

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:	Technical Corrections to the Phase 2 Housing Ordinance Amendments
APN/Project Location:	N/A
County/City: Select C	One One

Project Description:

In December 2023, the TRPA Governing Board approved the Phase 2 Housing Amendments, a set of targeted changes to Lake Tahoe zoning regulations to incentivize deed-restricted affordable and workforce housing through more flexible development standards (i.e. height, coverage, density, and parking), while also benefiting water quality and reducing traffic and vehicle use. The Regional Plan and Code amendments took effect on February 11, 2024. Staff now recommend the technical clarifications to ensure the Phase 2 Housing Amendments fully align with the Governing Board's intent, specifically with regard to water quality requirements for land coverage incentives, and the availability of bonus units for different types of affordable and workforce housing.

TRPA staff recommends the following amendments be made to the Code of Ordinances:

- 1. Technical clarifications to Code Sections 30.4.2.B.5.a and 30.4.2.B.6.a, making clear that participation in a stormwater collection and treatment system is a prerequisite for land coverage incentives, regardless of whether such a system is available for the project area. See Attachment B. The edit confirms that projects must be served by a stormwater collection and treatment system to qualify for incentives, thereby tying the Phase 2 Housing amendments to tangible water quality improvements.
- 2. Technical clarifications to Code Section 52.3.1 to fully align the Code's allocation of available residential bonus units with the Governing Board's intent. Prior to the Phase 2 Housing Amendments, Code Section 52.3.1 reserved 50% of the residential bonus units for affordable housing, and the other 50% for moderate income or achievable housing. In adopting the Phase 2 Housing Amendments, the Governing Board expressed a specific intent to limit achievable housing to 25% of the bonus units. The motion approved at the Board's hearing included Code language setting the bonus unit allocation for achievable housing at 25% and leaving affordable and moderate-income housing to draw from the remaining 75%. Although moderate income projects typically arise less often, the resulting Code language suggested the potential for moderate income projects to access a larger share of bonus units previously reserved exclusively for affordable projects. Staff believe the Board did not intend to eliminate the percentage of bonus units reserved exclusively for affordable housing. Accordingly, the proposed technical clarifications would confirm the availability of residential bonus units as follows:
- 50% reserved exclusively for affordable housing;
- 25% available for affordable or moderate income housing;
- 25% available for affordable, moderate income, or achievable housing.

See Attachment B. The technical changes do not alter substantive provisions of the Code or result in any substantive change to the Code. The changes merely provide clarifications to align the Phase 2 Housing Amendments with the Board's intent.



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The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information and reference the question number and letter. If more space is required for additional information, please attached separate sheets and reference the question number and letter.

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

I. Environmental Impacts

1.	Land				
	Current and historic status of soil conservation standards can be found at the links below:			No, with mitigation	icient
	Impervious CoverStream Environment Zone			with m	Data insufficient
Wi	ill the proposal result in:	Yes	No	No,	Dat
a.	Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	0	•	0	0
b.	A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	0	•	0	0
c.	Unstable soil conditions during or after completion of the proposal?	0	•	0	0
d.	Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	0	•	0	0
e.	The continuation of or increase in wind or water erosion of soils, either on or off the site?	0	•	0	0
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?	0	•	0	0
g.	Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	0	•	0	0
Dis	scussion				
Th	e proposed amendments will not impact land or soils.				



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2.	Air Quality				
Cu	rrent and historic status of air quality standards can be found at the links below:				
Wi	 Carbon Monoxide (CO) Nitrate Deposition Ozone (O3) Regional Visibility Respirable and Fine Particulate Matter Sub-Regional Visibility ill the proposal result in: 	Yes	No	No, with mitigation	Data insufficient
a.	Substantial air pollutant emissions?	O	•	0	$\overline{\bigcirc}$
b.	Deterioration of ambient (existing) air quality?	\bigcirc	•	0	0
c.	The creation of objectionable odors?	\bigcirc	•	0	\bigcirc
d.	Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	\bigcirc	•	0	\circ
e.	Increased use of diesel fuel?	0	•	0	O
	scussion				
Th	e proposed amendments will not impact air quality.				



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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 No, with mitigation **Other Lakes** Data insufficient **Surface Runoff Tributaries Load Reductions** Will the proposal result in: Changes in currents, or the course or direction of water movements? b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site? Alterations to the course or flow of 100-yearflood waters? Change in the amount of surface water in any water body? e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? Alteration of the direction or rate of flow of ground water? Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? h. Substantial reduction in the amount of water otherwise available for public water supplies? Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches? The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

Discussion

The proposed amendments would utilize area-wide stormwater systems to treat runoff from deed restricted developments. To overcome some of the site-specific challenges of capturing and infiltrating stormwater onsite through BMPs, the 2012 Regional Plan EIS identified a benefit to water quality with the expansion of area-wides.

k. Is the project located within 600 feet of 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:

\A/i	 Common Vegetation Late Seral/Old Growth Ecosystems Sensitive Plants Uncommon Plant Communities II the proposal result in:	Yes	No	No, with mitigation	Data insufficient
	Removal of native vegetation in excess of the area utilized for the actual	× ~	z	z	
a.	development permitted by the land capability/IPES system?	\bigcirc	\odot	\bigcirc	\bigcirc
b.	Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	0	•	0	0
c.	Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	0	•	0	0
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)?	0	•	0	0
e.	Reduction of the numbers of any unique, rare, or endangered species of plants?	0	•	0	0
f.	Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	0	•	0	0
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?	0	•	0	0
h.	A change in the natural functioning of an old growth ecosystem?	0	•	0	0
	cussion				
The	e proposed amendments do not include any changes which would impact vegetative res	sources	3.		



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5. Wildlife

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

links below: **Special Interest Species** No, with mitigation Current and historic status of the fisheries standards can be found at the links below: Data insufficient **Instream Flow Lake Habitat Stream Habitat** 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)? b. Reduction of the number of any unique, rare or endangered species of animals? c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? d. Deterioration of existing fish or wildlife habitat quantity or quality? Discussion The proposed amendments will not impact wildlife species or habitat.



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6. Noise

	rrent and historic status of the noise standards can be found at the links below: Cumulative Noise Events Single Noise Events 			No, with mitigation	Data insufficient
w	ill the proposal result in:	Yes	No	No, v	Data
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?	0	•	0	0
b.	Exposure of people to severe noise levels?	\bigcirc	•	0	0
c.	Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	0	•	0	0
d.	The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	0	•	0	0
e.	The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	\bigcirc	•	0	0
f.	Exposure of existing structures to levels of ground vibration that could result in structural damage?	\bigcirc	•	0	0
Di	scussion				
Th	e proposed amendments will not impact noise levels.				



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7.	Light and Glare			ر ۵	ent
Wi	Il the proposal:	Yes	No	No, with mitigation	Data insufficient
a.	Include new or modified sources of exterior lighting?	\bigcirc	•	\bigcirc	0
b.	Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	0	•	0	0
c.	Cause light from exterior sources to be cast off -site or onto public lands?	0	•	\bigcirc	0
d.	Create new sources of glare through the siting of the improvements or through the use of reflective materials?	0	•	0	0
Dis	cussion				
8.	Land Use			ے	ıı
Wi	ll the proposal:	Yes	No V	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?	0	•	0	0
b.	Expand or intensify an existing non-conforming use?	\bigcirc	•	\bigcirc	0
Dis	cussion				
Th	e proposed amendments will not impact land use.				



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9.	Natural Resources			- uo	ent
W	ill the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a.	A substantial increase in the rate of use of any natural resources?	0	•	\bigcirc	0
b.	Substantial depletion of any non-renewable natural resource?	\bigcirc	•	0	0
Di	scussion				
Th	e proposed amendment will not impact natural resources.				
10	D. Risk of Upset				 _
W	ill 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?	0	•	0	0
b.	Involve possible interference with an emergency evacuation plan?	\bigcirc	•	0	0
Di	scussion				
	e proposed amendment will not impact emergency evacuation or involve a risk of explo zardous materials.	osion or	releas	ing	



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11	1. Population			h ion	ient
Wi	ill 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?	0	•	0	0
b.	Include or result in the temporary or permanent displacement of residents?	\bigcirc	•	0	0
	scussion				
	ne proposed amendment will not impact the human population of the region or displa				
12	2. Housing				ent
Wi	ill the proposal:	Yes	No	No, with mitigation	Data insufficient
a.	Affect existing housing, or create a demand for additional housing?				
	To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:				
	1. Will the proposal decrease the amount of housing in the Tahoe Region?	\bigcirc	•	0	0
	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-lo income households?	ow-	•	0	0
Dis	scussion				
to t	e original intent of the Phase 2 Housing Amendments provided additional flexibility build deed restricted affordable, moderate, and achievable housing. The proposed at impact housing in the region.				



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	. Transportation / Circulation I the proposal result in:			No, with mitigation	Data insufficient
		Yes	No	No, v mitig	Data insuf
a.	Generation of 650 or more new average daily Vehicle Miles Travelled?	0	•	0	0
b.	Changes to existing parking facilities, or demand for new parking?	0	•	0	0
c.	Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	0	•	0	0
d.	Alterations to present patterns of circulation or movement of people and/or goods?	0	•	0	0
e.	Alterations to waterborne, rail or air traffic?	0	•	0	0
f.	Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	0	•	0	0
Dis	cussion				



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14. Public Services

14	. Public Services			_ u	ent
	Il the proposal have an unplanned effect upon, or result in a need for new or ered governmental services in any of the following areas?:	Yes	0 N	No, with mitigation	Data insufficient
a.	Fire protection?	\bigcirc	•	0	0
b.	Police protection?	\bigcirc	•	0	0
c.	Schools?	\bigcirc	•	0	0
d.	Parks or other recreational facilities?	\bigcirc	•	0	0
e.	Maintenance of public facilities, including roads?	\bigcirc	•	\bigcirc	0
f.	Other governmental services?	\bigcirc	•	0	0
Dis	cussion				



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15	5. Energy			Ľ	int
Wi	ill the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a.	Use of substantial amounts of fuel or energy?	0	•	0	0
b.	Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	0	•	0	0
Dis	scussion:		_		
The	e proposed amendment will not result in increased energy use or demand.				
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?	0	•	0	0
b.	Communication systems?	0	•	0	0
c.	Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	0	•	0	0
d.	Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	0	•	0	0
e.	Storm water drainage?	0	•	0	0
f.	Solid waste and disposal?	0	•	0	0
Dis	scussion				
Th	e proposed amendment will not result in the need for any new or altered utility systems.				



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17	7. Human Health			h ion	ient
Wi	ill the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a.	Creation of any health hazard or potential health hazard (excluding mental health)?	0	•	0	0
b.	Exposure of people to potential health hazards?	0	•	0	0
Dis	scussion				
Th	e proposed amendment will not create any health hazard or expose people to potential	hazard	l.		
18	3. Scenic Resources / Community Design				
be	rrent and historic status of the scenic resources standards can be found at the links low: Built Environment Other Areas Roadway and Shoreline Units ill the proposal:	Yes	NO	No, with mitigation	Data insufficient
a.	Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	0	•	0	0
b.	Be visible from any public recreation area or TRPA designated bicycle trail?	0	•	0	0
c.	Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	0	•	0	0
d.	Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	0	•	0	0
e.	Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	0	•	0	0
Dis	scussion				
The	e proposed amendment not impact scenic resources or community design.				



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19. Recreation

Current and historic status of the recreation standards can be found at the links below:				igatio	ient
	 <u>Fair Share Distribution of Recreation Capacity</u> <u>Quality of Recreation Experience and Access to Recreational Opportunities</u> 			No, with mitigation	Data insufficient
Will the proposal:		Yes	No	No, v	Data
a.	Create additional demand for recreation facilities?	\bigcirc	•	\bigcirc	0
b.	Create additional recreation capacity?	\bigcirc	•	0	0
c.	Have the potential to create conflicts between recreation uses, either existing or proposed?	0	•	0	0
d.	Result in a decrease or loss of public access to any lake, waterway, or public lands?	0	•	0	0



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20. Archaeological / Historical						
Will	the proposal result in:	Yes	No	No, with mitigation	Data insufficient	
	An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	0	•	0	0	
	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?	0	•	0	0	
c.	Is the property associated with any historically significant events and/or sites or persons?	0	•	0	0	
	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	0	•	0	0	
e.	Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	0	•	0	0	
Disc	cussion					



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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?	0	•	0	0
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.)	0	•	0	0
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?)	0	•	0	0
d.	Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	0	•	0	0
Dis	scussion				
The	e proposed amendment will have no significant impact.				

III. **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:

Alyssa Bettinger DN: cn=Alyssa Bettinger, o=TRPA, ou, email=abettinger@trpa.org, c=US

Digitally signed by Alyssa Bettinger Date: 2024.04.01 12:33:46 -07'00'

Alyssa Bettinger at Douglas County 04/01/2024

Person preparing application County Date

Applicant Written Comments: (Attach additional sheets if necessary)

IV	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			
<i>F</i>	Digitally signed by Alyssa Bettinger DN: cn=Alyssa Bettinger, o=TRPA, ou, email=abettinger@trpa.org, c=US Date: 2024.04.01 12:32:59-07'00' Signature of Evaluator	04/0 Date	01/2024			
Se	Senior Planner					

Title of Evaluator