<b>+\$ 100,000</b>	<b>+\$ 148,000</b>

