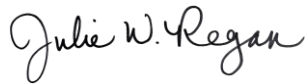


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 8, 2023**, commencing at **9:30 a.m.**, on Zoom and at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting. The agenda is attached hereto and made part of this notice.

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

November 1, 2023



Julie W. Regan
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA and Zoom

November 8, 2023
9:30 a.m.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

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

Written Public Comment:

Members of the public may email written public comments to 'publiccomment@trpa.gov'. We encourage you to submit written comments (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting. Late comments may be distributed and posted after the meeting. Please include the meeting information and agenda item in the subject line. For general comments to representatives, include "General Comment" in the subject line.

Verbal Public Comment:

Public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (usually 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 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. Public comment will be taken for each appropriate action 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 including agendized informational items.

Accommodation:

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

meeting agenda and staff reports will be posted at <https://www.trpa.gov/meeting-materials> no later than 7 days prior to the meeting date. For questions please contact TRPA admin staff at virtualmeetinghelp@trpa.gov or call (775) 588-4547.

IV.	DISPOSITION OF MINUTES	<u>Page 5</u>
V.	PUBLIC HEARINGS	
	A. Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections that would only apply to projects applying for deed-restricted bonus units	Discussion and Possible Action/ Recommendation <u>Page 27</u>
VI.	PLANNING MATTERS	
	A. Presentation on 2020 U.S. Census demographics for the Tahoe Region and Other Available Data	Informational Only <u>Page 129</u>
VII.	REPORTS	
	A. Executive Director	Informational Only
	1) Tahoe in Brief – Governing Board Monthly Report	Informational Only <u>Page 131</u>
	2) Upcoming Topics	Informational Only
	B. General Counsel	Informational Only
	C. APC Members	Informational Only
VIII.	PUBLIC COMMENT	
IX.	ADJOURNMENT	

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

October 11, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:34 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew (arr. 9:38 a.m.), Mr. Ferry, Ms. Ferris (zoom), Ms. Wydra (for Ms. Jacobsen, zoom), Ms. Moroles-O'Neil, Mr. Hitchcock (for Ms. Roverud), Ms. Stahler, Mr. Stephen (zoom), Mr. Teshara

Members absent: Mr. Hill, Mr. Letton, Ms. Simon, Mr. Smokey, Mr. Young

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

None.

IV. DISPOSITION OF MINUTES

Mr. Drake moved approval of the September 13, 2023 meeting minutes.
Ms. Chandler seconded the motion

Motion passed.

V. PUBLIC HEARINGS

[Agenda Item No. V.A. Threshold-Standards-Update](#)

TRPA Chief Science & Policy Advisor, Mr. Dan Segan presented the item.

Mr. Dan Segan, TRPA Chief Science and Policy Advisor, presented the item. He reminded the commissioners that the Bi-State Compact established the notion of threshold standards as environmental standards that serve as the guiding goals for TRPA. Everything that the agency

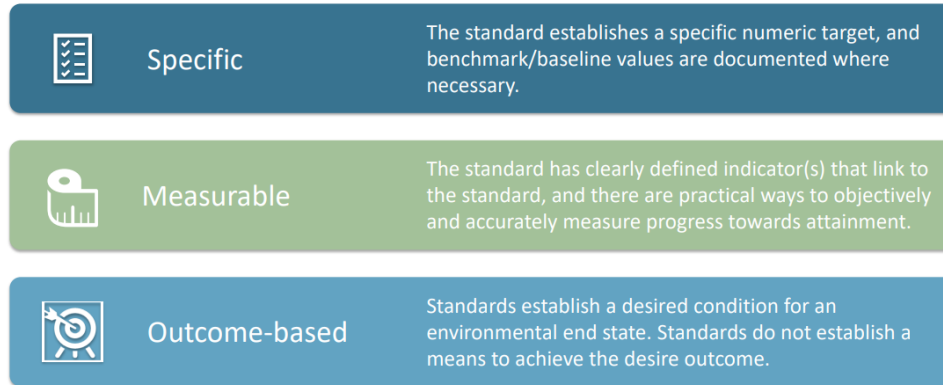
and the Environmental Improvement Program (EIP) partnership does is intended to attain and maintain these threshold standards. The vast majority of the approximately 150 standards were adopted over forty years ago, and the need to update them has been long recognized.

Mr. Segan said that people often ask how the standards are attained and maintained. Referring to slide 3, he explained that the Regional Plan establishes controls on development, and guiderails to prevent degradation and encourage attainment, and the Environmental Improvement Program provides for active restoration by the 80-100 EIP partners in the region.

Mr. Segan referred to slide 4 to provide background on where the proposals being presented today came from. First and foremost, the top box shows the TRPA groups, Governing Board, Advisory Planning Commission (APC), and the Threshold Update Initiative Stakeholders Working Group (TUISWG), that have a formal role in recommending approval or modification of changes to the threshold standards. Four years ago, the TRPA Governing Board asked the APC to establish TUISWG, a group of seven members that oversees and vets the entire process. The proposals themselves come from various EIP Working Groups that include subject matter experts. The three topics being discussed today came through the Tahoe Watershed Improvement Group (Stream Environment Zone standards), the Tahoe yellow cress Adaptive Management Working Group (Tahoe yellow cress standards), and the Aquatic Invasive Species Coordinating Committee (Aquatic Invasive Species standards). Each of those working groups are subgroups to the Tahoe Interagency Executive Steering Committee (TIE SC). Finally, the Tahoe Science Advisory Council (TSAC), not only serves on TUISWG, but also provides guidance throughout the process to ensure that everything we do aligns with, and incorporates, the best science.

Slide 5 illustrates an early phase of the threshold update process, where they worked with the Tahoe Science Advisory Council (TSAC) to develop a more holistic framework. During the initial review, the Science Council said the standards were a mix of things we should be doing, things we don't want people to be doing, and end-state goals. The Council advised that the threshold standards should be formally defined as end-state goals, which is basically what the Compact initially suggested. Mr. Segan explained that Compact defined threshold standards, and stated that a Regional Plan was needed to attain and maintain them, but the standards themselves were adopted prior to the Regional Plan. So many of the original standards contained guidance to the Governing Board and the APC about what they wanted to see in the Regional Plan itself. They never went back to create a more sensible framework to justify threshold standards as these end-state goals. One of the first actions of the threshold update process was to formally adopt this framework within the Regional Plan, and to say that in the future, all standards will be end-state goals.

Referring to slide 6, Mr. Segan said they had also agreed that all the threshold standards had to at least meet the three criteria of being specific, measurable, and outcome based.



Moving to slide 8, Mr. Segan said that the first category they looked at was Aquatic Invasive Species (AIS), where there are currently 7 standards. He said that 6 of those standards relate to the control of AIS, while the first relates to prevention. These efforts are focused on the control side of the program, since the one prevention standard (no new invasive species in the lake was deemed specific and measurable), while the control standards do not formally define a baseline or a way to measure those goals.

Mr. Segan said they had also looked at how the existing performance measures relate to the existing threshold standards, and there are two different sets of performance measures (inputs and outputs). Inputs are the actions they take, and outputs are the immediately quantifiable outcomes of those actions. Part of this process was aimed to ensure that everything we are tracking and reporting ultimately relates back to those long-term goals and thresholds. Another thing that is important is ensuring that we don't 'reinvent the wheel' in this process. The partnerships discussions have been ongoing, so we need to leverage the existing work. So in regard to the AIS update, they immediately referred to the AIS Action Agenda, which lays out the program for the next 20 years, and agreed to pull the standards and goals from there.

Mr. Segan reminded that the AIS Action Agenda prioritizes control work on aquatic invasive plants, because the methodologies are readily available. Ultimately they recommended two separate goals to be adopted as threshold standards. The first is that all known infestations of aquatic invasive plants in Lake Tahoe and associated tributaries and wetlands, are in the surveillance category. The surveillance category is defined as a site where two divers can pull every plant within a ten-hour work period. Mr. Segan said they avoid using the term eradication because it is extremely difficult to eradicate an infestation, they almost always require surveillance work. He added that there are separate standards inside the Tahoe Keys and outside the Tahoe Keys. This is a proposal to adopt two new threshold standards, each of which would be evaluated independently. The 'all known sites in surveillance' threshold is directed outside the Keys. The '75% reduction in Tahoe Keys' is directed inside the Tahoe Keys.

They kept the Tahoe Keys separate from the rest of the lake in order to be consistent with the Action Agenda and the Tahoe Keys Control Methods Test. The 'all known sites in surveillance' category is obviously a higher standard than the '75% reduction in Tahoe Keys'. Ms. Susan Chandler said that the Control Methods Test has now completed two years. In the first year, in areas where herbicides were used, they were able to eradicate 90% of the weeds, and it was species-specific, so the 10% left were native species. She thinks the proposed threshold is

setting low expectations of what they will be able to do as far as eradicating species in the Keys by 2045, and that is sending a bad message to Keys homeowners who are spending a lot of money trying to do this properly. She said if word gets out about that, they will have a hard time getting membership in the Keys to vote to fund the third year of the Control Methods Test, because they will think this is just going to go on for the next 25 years.

Ms. Kim Caringer, TRPA Deputy Director and Chief Partnerships Officer, said she had been involved in the Tahoe Keys Control Methods Test Project for a few years. She explained that for the current Control Methods Test, the goal is to reduce the weed population to 75% and be able to maintain at that level. In the first year, the goal was to achieve a large knockback, and then see if that could be maintained over the next couple of years. The Keys is the largest infestation in the lake, so the goal was to bring all the satellite populations in the lake proper back into surveillance.

Ms. Jennifer Carr said that to her surveillance implies just looking at something, but clearly there is an active component here. She's not sure that the title of the proposed threshold fully espouses what that activity is. Mr. Segan said they had worked through that threshold more than most in terms of the semantics and what they call it. They originally called it eradication but thought that was misleading. He said that surveillance is the term used within the management framework. He said that divers visit each known infestation site each year. If weeds are noticed during that surveillance visit, they will actively remove them. The site stays in the surveillance category if the divers can remove all the plants in that monitoring visit. If they cannot, it moves out of that category, and back into an active treatment category. Mr. Segan said if there is a better way to capture that without the caveats and associated definitions they would be open to that suggestion.

Ms. Carr asked if there was a need for another threshold that sets a goal for the sites that have fallen out of surveillance, or haven't made it to surveillance. Where do they go if they've fallen out of surveillance and are not the Tahoe Keys? Who's tracking it and what metrics are being used. Mr. Segan said that in that instance the proposed threshold would be out of attainment. Right now that proposed threshold would be out of attainment because there are active infestations outside of the Tahoe Keys.

Ms. Carr asked what the interim goals are for getting to the vision for this threshold. Ms. Kim Caringer said that interim goals are laid out in the AIS action agenda. The action plan includes how much they want to increase as far as funding, and acres treated. Currently, there are sites in the surveillance category, and the goal is to have all sites in the surveillance. She added that they want active management with divers checking frequently, because the earlier they are detected, the earlier they can respond.

Mr. Segan said the other thing that came through this process is a revised version of the EIP performance measures used to track progress. One suggestion from project implementers was that they don't just focus on acres treated, because that doesn't describe the amount of work. The denser the infestation the more work it requires, but also the greater benefit of that work. So the old performance measures gave credit for doing light work over really large areas, as opposed to tackling the really hard stuff. So as we think about setting interim goals and how we track progress towards those interim goals, we're adding a second performance measure for the abundance reduced annually.

Mr. Alling asked if there was a specific time limit that sites would remain in the surveillance category. He sees potential for rampant growth of work effort to survey all the sites. Ms. Caringer said that as long there are plants in the lake they will conduct a lake wide surveillance every 3 to 5 years. She would assume that if they exceeded their goals and had very limited populations in one area of the lake they would use that to inform surveillance priorities.

Referring to slide 14, Mr. Ferry said the first proposed threshold standards says 'all known sites'. He asked what about unknown sites, which would be captured in that surveillance. Is that captured by the one prevention standard that says no new AIS, because it's not really a new AIS it's just a new site. Mr. Segan said they had talked about wording it as the entire main lake in the surveillance category. He said that technically, once any survey finds an infestation, it becomes a known site. Part of the discussion the team had was that they couldn't evaluate the standard objectively if it included unknown sites. If there was an infestation that they did not know about then they could not control it. The idea of the monitoring and surveillance program is to prevent that from happening, which is why they included 'acres surveyed' as one of the performance metrics, because that reflects the overall effort in getting to know the entire state of infestations around the lake. But in terms of implementation, it would include all sites known now, as well as any site identified going forward.

Ms. Moroles-O'Neil asked if the 3-5 year monitoring also looks at sites where there has not been a known infestation. How do you keep track of the unknown sites? Mr. Segan explained that the 3-5 year monitoring program includes 70 transects, the vast majority of which do not have aquatic invasive plants today. Obviously, 70 transects around the lake is not a huge amount, and that's why the monitoring program is augmented with the use of remote sensing, basically aerial pictures of the lake, used to identify areas we should visit. Ms. Caringer added that there are also citizen science programs such as the League to save Lake Tahoe's 'Eyes on the Lake' program, that complement the 3-5 year lake wide survey.

Mr. Drew said that having reviewed the report, he's a little confused. He said he doesn't see the proposed AIS threshold standards in the draft, align with what is being presented here. He said there are three proposed in the memo, and there's nothing about 'all known sites' in the surveillance category. There's also a bit of a disconnect between the proposed AIS thresholds and then the narrative that follows it in the memo. He asked if that was just an error in the memo, is the content being presented going to be the threshold standards? Mr. Segan said that the memo (page 27 of the packet) Mr. Drew refers to details three proposed AIS standards. The first is the one they're not touching, which is to prevent the introduction of new AIS. The second one is no active aquatic invasive species infestations in the lake. The definition of 'active' is that they are in the surveillance category. Mr. Segan apologized for representing it differently on the slide with the additional detail. It should say no active infestations in the lake. The final one, number 3, is the 75% reduction in abundance within the Tahoe Keys.

Mr. Ferry said the memo talks about how these standards are only focused on plants, and it seems to him that they're doing a disservice to have nothing on anything but plants. If it's just because there are no eradication or treatment methods, do we need a standard that says develop eradication methods for Asian Clams, for example? Ms. Caringer said that back in 2015, the science council developed an implementation plan to inform how they prioritize control. The plan went through all the different species, and where to implement resources to get the best

bang for your buck on gaining control. For the two plant species here now, there is still the opportunity to achieve those goals. For the other species it is less likely. That doesn't mean they won't be addressed. They are in the AIS Action Agenda, and will be prioritized as they get funding, and get more control on the plants. In the 20-year timeframe they're looking at, plants will be the priority. Mr. John Marshall added that thresholds are just one place to put policies regarding AIS, policy direction can also be included in the Regional Plan, or in the Code. Mr. Ferry said the thresholds are a preferred place because they include a feedback metric with the evaluation every four years. Mr. John Hester said the topic of feedback and performance measurement also came up at the Governing Board retreat. He said that one of the concepts they've been talking about internally is that there should be annual reporting across all of the actions – thresholds, goals and policies, code provisions, EIP projects etc. He added that they can measure how well they're doing on the policy, just as easily as they can a threshold. The Governing Board has requested more measurement and more regular reporting.

Referring to the first proposed threshold standard, Mr. Drew said he thinks they need to consider how it is written. He knows it is a carryover from what was there previously, but to him 'prevent the introduction' is the active wording in the document. The threshold standard should be 'no new aquatic invasives'. Referring to the second proposed threshold standard, Mr. Drew said there is a lot in there. He wonders if they might want to break that out into two.

Ms. Carr agreed with Mr. Drew's comments on rewording, and added that the challenge that the first proposed threshold brings, is that we have now failed because we have the New Zealand Mud Snail. She asked at what point does that standard come back into attainment. What constitutes achievement when we have had a new AIS species come into play, and when does 'new' expire?

To Mr. Ferry's point regarding non-plant species, Mr. Carr said it may not be ripe for a threshold yet, but she does think they want to memorialize it somewhere, so they don't lose track of the importance of that. She said they could also potentially charge the Tahoe Science Advisory Council (TSAC) with helping with a threshold for the non-plant species, and perhaps seeing how it connects to other water quality issues. She said TSAC had talked a bit about how all of these thresholds are not single things. They need a better conceptual model as to how each is connected.

Ms. Stahler said she thinks AIS is a little bit misleading if it's just going to focus on plants. She would prefer the threshold to be specific and say aquatic invasive plants, because if one of the standards is no new introductions, it makes you think that includes non-plants as well. While she thinks that would be clearer, she would not promote that idea because she's more for the idea of including other invasive species. She said the Nevada Division of State Lands (NDSL) worked really closely with TRPA to implement bottom barriers in Sand Harbor for the treatment of Asian Clams, so she does think there are some treatment methods out there. They're currently monitoring the effectiveness of that treatment and it's showing to be pretty effective. She thinks it's important to include them as a threshold because it helps to show the continuity of projects, the funding, the effort, and how it all helps to contribute towards threshold attainment. Mr. Segan said one of the active conversations in the Threshold Update Initiative Stakeholder Working Group (TUISWG) is about what to do with things that they're working on, that are not ripe for specific and measurable target setting. They also agreed that the threshold standards should be potentially achievable, not just setting things that pie in the sky.

Mr. Segan agreed that other than the first prevention one, the thresholds for AIS are focused on plants. This is also something the AIS coordinating committee have wrestled with because the EIP performance measures that feed up to this, specifically include work for things like clams - acknowledge that they're still trying to do work on them and identify control measures that work, but are not quite ready to set a target that they could objectively evaluate, and that they think they can achieve. One suggestion from the science council was that they have an overall statement of intent to capture all the things they're trying to do, like reduce ALL invasive species within the lake, whether or not there is a viable control measure today. Part of that discussion is around where that should live within our system, as John Marshall mentioned earlier. Mr. Ferry said he thinks there should be some concrete place to point to things like, "we don't want the known invasive species to expand, we want to develop eradication methods to eliminate them". He thinks those things are incredibly important to the public, to the lake, and to all of us.

Ms. Chandler said she would like to see both number two and three of the proposed AIS threshold standards reworded. Number two reads like they've given up on the Tahoe Keys and she thinks that sends a very bad message. Number two should also have a timeline attached, and she thinks that they could have a threshold met sooner than 2045 - that's just too far in the future.

Mr. Drake said he thinks it's important to the ecological integrity of the lake that the threshold gets set as the future condition that we need to achieve, even if we know that we're not in compliance with, or in attainment of that. He thinks it's important that the public sees report cards and threshold evaluation reports coming out, showing that we're not there yet. He thinks it is important to signal to the public that it isn't just plants. He understands that there's been less work done in that area, and that it's a lower priority in the grand scheme of things. But thresholds are there to set the end state that we need to achieve. He said it's okay to set some thresholds that are ambitious but important, even if we're not completely clear on how we're getting there yet.

Mr. Alling said he completely agreed with Mr. Drake. He thinks it would be good to reword the proposed AIS threshold standard number two, to remove the word plant and replace it with species – so, no active aquatic and invasive species infestations in Lake Tahoe.

Mr. Marshall reminded the members to keep in mind how thresholds work. The original threshold included a threshold study report, that describes the intent to some extent, and why one number was chosen over another number. We all wish it was more descriptive than it is at times, but that background didn't get put into the thresholds because thresholds become regulatory language. And what you don't want to do is create an unachievable outcome that all of a sudden becomes something that you're obligated to obtain. That can then be used by a variety of interests to drive spending prioritization. He advised they be careful of the unintended consequences of setting a threshold that doesn't have the smart criteria behind it. Just keep in mind that 5 years after we adopt this language, how it might be implemented or utilized by a variety of different stakeholders. He added that is not a reason to not do something that is appropriate, but just to consider any unintended consequences, and what that might set the agency up for, when they are doing a regional plan amendments. Because every time we amend the code and the regional plan, we have to make findings that the code and regional plan attain and maintain thresholds. And if we don't have a program on Asian clams to say, here's how

we're going attain and maintain thresholds, then our regional plan is unacceptable. We can explain it's just not achievable at the moment, but that has real consequences. Mr. Marshall said the members need to figure out how that works in their discussions about what our objectives should be, and where those objectives should live.

Mr. Teshara thanked Mr. Marshall for the clarification. However, he thinks the members who are commenting on this have raised an issue that will come up when they are on pilgrimages for funding, and somebody is going to ask, "do you have a plan for that part?". He thinks the recent discovery of New Zealand Mud Snails is going to highlight that. He asked if there is something between a threshold standard, and not having adequate answers for some of the questions that came up in this forum. Is there something in between that they could write up. Maybe it doesn't live in the thresholds, but it needs to live somewhere significant.

Mr. Hester said that he and Mr. Segan were recently chatting about what is a threshold, what is a goal in the regional plan, and referring back to the Governing Board request to know how those pieces work together and see it measured and reported on. So that's what they're working on – the need to capture it somewhere in that system. Ms. Caringer said she thinks it will help to show all of the interim goals that lead up to the thresholds. Currently a lot of them are in the AIS Action Agenda. She said in the next presentation they will show the interim goals and the overall picture.

Mr. Drew said that given the conversation they just had, he doesn't know how threshold standards one and two, as proposed, are practical. The reality of no new aquatic invasive species would be great, but we just had one happen, and it seems inevitable that it will happen again. So what are we trying to do with the standard? Because if the standard we want to achieve is no new aquatic invasive species, that's great. But if we know that we don't have total control of that. Given the size of the lake and the volume of water and the areas, it's likely there are active aquatic invasive plants somewhere in the lake. Unless we can scan the entirety of the lake on a regular basis, he doesn't know how we achieve threshold one or two. He personally would want that to be what we what they're aiming for but he's sure how they do that.

Mr. Marshall offered a water quality example. He said we have water quality standards that say, 'achieve clarity of a certain level by a certain date'. That drives a lot of programs and there's a lot that we don't have the ability to control. And so we have to react to that. Just because there are things out of our control, such as climate change, we don't necessarily throw our hands up at a threshold that is pretty ambitious. We may be in non-attainment, and that drives efforts to be focused on those areas. Mr. Marshall said he sees goal number one, which is an existing policy, as different than how they might want to frame a new goal. It may be that they want to take a serious look at some of those thresholds that present very challenging objectives, and consider whether the criteria is placed in the in the right location.

Mr. Alling said he thinks that's exactly the reason why all species need to be included, because this is going to be a difficult, challenging objective. It's going to take a long time. And leaving out the other species is not the correct way forward. Exactly how it's done can be determined, but he thinks it important they are included. He said he understands the concern about how other agencies or stakeholders may respond to something like that, because it is so difficult, and it may be used against us. But to maintain the ecological integrity of the lake it's important to have these other species included.

As chair of TUISWG, Ms. Carr suggested they convene a meeting to talk about this threshold and continue this discussion.

Mr. Segan responded that as Mr. Marshall had previously mentioned, in order to change the regional plan, they need to make findings that say it's sufficient to attain and maintain all thresholds. There is a number of non-native species in the lake; mysis shrimp, crayfish, kokanee, for example. If they include ALL species, it will mean they have to make findings that they have a reasonable plan to achieve that. He said the difference for the top two is that they actually do have plans to achieve them. And yes, the first one maybe didn't work, and maybe we need more outreach to non-motorized craft or anglers to beef up that program, and prevent an additional species. But that still is the goal. They have a plan in place and are looking to beef that up.

Mr. Segan said the same was true for number two, no active plant infestations. That is the plan laid out in the Action Agenda today. That Action Agenda is not fully funded, but if/when that's fully funded, the intent is to achieve that goal, and hopefully maintain it long term. To his mind, that separates the things we actually know and have a plan to do, from the things that we are still working on and still trying to figure out. We know what the end goal should be, but we're still trying to figure out the strategy to get to that end goal. Some of that is science, some of it is funding, some of it is other things, but we're still working that through. It's the intent that once we develop that, then it moves to this threshold category. The open question that Ms. Carr raised for TUISWG is, where do those things land, in advance of us being ready to establish that specific, measurable end target.

Mr. Segan added that we put out a threshold evaluation report every four years, and other agencies don't always look highly upon it, because it will often say, 'out of attainment again'. So his fear is that if we say something like 'no invasives in the lake', we just set ourselves up for report that comes back every 4 years with 'still invasives in the lake'. Part of the idea is to be as specific as possible to identify we're making progress, and separating out those individual goals to where we can say, "we've achieved our first goal, but we haven't achieved our second".

Mr. Teshara suggested that there seems to be direction from the commission that staff go back and work on some of the issues that have been raised. He added that Ms. Carr's suggestion for a TUISWG meeting seems appropriate. That would allow them to conclude this part of the discussion and move on to the next items.

Mr. Ferry agreed with Mr. Segan, but added but we don't want to set thresholds up just so the report looks good and it's easy to attain them. He said he knows that's not what is being suggested, but thinks we need to be careful of the perception when we say things like, 'we don't want to set too lofty of a goal so that we're always out of attainment'. Mr. Segan agreed that was not what he meant, and expanded that there are four threshold proposals today. At least three of those will be out of attainment for the near future, and one is on the margins. So these are aspirational goals intended to drive additional management for the betterment of the region. The distinction he was drawing was where our plans stand relative to achieving those thresholds, because all four before you today have reliable plans that if implemented will achieve those standards.

Mr. Hester said that if you look at planning legislation across the board, and then you look at TRPA's, he knows of no others that have thresholds. A threshold is defined as an environmental carrying capacity standard. That makes them special and a lot more important than goals. We need to make sure that they are closer to really important standards that if you don't attain them, it means there is a failure of the system. We have a lot of stuff that isn't going to create failures of the system that we call thresholds, so we probably need to define those, and give them a special place above the goals and policies of the Regional Plan.

Moving to the Stream Environment Zone (SEZ) section, Mr. Segan acknowledged SEZs is a bit of a weird term that is unique to Tahoe. It is more than just wetlands and riparian areas, and includes anything that's influenced by water, either subsurface or on the surface. There are four current thresholds that relate to SEZs. The first is to preserve existing naturally functioning SEZ. The second is to restore 25% of disturbed, developed, or subdivided SEZ. The third is to restore all disturbed SEZ in undeveloped, unsubdivided areas, and the fourth is to attain a 5% increase in total functioning area of SEZ.

Mr. Segan said they believe the development controls in the Regional Plan provide broad protection against degradation SEZ within our region. He said that the second threshold has been the primary focus of the threshold evaluation and partnerships efforts, and we are likely to attain that target this year. So it's a big milestone for the region. For the third threshold has been identified, we've never had a good map of those, so it's never been possible to determine status determination. The fourth has already been attained.

A peer review from the 2015 threshold evaluation said, "In summary, the present approach to evaluating the condition and the improvement in SEZ's is an overly blunt instrument with no apparent scientific basis beyond "more is better." The science has truly advanced in the last 40+ years", and basically says our approach to implementing or improving SEZ amounts to little more than measuring the amount of SEZ within the region. That's not something we didn't know already, the 2012 SEZ roadmap previously identified this shortcoming.

In order to address that, TRPA and other partners applied to the EPA for a Healthy Watersheds grant in 2017. They convened a Technical Advisory Committee and began to work through the issue of just counting SEZ, while ignoring the quality of the SEZ. As part of the process, they developed a rating system that would be uniquely appropriate for the context here in Tahoe. The ratings system includes up to 9 different, measurable parameters that were assessed for all SEZs within our region. Each of the individual metrics gets a score, and that is aggregated up to a score that reflects the condition and function of each SEZ. The entire score of all SEZs is totaled, then multiplied by the area of SEZ to arrive at an overall score that captures both the quantity and quality of SEZs. All that information is available on the SEZ dashboard.

Mr. Segan explained that all of the SEZ information was compiled onto a single spreadsheet that also contained assumptions about the relative effectiveness of restoration project on the individual SEZs. Numerous partners identified projects that they thought were essential for pushing forward the state and quality of SEZ within our region. Those were compiled into a single composite project, which established what we are proposing as the new goal for stream environment zones.

In terms of where that goal stands today, Mr. Segan said they believe they're at about 79% of regional SEZ function and extent, and the goal is to move that up to 88% through implementing the identified projects. Mr. Segan said this is the second iteration of setting a restoration target for SEZs within our region, and the reason the partnership thought it was important is that we're about to achieve the first goal that we set for ourselves. Admittedly, that goal was set over 40 years ago, but as a partnership, we realized the work wasn't done and that there's a lot of there's a lot of potential benefit from continuing restoration of SEZs. This is an opportunity to go back and say we're about to hit the first target, so let's now establish a new more aggressive target because we realize more is possible and there's a lot more in the works. This is how the system is intended to work, whereby once you've achieved a target, you take a step back and you look at where we stand today. Is our work done and should we be moving on to something else, or is there more to be done? Collectively they agreed there was more to be done, so let's establish a new target and see if we can achieve that. That's the proposal before you today.

Mr. Ferry said that as he understands it, going from 79% to 88% can be achieved in two ways. One would be increasing quality, and the second would be increasing quantity of SEZ. Mr. Segan confirmed that's correct. Mr. Ferry asked if the group had considered using California Rapid Assessment Method (CRAM), the established standard for evaluating a SEZ statewide, when they decided upon TRPA's custom method? Mr. Segan said they did look at CRAM, and said the overall protocol is based in CRAM, but adds a couple individual elements and a different rating scale. As you would imagine there are a lot more degraded wetlands around California, so looking at Tahoe overall, it all just looks amazing. Part of what they wanted to do through this rating system was provide some differentiation that could be used for prioritizing individual projects. So the rating is a bit stricter than CRAM in terms of the categories, but for the most part it's the same metrics.

Ms. Carr asked if the new proposed threshold still promotes project level goals. In some respects she wouldn't want a small project with smaller water quality benefit to be bypassed because it won't move the needle very much.

Ms. Carr added that if the proposed threshold is adopted, the old threshold won't be there anymore, but we can't lose the opportunity to celebrate that the threshold was achieved.

Responding to the 'which projects count' aspect, Mr. Segan said it wasn't just scientists who criticized the old system for ignoring quality, it was also project implementers. At the time of the threshold evaluation, TRPA as an agency made determinations that said, was your project restoration or not, so by acreage, two thirds of the work (such as tree thinning) that had been done was kicked out of that assessment.

So they developed a new EIP performance measure, enhancement, that includes all sorts of projects that were not previously counted towards the overall threshold standard. The consensus was that by defining this hard line between restoration and everything else, and only counting restoration towards the threshold standard, they were discouraging those types of projects. The intent of the new standard is that it's a more holistic assessment, so that no matter how small in terms of the functional gain, it's counted in this system.

Mr. Drew asked what region-specific criteria were added to CRAM. Mr. Segan said that SEZ is a broader term than CRAM so there was a bit of an issue in terms of the systems covered by each.

One example would be fish passage because we're also trying to do stream segments within ours, so that was identified as core to the function. Mr. Drew asked if position in the landscape or connectivity to stream channels factoring into the functional benefit of restoring SEZ A versus B, versus C. Mr. Segan said it's not within this framework. Mr. Segan added that there are no individual projects baked into this. The way that the target works is that any project implemented is counted towards achieving it, and it doesn't require any individual project.

Mr. Ferry asked if one threshold with everything wrapped in is enough. Mr. Segan said that two years ago they had proposed to break it out into two separate things, treating meadows separately from stream systems. They'd also proposed to get rid of SEZ as a term because it's unique to us. Through the process, both of those were voted down. Mr. Segan said he is comfortable that the metrics that they use to rate the condition of the SEZ adequately capture all the individual benefits of the SEZ, and that they provide a framework for discussion of where we're lagging and, where you may want to prioritize if we notice things like biodiversity declines as a result of climate change, for example.

Mr. Drew said one of the challenges with SEZs was that they essentially had one tool to try and address dozens of issues, problems, challenges, and types of resources. So they had to have all of these threshold standards, and they weren't very valuable because they all kind of said the same thing - more area is better. He thinks that in creating a new monitoring and assessment approach, they now have a whole toolbox to address these different issues. All of these but one, are approaches that are used in California or other places, so they didn't just randomly create new ones from scratch. The one they had to create is for ditches and gullies, because it is a nuance to Tahoe, but has such a dramatic impact on what we define as SEZs. We now have the necessary tools to adequately evaluate the variety of types of resources we have, that we call SEZs, and put all that into one score. Even though there's one threshold, it now actually accomplishes far more than the five thresholds we had before.

Mr. Alling asked about the Habitat Fragmentation indicator and said with the description it is percent developed. He said there are also other types of fragmentation aside from just development within an SEZ. For example, if there's an annual vegetation management process, you can fragment the habitat that way. He asked if that was also looked at. Mr. Segan said he did not believe so.

Mr. Teshara said that since Mr. Drew had a lot of involvement in this process, and had a very fine answer to the most recent question, it seems to him that this is on the right track. He expects that when the SEZ threshold comes back to the APC for recommendation, it will look very similar to what we saw today. Mr. Ferry agreed, and added that he thinks it will be important that the evaluation report show not just a number, like 84%, but to have the background data so people can use the information meaningfully and to inform management action.

Mr. Drew said this system allows them to go back and pull out what got them to a certain number, what projects led to that, and which factors played into it. In the past, they've only been able to say, we did these projects and we added this much acreage. Moving forward, and what's really meaningful to land managers, they will look at three things, 1) the creation of new SEZs that didn't previously exist, 2) the enhancement or uplift of an existing SEZ or, 3) increasing the size of an SEZ. In some cases, it's possible to do all three. The Y is a good example, where

you could remove that parking lot, remove that building, and deliver functional uplift to bring what was there previously back to life. You can also go to a place where work has been done in the past, but it doesn't have a lot of function right now, and restore or repair vegetation or create aquatic habitat. You may not change the footprint at all, but you've given it functional uplift, and there's value in that. Mr. Drew said the levers available to land managers, private projects, and agencies have grown tremendously. There are lots of ways we can get from 79% to 88%, where in the past there was only one way.

Ms. Carr encouraged Mr. Alling to have a conversation with staff to follow up his habitat fragmentation idea.

Moving over to the Tahoe Yellow Cress threshold, Mr. Segan said the current standard is to maintain a minimum of 26 Tahoe Yellow Cress (TYC) population sites in Tahoe. Referring to the chart on slide 28, Mr. Segan said they were doing well in 2011 and 2015, but then not doing well in 2019, and that might run contrary to what you've heard from the TRPA, the U.S. Fish and Wildlife service, the USFS, and others, who have celebrated that TYC is a conservation success overall. So what's going on there? Why are we saying TYC is out of attainment when everyone else is celebrating a big conservation success. Mr. Segan said part of that is because of the dynamics of the species, and the number of population sites that it occupies relative to the level of our lake. The blue line on the graph on slide 30 shows the lake level in an individual year, and the yellow bars show the number of occupied TYC population sites. The yellow bars go up when the blue line goes down, showing that when the lake level is lower in an individual calendar year, there are more sites available for TYC to be present. This has been known for at least 15 or 20 years, and is included in both the older and the updated conservation strategy for the species. The reason that we have had a static goal for TYC is that we adopted our standard in 1981, when there was relatively little known about the species.

Mr. Segan said the current goal is not consistent with how the species is managed today, so the proposed standard aims to align the goal with our understanding of the species today. The species management strategy establishes individual targets for occupied sites, based on the lake level itself.

Lake Level (feet of elevation)	Occupied survey sites
Low (<6,225)	35
Transition (6,225- 6,227)	26
High (>6,227)	20

Mr. Teshara asked Mr. Segan if they had consulted with other agencies that previously had a different opinion of whether it was to be celebrated or not. Mr. Segan said the development of this threshold went through the adaptive management committee that work that addresses TYC, and the general consensus was, that even at low lake levels we're having more and more occupied population sites, because the management has been effective. Several people

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commented against the threshold evaluation saying we're out of attainment because it reflects poorly on an overall conservation success. Mr. Teshara said that conservation success was defined under a different set of criteria than the current threshold. Mr. Segan agreed and said that the criteria for success as defined in the conservation strategy includes all the information gathered to date. The current threshold criteria was developed with only three years of information, and is now considered unrealistic at high lake levels, and not ambitious enough at low lake levels.

Public Comment

Mr. Doug Flaherty congratulated those APC members who were willing to boldly speak up on protecting the lake with regards to including non-plant species. He is really concerned about the way staff sometimes attempts to manipulate these meetings. Nothing shocks him nowadays about some of the things that are happening at TRPA, but he was quite concerned when it was mentioned that, heavens no, we shouldn't create an unachievable outcome. That comment is in favor of your protecting your process, not in favor of protecting the lake. If staff can't provide the aggressive leadership to ensure the lake is protected, even if they know that it may be unattainable, that is your job to call this out. You're here to protect the lake, you're not here to protect yourselves and your process. He said things have gotten really skewed in the way TRPA handles these processes. He closed with additional thanks to the members who were bold enough to speak up and requested that they please do not let staff eradicate the main priority which is to protect the lake.

This item was for information only.

VI. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester provided an update on what Governing Board actions have been taking on recent APC recommendations. At their last meeting, the APC recommended the process improvements presented by Arlo Stockham and staff. The Governing Board approved all except for fees, historic review, broadening the charger definition, and pier expansion and modification clarification. The fees item will return later this month and the other items will follow a little later.

For upcoming topics, next month the Tahoe Living Working Group will present an item on height, density, coverage, and parking.

B. General Counsel

Mr. Marshall provided a couple of litigation updates. Firstly, regarding the Harrosh vs TRPA case which has to do with a landowner who got a permit for a pier, and the neighbor then challenged that permit. One of the claims in that litigation was that TRPA's process of delegation is inconsistent with the Compact's directive. This project was delegated to the Hearing's Officer, who made all the findings and issued the permit. The permit was then appealed, and the

Governing Board did not vote to overturn the decision, so the appeal was effectively denied. Harrosh is claiming that in their frame of what the Compact says, all projects must be heard and approved by the Governing Board.

Mr. Marshall said they recently received an order from the Eastern District Federal Court in California, asking all parties file a brief on whether or not the states, as the two compacting parties, are required to be named as parties to any case that interprets the compact. He said there's some case law that talks about how compacts are contracts, and when you sue under a contract, you have to have all the parties to the contract. And by analogizing to that line, the question was posed, are the states necessary parties. There's an abstract part of that around civil procedure, but the practical impact of that is that the states, if they're added, will usually claim their eleventh amendment immunity. So if they're necessary parties, and can't be named, then the lawsuit is dismissed. So what that means, is that any challenge that really involves that interpretation of the compact, which a lot of our litigation does, can be subject to dismissal for lack of naming the two states as necessary and indispensable parties.

Mr. Marshall said the court issued a recent order that TRPA helped draft, requesting that the states give their thoughts on the judge's orders, whether or not they are necessary and indispensable parties. They're in the middle of that briefing and should see what the states have to say in a week or so. He added that at no time has any past court, when we've had litigation that directly involves the meaning of the compact, dismissed the case for lack of naming the individual states as parties. He said you could see how that might be required when there's a compact over water allocation. For example, the Colorado River Compact where the state has the proprietary interest in that compact, so in that instance, it's probably a necessary thing to have all the states present if their interests could be affected by a reallocation. Our compact is more of a land use regulatory planning compact. In that case the interests are a little vaguer as to specifically what the state's interest in that litigation might be in a proprietary sense.

The next issue is a 'takings' case, now before the Supreme Court, called the Sheets vs El Dorado County case. In this case a legislative fee was enacted to help with generating funds for improvements necessitated by development. It was a legislative fee, so not an individual impact fee associated with a particular project. Certain zones are designated in the county and a Traffic Impact Mitigation (TIM) fee may apply. For example, if a subdivision is approved, as part of that approval and development the developer must build improvements like traffic lights, lane expansions, etc, in order for that subdivision to go in.

Referring to constitutional history, and the Nollan and Dolan cases that talk about rough proportionality of fees and impact to an exaction that a local government would take. So like fees, it's an exaction for the privilege, or the right, to develop property in a particular way. California courts have not applied the Nollan Dolan analysis to legislative fees, so the question before the Supreme Court is whether or not the California lower courts, which have basically said that does not apply, have made a correct application of the Nollan Dolan analysis. Mr. Marshall said if they overturn the case, it's going to become more difficult to do these kind of legislative impact fees. There will need to be a much tighter connection between the actual impact of the project, and the fee assessed.

The last case Mr. Marshall talked about comes from the Nevada Division of State Land's (NDSL) effort to assess and update their permit fees for buoys and piers in Lake Tahoe. There was some

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legislation that said go ahead and update the fee. Instead of the legislature setting a particular fee, it was delegated to NDSL to set a fee. NDSL conducted a rigorous process to update fees, and fees were increased (\$30 for a buoy increased to \$250, \$150 for a pier increased to \$750). Those fees were challenged. They were upheld at the trial court level, and the supreme court recently issued a decision essentially agreeing with the state that there was a lower standard for review of regulations as opposed to agency action. So a specific permit is reviewed under an arbitrary and capricious standard of review, and for regulatory decisions it's a little lower standard of review, saying it's a reasonable interpretation of the law. So the fees were upheld.

There was a footnote that recognized the rigorous process the state went through, and that the fees were reasonable in and of themselves. Ms. Stahler added that the NDSL appreciated the findings and recognition as a reflection on the agency's efforts and said that the Deputy Attorney Generals were very appreciative for the clarification on the review of regulations.

Mr. Marshall added that TRPA, under the compact, has its own standard of review, which is a little different to what the Nevada Supreme Court will now apply. He said they're all pretty deferential, but there's even an additional level of deference when the body is acting in a quasi-legislative capacity as opposed to quasi-adjudicatory.

Agenda Item No. VI.B

[Review of Compact Open Meeting Law and Conflict of Interest Requirements](#)

TRPA General Counsel, Mr. John Marshall, presented the item. He began with the compact, and what it requires. The compact is a federal law that both states enacted as individual state laws, and then was approved by Congress. It's the first place we look to as to what our legal requirements are. Article III(d) of the compact says all meetings shall be open to the public, to the extent required by the law of the State of California or the State of Nevada, which ever imposes the greater requirement, applicable to local governments at the time such meeting is held.

In California, there are two different open meeting laws, one for state agencies and one for local agencies. When the framers of the compact looked at this, they thought TRPA was more like a local land use planning entity than a state level agency, and so they wanted more the laws that really regulated local governments than statewide agencies. That forced the agency to look at both the Brown Act, which in California applies to local agencies, and the Nevada Open Meeting Law, which is the one law that applies to both state and local governments.

Essentially these open meeting laws are pretty similar in their basic requirements. Nevada Open Meeting Law is a little stricter in terms of its use for closed or executive sessions. So the determination was made to follow the Open Meeting Law of Nevada. The intent of the Nevada Nevada OML is that public bodies take action and conduct deliberations openly. The Open Meeting Law applies to public bodies, for TRPA that's almost every committee or entity identified in the compact. So the APC, the Governing Board, and any subcommittees that contain at least two members of either the APC or the Governing Board. Even if it's an informal committee, if it's composed of two or more members of a public body that are bringing recommendations forward, not just a one-way information briefing, that becomes a public body.

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Mr. Marshall continued that Open Meeting Law applies to meetings of public bodies. A meeting is when there's a quorum of the body that will take deliberation towards an item. You don't want to miss whether a gathering is a meeting or not, so it is always best to air on the side of caution and assume that almost every time a majority of the APC gets together it is basically going to be a meeting.

It has to be a majority, but it is possible to create a majority by accident, particularly through emails, where you could start by circulating an email from one member sends to another member, then that member forwards to another member and all of a sudden you're into a serial meeting, or a walking forum. Mr. Marshall said he wanted to focus on emails, texts, and telephone calls, and advised members that they really need to be careful. They need to limit, and to pay attention to any communication that starts to spread beyond a small group. He advised that to be safe, they should stop at one - don't forward communication and be careful when you see that communication has been forwarded.

Referring to exceptions, Mr. Marshall said social functions are not meetings. There's no deliberation or action, so a holiday party, or a training session are not meetings, even though it meets the first test of a quorum of members. By Nevada Open Meeting law, attorney-client closed sessions are also not considered meetings.

Mr. Marshall said Open Meeting Law requirements demand that they have to provide notice and an agenda of what's going to happen. The Nevada OML requires 3 days' notice, while the Compact requires 7 calendar days. In addition, they must provide locations of where the notice was posted, contact information and an agenda. The agenda should describe clearly and completely what will be talked about so that anyone with an interest in the subject matter can come and listen and participate.

Referring to where notice is posted, Mr. Marshall said physical notice must still be provided, but notice is mainly provided online. Meetings must be able to be attended by a range of the concerned public. And so you have to make reasonable efforts to assist and accommodate those with physical disabilities desiring to attend. You must make a reasonable efforts such that the meeting location is adequate for a reasonable number of people to attend. For example, you can't have one chair out in the audience with a lot of people interested in seeing what's happening. You need to be careful about providing alternative viewing locations. You can do that, but you still have to have some capacity for people to observe what's going on. You must also make copies of the agenda, notice, and supplemental materials available to the public.

Closed sessions in Nevada can be undertaken only in a very limited number of circumstances. Mr. Marshall said the only point relevant to the APC is the non-meeting session for legal advice. So if, for example, if they ever need to take a closed session in the middle of a meeting and it's not agendized, we can do that under Nevada law because it's a non-meeting. You couldn't do it in California because you have to agendize those things.

Public comment is really important to the business of government. It allows the public to have direct input to decision makers or people making recommendations. That means you must provide an opportunity for public comment, and it must be meaningful. Essentially under the Nevada Open Meeting Law, you have to provide the ability to comment - once generally, and prior to any action being taken. So there's different ways you can do that. You can provide a

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public comment notice at the beginning of the meeting, or at the end, or at each individual action item. You don't have to provide a public comment period for informational items, we often do, but you don't have to do that.

As far as restrictions on public comment, Mr. Marshall said you can have reasonable time, place, and manner restrictions. So that means 3 min per person instead of an hour or unlimited. It means that you can limit the total time of public comment. But what you can't do is limit public comment based on the content of the speaker. Even if it's objectionable, you can't limit that kind of public comment. So if it's defamatory, highly controversial, or highly confrontational, generally you have to sit appropriately and hear that public comment. If the comment is such that it can be construed as disruptive, which includes highly inflammatory speech, then it can be shut down, but generally it has to be pretty bad before you get to that point. Mr. Ferry asked if that included hate speech. Mr. Marshall said yes. It becomes difficult to determine if it's getting disruptive or not. It's almost better to hear those comments than risk the potential remedies associated with a violation of Open Meeting Law.

Mr. Ferry asked if an agency could create a policy on hate speech, where they could cut those off sooner. Mr. Marshall said that's a developing area of the law. He would say they need to be looking to whether the meeting is substantially disrupted by the speech. If it is, first amendment law allows the public agency to cut that comment off. But where that line is, is difficult to say. As government decision makers, and government employees and officials, we have to listen to a wide perspective of views, even when it is problematic to listen. Additionally, the speaker may be anonymous. You can ask for a name on a sign-up sheet for example, but you cannot deny someone the ability to speak based on identification. We have had an issue with people signing on remotely using obscene names. You do not have to read out those names, but do need to look if there is another way to identify that speaker with some other character, so that if they raise their hand to speak, they can be identified and called on.

Mr. Teshara said, all that being said, there is some new language that the Chair reads at the beginning of the meeting, that prohibit certain types of speech. He said he sees that more agencies are doing that in response to some people pushing the limits. Ms. Carr clarified that the agenda language does not restrict the content of public comments, it just states that staff will not have to repeat obscene names to call on people. Mr. Ferry asked if a hearing body can leave the room during inflammatory or hate speech, so that the speech can continue, but they're not present at the table to hear it. Mr. Marshall said he would need to look into that, but they would face a problem with loss of your quorum.

The issue being raised is do public servants need to subject themselves to hate speech, for example. The balance is at what point do those individual members sensitivities overcome their governmental role and obligation to allow people their First Amendment rights in this manner.

Mr. Alling asked if the Chair can suspend the meeting. Mr. Marshall said yes, but if it is done to deny a person their first amendment rights it becomes problematic. He added that this is a developing area of the law because of some of the coarseness that has entered our public dialogue. Ms. Moroles-O'Neil asked if a board member or chair could offer someone more than three minutes. Mr. Marshall said yes, but you have to be consistent. If it's a one-off it becomes difficult. Our general legal advice is that everyone gets exactly the same time.

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Moving to teleconferencing and video conferencing meetings and participation, Mr. Marshall highlighted the TRPA Rules of Procedure 2.16 for the Governing Board. He said they may want to work with APC chair and vice chair to see if they want to make changes for the APC.

According to the current rules, members can now participate remotely from any location. The Governing Board capped themselves at members attending remotely 5 times per year because they still want to encourage in person participation. Substantive items are subject to a roll call vote. This is particularly important at the Governing Board level where there is a vote count that must be satisfied like a dual majority. We also have to provide the public with an opportunity to participate remotely. Mr. Ferry said El Dorado County have added some caveat language to their agenda to cover things like power outages or internet failures.

Referring to what happens if there is an Open Meeting Law violation, Mr. Marshall said the basic remedy is that the action taken can be voided. So the consequences are severe. Under the open meeting law for state agencies, a member of the public can request an investigation by the state Attorney General, who can then direct the local government to take some action. So for example, they may need to undo the action, then provide sufficient notice (if that was the issue) and then retake the action.

Mr. Ferry asked if there was any potential for legal action against commissioners as individuals. Mr. Marshall said he believes that both state laws include potential civil and criminal penalties associated with deliberate violations of the open meeting law. Mr. Marshall said he would argue that those rules are not applicable to TRPA, but if it turned out that they were acting in a deliberate fashion to circumvent open meeting laws, the probable action would be to recommend that the governing board remove the commissioner.

Moving to ethics, Mr. Marshall said ethics are really conflicts of interest. Under the compact, the conflicts of interest are directed at economic interests. So there are disclosure requirements and then the basic requirement that you can't act on an item that can be perceived as contrary, or gives the appearance of a conflict of interest.

Generally the APC deals with quasi-legislative action, so broad policy, or specific rules, that would rarely single out your particular interests. If your interest is diffuse or common with other members of the public, then it's not a distinct enough issue to preclude you from a regulation, even though it might have an impact on your economic interest. For example, many of you own property in the Tahoe Basin, and there may be an action on allocations that you would take on a legislative basis, that affects those interests. If it's shared by many members and the public at large, then you can still participate, it's not concrete enough of an impact on you. However, if for example, we were to look at a zoning amendment that looks specifically at Mr. Drake's business location, that says no alcohol sales allowed, that would be such a specific enactment that Mr. Drake would recuse himself.

Mr. Marshall continued that there is another body of law that they are concerned about that's outside the compact that is basically constitutional due process protections. That really comes into focus when you're acting in a quasi-adjudicative fashion, which APC does not do very often. That's when you would be applying particular facts to a permit issuance location. It will happen when making a recommendation on certification for an EIS on a particular project.

[Quorum lost – informational item continues]

Moving to ex parte contacts, Mr. Marshall explained that these are when you are contacted, or you contact, a member of the public outside of the meeting. It could be another agency, but it is someone who's not a member of TRPA. In quasi-legislative matters, we want to encourage ex parte contacts. That means you're going out to the public, soliciting input or they're contacting you and it's a good thing. We want you to do that and therefore you don't need to disclose ex parte contacts in quasi-legislative matters, which is 99% of what you all do.

However, for quasi-adjudicative matters, our code, and rules of procedure and compact, require disclosure. You don't have to abstain necessarily, but you need to disclose prior to taking any action. Mr. Marshall explained that adjudicative basically derives from an adjudication. It is another way to say quasi-judicial and it's when there's an application of law to specific factual circumstance. So when a permit application comes forward, that's a quasi-adjudicative act because you're looking at specific application of rules to the facts of a specific request. Quasi-legislative action is the making up of the rules in the first place. So you're acting more like a legislator than a judge.

- C. APC Member Reports
None.

VII. PUBLIC COMMENT

Mr. Doug Flaherty said he always enjoyed Mr. Marshall's information on open meeting law. He said he was not aware of any regulation that required council to brief the APC on open meeting law, and expressed concern that we were missing a significant number of members during the general meeting, which means that they missed this briefing, which is of paramount importance, as far as transparency in government.

What concerned him more was that one person dropped out just before the ethics and quasi-legislative discussion was happening. He wanted to go on record to say if there was a requirement that this information be shared with the APC by TRPA Counsel, that members receive a packet that explains the content and the slides presented by Mr. Marshall. Furthermore, he asked if this was a requirement, will there be another briefing for those members that missed it. Mr. Marshall responded that there is no requirement for the open meeting law briefing, but TRPA will provide the handout to all APC members.

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Clerk to the Advisory Planning Commission

The above meeting was recorded in its entirety. Anyone wishing to listen to the 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.

DRAFT



STAFF REPORT

Date: November 1, 2023

To: Advisory Planning Commission

From: TRPA Staff

Subject: Discussion and possible action for Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapters 1, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units.

Summary and Staff Recommendation:

TRPA staff requests that the Advisory Planning Commission (APC) recommend approval of amendments to the TRPA Code of Ordinances Chapters 1, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections. The amendments assist in achieving Regional Plan housing, transportation, and water quality goals. These recommendations are based on a financial feasibility analysis, input from the Tahoe Living Working Group, the Local Government and Housing Committee, the Regional Plan Implementation Committee (RPIC), Governing Board, and community members.

Background:

Studies, feedback from local government partners, and community sentiment continue to show the deepening impact of housing affordability in Tahoe and in mountain communities across the West. Since 2000, population and employment has declined by 11 percent in the Tahoe Basin.¹ In 2021, the median home price in the Tahoe region was more than 13 times median household income.² The lack of affordable housing impacts the region's ability to maintain environmental thresholds and achieve the housing, water quality, and transportation goals, among others, outlined in the Regional Plan. TRPA's analysis shows that current residential development standards often inhibit the ability to build more than one unit on a lot with a positive return on investment. Developers are incentivized to build large single-family homes on large lots, further from town centers because that product returns the highest yield on investment. Homes that are built further from town centers are less likely to encourage travel by transit or bike, increasing VMT in the region.

The TRPA Governing Board has endorsed the "Complete Communities" concept, including a strong focus on affordable and workforce housing, walkability, and stormwater treatment as an agency priority. This

¹ US Census Bureau

² US Census Bureau, [Regional Housing Needs Assessments](#)

is called out in the 2023-2024 Annual Work Plan as the Tahoe Living Strategic Priority. Recognizing that there is no one-size-fits-all solution to housing affordability and each agency must work to remove barriers to building affordable housing, Phase 2 of TRPA's Tahoe Living Strategic Priority aims to update height, density (a.k.a., units per acre), land coverage, and parking standards for deed-restricted housing. The goal is to level the playing field financially, enabling the private sector to deliver housing for the "missing middle," significantly reducing costs for delivering subsidized affordable and workforce housing while maintaining and attaining environmental thresholds.

Discussion:

The Regional Plan has a growth management system which limits development in the Tahoe region. Remaining development potential available under the 2012 Regional Plan and forecast to be built out by 2045 includes approximately 3,525 residential units³; units that will be allocated and assigned regardless of the Phase 2 housing amendments. Nearly a quarter of these units (approximately 946) are reserved as "residential bonus units," meaning they take the place of a residential unit of use and must be assigned to residential units that are deed-restricted affordable, moderate, or achievable. Residential bonus units were designed to ensure that a certain amount of development would go toward housing for the local community and be located in close proximity to transit and centers versus remote locations. Residential bonus units cannot be used for short term rentals.

At the beginning of this effort, staff sought consultant guidance on how to better provide affordable and workforce housing in the Tahoe Basin. In 2020, Opticos Design recommended providing alternatives to traditional regulations on density, height, coverage, and parking to better meet the needs of the "missing middle." Over the past two years, Cascadia Partners has completed two financial feasibility analyses that identify how much the cost per housing unit can be reduced if development standards, including coverage, height, and density are increased and parking requirements are decreased. The results show that allowing more units on a parcel (i.e. increasing density allowances at the parcel level, while not increasing overall regional development capacity) reduces the cost per unit. Allowing higher coverage and height limits expands the building footprint to allow for more units, while reduced parking leaves more land that can be built for housing instead of cars. Cascadia estimates that changes to coverage, height, and density alone could reduce rental prices by approximately 35 percent.⁴ That reduction is higher when parking requirements are reduced or eliminated.

Throughout 2023, TRPA staff have developed a proposal to modify development standards for deed restricted housing which would accelerate construction of the approximately 946 bonus units that remain and encourage those units to be built in and close to Centers, jobs, grocery stores, transit, and services to reduce the need for every person to drive a personal vehicle. Encouraging the remaining bonus units to be built as more dense development in Centers where there is already dense commercial development and stormwater management infrastructure both reduces the cost to build each unit and helps meet the housing, transportation, and water quality goals of the Regional Plan. Additionally, housing development and redevelopment in and near Centers helps revitalize these areas to create thriving downtown environments that are walkable and nice places to live. The proposal is grounded in

³ There are approximately 946 residential bonus units and 2,579 residential allocations remaining. Once these units have been built, residential units can be converted from existing tourist accommodation units (TAUs) or commercial floor area (CFA).

⁴ [TRPA Zoning and Affordability Analysis](#), Cascadia Partners

increasing financial feasibility for deed-restricted affordable, moderate, and achievable housing in the region. This proposal will not change the overall growth caps that were analyzed and authorized in the 1987 and 2012 Regional Plans.

The Phase 2 housing amendments would apply in three areas within the basin where concentration of development is encouraged by the Regional Plan: 1) in Centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District); and 2) in areas currently zoned for multi-family housing; and 3) within the bonus unit boundary.⁵

The analyses performed by Cascadia indicated that coverage, height, and parking minimum standards already constrain the size of the building so density standards are redundant and further inhibit the ability to build multi-family housing. Additionally, one of the key concepts that Opticos Design presented was requiring similar building characteristics and gradual transitions between parcels with larger buildings and parcels with smaller buildings. Moreover, Regional Plan policies provide site and building design guidance:

CD-2.1 A. iv. Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights, increased building articulation, and/or higher quality building materials along public roadways.

CD-2.1 C. vi. Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

In response, the recommendations require stepping back upper floors on buildings as they get taller in Centers and transition areas. In addition, the recommendations would allow additional height on parcels directly adjacent and contiguous to a Center if they determine it is appropriate or needed to create a desired transition to adjacent existing development with lower building heights. The recommendations would also encourage small-scale multi-family development, like duplexes and triplexes, in areas that already allow (i.e., are zoned for) multi-family housing and where much of our de facto affordable housing exists.

Centers

The Phase 2 housing amendments would allow for higher density, height, and coverage and reduced parking in centers, as shown below, for residential or mixed-use developments with 100 percent deed-restricted housing (see more details on mixed-use, below). For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language. The following amendments to region-wide development standards are proposed in centers:

⁵ A map of Centers, areas zoned for multi-family housing, and the bonus unit boundary can be found [here](#). The Bonus Unit Boundary is the area within ½ mile of transit, ½ mile of town centers, and areas that allow for multi-family residential housing within the Tahoe Basin. Parcels receiving TRPA bonus units must be within the Bonus Unit Boundary.

- **Remove maximum density standards** to encourage developments with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer. Region-wide residential growth limits remain in place.
- **Allow nine feet additional height for a total of 65 feet.** Buildings must be set back one foot for every foot above 56 feet and would be required to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines. Additionally, projects will need to meet TRPA findings that ensure the project is consistent with scenic requirements, minimizes obstruction of existing views, and ensures the building is consistent with surrounding uses. Last, projects are subject to the discretionary processes already established in each jurisdiction.

Concerns were expressed by RPIC members in September that taller buildings could result in more shade on adjacent roads and properties. Given the discretionary nature of the existing permitting process, to which these amendments do not propose changes, staff recommend that shade be considered during project review. TRPA would add a requirement to project applications requiring that projects over 56 feet demonstrate through a shadow analysis that the building is designed to minimize shade on adjacent roads and properties.

- **Allow coverage above 70 percent on high capability lands when the development builds or contributes to an existing area-wide stormwater treatment system.**⁶Area-wide stormwater treatments (i.e. area-wide systems) provide an alternative to onsite stormwater treatment through best management practices (BMPs) freeing up more of the site for housing units.
- **Remove one-size fits all parking requirements.** Local jurisdictions set parking requirements that vary between 1-2.1 spaces per unit, in most cases depending on unit size. Without flexible parking standards, developers are forced to build more parking than may be needed, which results in a significant portion of the site being used for automobiles versus housing, drives up cost per unit, and continues to fuel dependency on private vehicles. Given the location within Centers that are close to transit, bike paths, and services within walking distance, the proposal would remove mandated parking minimums but require the developer to demonstrate that they are providing sufficient parking for the project. The applicant would be required to identify the anticipated parking demand from the project through a parking analysis or information from similarly situated projects, and demonstrate either that adequate parking will be provided, or that the project will implement creative solutions like shared parking agreements, implementation of car share, or contributions to alternative transportation options.

⁶ A map of existing and proposed area-wide treatments can be found [here](#).

Centers

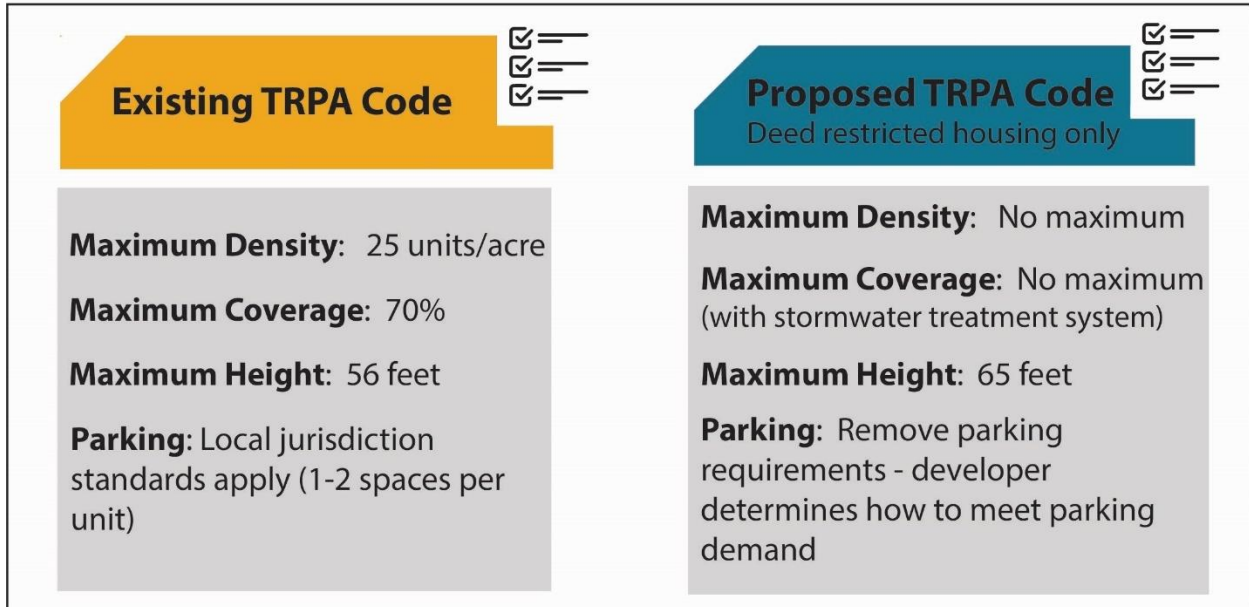


Figure 1: Summary of the Phase 2 Housing proposal in centers.

Multi-family Zones within the Bonus Unit Boundary

The Phase 2 housing amendments incentivize smaller scale multi-family that fit the character of neighborhoods in the region where multi-family is already permissible. For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language.

- **Remove maximum density standards** to encourage developments with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer. Region-wide residential growth limits remain in place.
- **Allow shallower roof pitches to reach existing height maximums.** Current height standards are based on parcel slope and proposed roof pitch. A higher height is allowed when a steeper roof pitch is proposed; and lower height is allowed when a shallower roof pitch is proposed. The proposal would allow roof pitches between 3:12 to 9:12 to utilize the height shown for a 10:12 roof pitch in table 37.4.1 of the TRPA Code of Ordinances. This would encourage smaller attic spaces that would result in an energy-efficient building design with more livable space on the top floor. The proposal would also require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
- **Allow coverage up to 70 percent on high capability lands when the development builds or contributes to an area-wide stormwater treatment or treats all stormwater runoff onsite.** The proposal would allow coverage up to 70 percent with participation in a stormwater collection and treatment system (consistent with the center coverage proposal, above) that is owned and operated by a public entity, or, if treatment is provided onsite, with a public entity responsible for onsite system maintenance. Land coverage transfers and water quality fees would still be required.

- **Reduce the amount of parking that local jurisdictions can require to 0.75 spaces per unit, on average.** Consistent with the parking proposal in centers, the applicant would be required to identify the anticipated parking demand from the project through a parking study or information from a similarly situated projects, and demonstrate either that adequate parking will be provided, or that the project will implement creative solutions like shared parking agreements, implementation of car share, or contributions to alternative transportation options.
- **Create transition zones between centers and multi-family areas.** Parcels that are zoned for multi-family and adjacent and contiguous to existing Center boundaries would be allowed an additional 11 feet of height, beyond what is permitted in Table 37.4.1. Buildings must be set back one foot for every foot above what is currently permissible and would be required to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines (see Attachment A for detailed code). Additionally, projects will need to meet TRPA findings that ensure the project is consistent with scenic requirements, minimizes obstruction of existing views, and ensures the building is consistent with surrounding uses. Last, projects are subject to the discretionary processes already established in each jurisdiction.

Similar to within Centers, concerns were expressed by RPIC members in September that taller buildings would result in more shade on adjacent roads and properties. Staff recommends adding a requirement to project applications requiring that projects over what is currently permissible in Chapter 37.4.1 demonstrate, through a shadow analysis, that the building is designed to minimize shade on adjacent roads and properties.

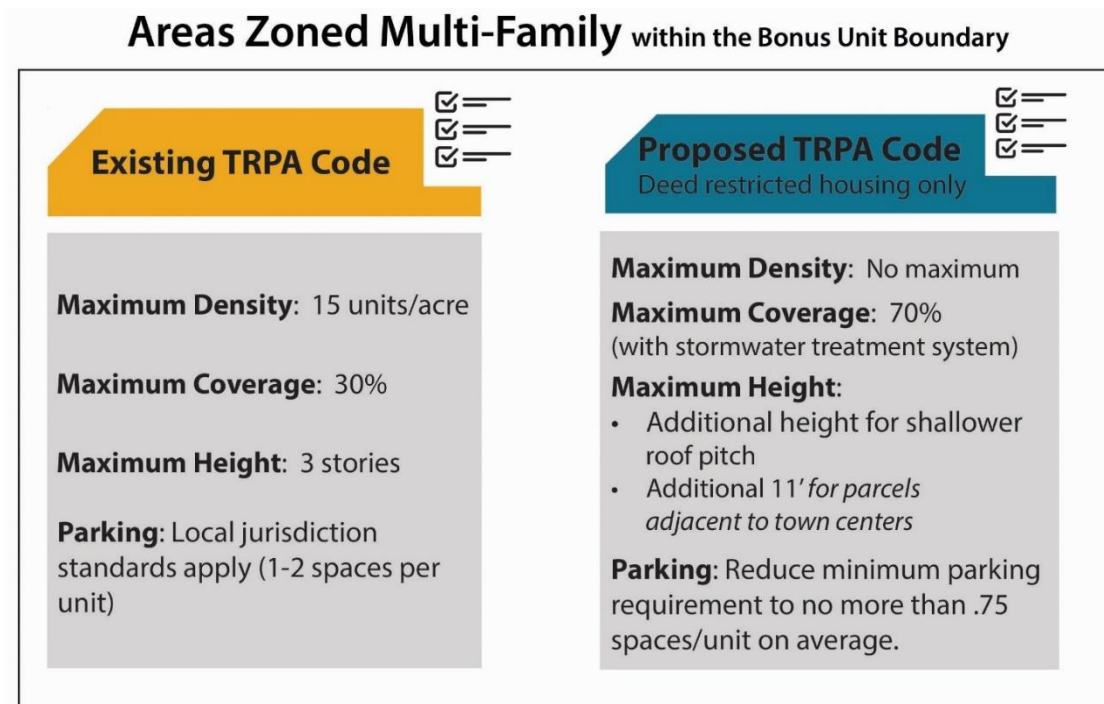


Figure 2: Summary of the Phase 2 Housing proposal in areas zoned multi-family within the bonus unit boundary.

Mixed-Use Developments and Accessory Dwelling Units

Certain elements of the proposal would also apply to some mixed-use developments and accessory dwelling units (ADUs). Given the goal of activating streetscapes in town centers and building more walkable communities, staff recommends allowing the coverage, height, and density incentives in this proposal to apply to mixed use development if 100 percent of the residential units within the development are deed-restricted and no more than 50% of the total floor area is commercial. Within centers, property owners could transfer up to 1,200 square feet of coverage for the ADU(s). In areas zoned multi-family, deed restricted ADUs in Bailey land capability districts 4-7 or on parcels with a buildable IPES score would be eligible to transfer in up to 1,200 square feet or up to 70% of the project area, whichever is less. The additional coverage could be used for only the deed-restricted portion of the parcel, including decks and walkways associated with the ADU, but not parking. The proposal does not include changes to height allowances for ADUs.

Implementation

Through the 2012 Regional Plan, TRPA allowed local jurisdictions to develop area plans that implement Regional Plan policies with greater flexibility and at the community scale. Area plans are intended to reflect the community's vision for its future and can be developed for varying geographical scales – from a local neighborhood or commercial center to the entire area of a county within the Basin. However, the process of adopting a new area plan or amending an existing area plan can be lengthy and the importance of affordable workforce housing region-wide means a regional solution is necessary. If approved, this proposal would go into effect within 60 days of adoption and would *supersede the height, density, and parking requirements in Area Plans for deed-restricted residential development*. The proposal does not require local jurisdictions to amend their Area Plans.

If local jurisdictions want to opt out of the proposed standards, they can do so through an area plan amendment. However, TRPA would require that any changes to height, density, and parking standards holistically consider the financial impact the changes have on building deed-restricted housing in their jurisdiction. If the jurisdiction cannot demonstrate that deed-restricted housing development is still viable with other subsidies or alternative requirements, staff will recommend that the amendments to the area plan not be approved. An example of an alternative requirement is an area plan amendment that includes the same changes to height and density for market rate developments with an inclusionary requirement; meaning that for every residential development, a portion of the units are set aside as deed-restricted affordable, moderate, or achievable, instead of having fewer developments that are entirely deed-restricted. Or, the local jurisdiction could adopt a lower height limit through their area plan if they provide donated land, or another subsidy, that reduces the cost to build similar to what was shown in the Cascadia analysis.

Bonus Unit Requirements and Compliance

The Phase 2 housing amendments would apply to deed-restricted units that receive residential bonus units unless local jurisdictions set their own standards through an area plan amendment. TRPA has a compliance program in place that monitors and ensures that deed restricted homes are occupied by a household that meets the requirements of the deed restriction language. The program includes annual compliance reporting and auditing, disclosure forms that require both the buyer and seller to sign when the unit changes ownership, as well as the deed restriction itself that is recorded on the title of the property and remains in perpetuity. Because this proposal will increase the number of bonus units distributed in upcoming years, the proposal adds a one-time new fee of \$50 per unit as part of the application process to all new residential development to help cover the cost of monitoring and

enforcement of deed-restrictions. This is an interim measure before a more sustainable funding source for deed restriction monitoring is considered in Phase 3 of the Tahoe Living Strategic Priority.

Outreach

Public outreach on the Phase 2 Housing Amendments has been a focus for staff throughout the summer and fall of 2023. Staff presented to or attended over 20 community events such as farmers markets, social service events, and local community groups and boards. On September 19th, TRPA staff hosted a public webinar to present an overview and field questions on the proposal. The webinar hosted over eighty participants and more than 100 questions and comments were received on the proposal. A full list of questions received during the webinar and answers can be found [here](#). Finally, TRPA released a Flashvote survey in late September to collect a group of statistically valid responses from the public within 48 hours. The results of the Flashvote survey are available [here](#). Note that only the results from the “member panel” are statistically significant.

This community input has highlighted the broad range of perspectives on the proposal; some that prefer the policy changes to be larger in scope and some that think it should be smaller or focused on other strategies altogether. Staff have worked to address concerns in the current proposal about preserving community character, mitigating parking overflow, and ensuring that deed restricted housing units are providing housing to those who need it. Additionally, community input has helped shape the proposal throughout the past few months in the following ways:

- **Height in multi-family areas:** Reduction in proposed height allowances from 48 feet (original proposal) to 36-42 feet (current proposal) within multi-family areas.
- **Density in centers and multi-family areas:** The original proposal included increased density for market-rate developments as well as deed-restricted developments. The current proposal would allow increased density *only* for deed restricted development.
- **Coverage in centers and multi-family areas:** The Tahoe Living Working Group recommended that deed restricted projects be exempt from coverage transfer requirements and water quality mitigation fees when increasing coverage above base allowable. Initial findings in the Initial Environmental Checklist (IEC) identified that exempting coverage transfers could have the potential to increase overall amounts of coverage in the region, thereby creating a potential impact that could not be sufficiently addressed without an additional, significant level of review. As a result, this policy change was removed from the proposal but will be revisited in Phase 3 of the Tahoe Living Strategic Priority, which is scheduled to begin in January of 2024.
- **Parking in centers and multi-family areas:** Changes to local jurisdiction parking minimums were not included in the original proposal. However, due to public and stakeholder input and the significant increase in cost parking adds to residential development, the current proposal includes reductions to local jurisdictions parking minimums both in centers and within areas zoned for multi-family.

Environmental Review & Regional Plan Compliance

TRPA staff, along with consultant assistance from Hauge Brueck, analyzed the potential environmental effects of the recommended changes of the Phase 2 housing amendments. The environmental documentation for the recommended changes and the policy and code amendments consists of an

Initial Environmental Checklist (IEC), environmental findings and finding of no significant effect (FONSE), thresholds evaluation, and compliance measures evaluation. The IEC is a stand-alone document that determines whether there are anticipated environmental impacts of the policy changes. To assist local jurisdictions in future area plan amendment processes, staff have included responses to CEQA questions in the IEC. The IEC is included as Attachment A, Exhibit 1.

The analysis is tiered from the 2012 Regional Plan Environmental Impact Statement and references the 2018 Development Rights Strategic Initiative IEC and FONSE, the 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy IEC and FONSE, the 2021 VMT Threshold Update IEC and FONSE, and the 2021 Phase 1 Housing Amendments IEC and FONSE.

The Phase 2 Housing Amendments propose to modify a small portion of the 2012 Regional Plan (as previously amended) specific to buildout of the remaining residential bonus units. The Phase 2 Housing Amendments IEC evaluates the impacts as compared to the existing 2012 Regional Plan. Impacts arising from development under current policy were already evaluated in the Environmental Impact Statement prepared for the Regional Plan Update and the other environmental analyses listed above. The proposed policy changes would not change overall development caps or growth control programs as analyzed in the 2012 Regional Plan because they remain in place with no changes. The Phase 2 Housing Amendments are intended to better implement the policies within the Regional Plan.

Next Steps

Staff requests a recommendation of approval from the APC on the proposal outlined in this staff report, the draft amendments to the Regional Plan and Code of Ordinances, and the environmental analysis. Following APC, staff will present the amendments for recommendation of approval by the RPIC in November, and consideration by the Governing Board in December 2023. Staff anticipates completion of Phase 2 housing amendments by the end of 2023 and focusing on Phase 3 amendments in 2024 and beyond.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

Attachments:

- A. Environmental Findings & Finding of No Significant Effect (FONSE)
 - Exhibit 1: Initial Environmental Checklist (IEC)
 - Exhibit 2: Compliance Measures Evaluation
- B. Table of Phase 2 Housing Amendments and Rationale
- C. Adopting Ordinance for Amendments to the TRPA Regional Plan and TRPA Code of Ordinances

Attachment A

Required Findings & Finding of No Significant Effect

**REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT
FOR PHASE 2 HOUSING AMENDMENTS 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 Regional Plan Goals and Policies LU-2.11 and HS-3.1 and TRPA Code of Ordinances Chapters 13, 30, 31, 34, 36, 37, 52, and 90, as part of the Phase 2 Housing Amendments.

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

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 and Hauge Brueck Associates, a third-party consultant hired to assist with the Phase 2 Housing Amendments, 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 Regional Plan and Code amendments for the Phase 2 Housing Amendments. In accordance with Sections 6.12 of the TRPA Rules of Procedure, the IEC tiered from or referenced the following documents:

- TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS);
- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect;
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect;
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist; and the
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect.
- 2035: Regional Transportation Plan/Sustainable Communities Strategy (RTP)

The Regional Plan Update EIS is a program-level environmental document that includes a regional cumulative scale analysis and a framework of mitigation measures that provides a foundation for subsequent environmental review. The proposed amendments to the Regional Plan and TRPA Code of Ordinances would not change overall development caps or growth control programs analyzed in the Regional Plan. As such, the Phase 2 Housing Amendments are an element of the

growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS.

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

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

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 are consistent with and will help implement Regional Plan Goals and Policies that encourage the redevelopment of town centers, directing development from more sensitive areas to centers, and encouraging densities and a development pattern that promotes walking, bicycling, and provides a demand for transit. The amendments provide incentives that are targeted at deed-restricted housing for households that make less than 120% Area Median Income (AMI) or work at least 30-hours per week for a local employer, thus increasing housing opportunities in suitable locations for the residents and local workers of the region. In addition to supporting the goals and policies in Area Plans, the amendments would directly support the implementation of the following Regional Plan Goals and Policies:

- LU-1.2 Redeveloping town centers is a high priority.
- LU-3.3 Development is preferred in and directed toward centers.
- LU-4.1 Centers are where sustainable redevelopment is encouraged.
- Goal HS-1 Promote housing opportunities for full-time and seasonal residents and well as workers employed within the region.
- Goal HS-2 To the extent feasible, without compromising the growth management provisions of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.

- T-1.1 Support mixed-use, transit oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.

TRPA 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 of Ordinances, and other TRPA plans and programs.

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.

The proposed amendments were evaluated against all adopted threshold compliance measures (see Exhibit B). The amendments to the Regional Plan, Code, and Fees will not negatively impact compliance measures such as Water Quality/SEZ, Air Quality/Transportation, and Scenic compliance measures.

The amendments do not increase the total amount of land coverage region-wide anticipated in the Regional Plan Update. The amendments allow for higher land coverage limits inside of and near town centers but requires additional land coverage to be transferred from equal or more sensitive areas, thus resulting in the relocation of coverage from more sensitive to less sensitive lands.

The amendments incentivize the remaining residential bonus units to be constructed within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle infrastructure. As described in more detail in the IEC, development of the remaining bonus units in and near centers is assumed to reduce trips, trip length and impact on the region's highway system.

The amendments would allow additional height beyond what was analyzed in the Regional Plan Update. However, to earn the additional proposed height, projects would be required to make scenic resources findings, ensuring that there would be no impacts to the scenic threshold.

As stated above, the amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments.

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.

No applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the proposed amendments 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.

The Regional Plan, as amended, achieves, and maintains the thresholds.

Finding 4.5:

Rationale:

In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here. The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

Finding 4.6:

Rationale:

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.

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

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



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FINDING OF NO SIGNIFICANT EFFECT

Project Description: Phase 2 Housing Amendments to the TRPA Regional Plan, Code of Ordinances, and Fee Schedule.

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

EXHIBIT 1: TRPA INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

Project Name:

Phase 2 Housing Amendments – Market Solutions to Encourage Deed-Restricted Affordable and Workforce Housing Development through updates to development standards: height, density, parking and land coverage.

Expanded Initial Environmental Checklist:

This document serves as the TRPA Initial Environmental Checklist for the amendments, with an expanded analysis to include the California Environmental Quality Act (CEQA) Initial Study Checklist. The expanded analysis and information will support CEQA lead agencies with their own future environmental review of the amendments.

Project Location:

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

Project Need:

The 2012 Regional Plan identified a vision of directing development toward walkable, bikeable mixed-use centers, with sufficient workforce housing to support local businesses and to meet the vehicle miles traveled threshold. The plan contains numerous goals related to housing, including goals specific to affordable, moderate-income, and workforce housing in the Housing Subelement, as well as goals in the Public Services and Facilities Element, particularly those related to public safety and the need for critical workers such as emergency services, police, and fire, among others to achieve these goals.

Despite this vision, studies, feedback from local government partners, and community input show the deepening impact of demographic changes on housing affordability in the Tahoe region. As market demand for second homes and high-end units has increased, the local population has declined.¹ Businesses report having increased difficulty recruiting and retaining workers to fill positions, and local surveys show that over 30 percent of workers are commuting into the region for work, contributing to traffic and vehicle emissions that harm the environment.²

The median price of a home in Tahoe has tripled in the last 10 years, from \$345,000 in 2012 to \$950,000 in 2021.³ Common homeownership metrics suggest that purchasing a home at the median price would require a household income in excess of \$300,000. Median household income in Lake Tahoe is around \$72,000 region-wide.⁴

The Tahoe Living Working Group⁵ has identified a need to bring down the cost to construct 100 percent deed-restricted affordable, moderate, and achievable housing so that the pool of existing residential bonus units can be constructed as soon as possible, providing needed affordable housing. At present, there are approximately 946⁶

¹ U.S. Census Bureau Decennial Census, Tahoe Region

² Tahoe Prosperity Center. *South Shore Region Housing Needs and Opportunities*, October 2019; *Washoe Tahoe Local Employee Housing Needs and Opportunities*, September 2021.

³ Tahoe Prosperity Center. *Community Report for the Tahoe Region*, March 2022.

⁴ U.S. Census Bureau Decennial Census, Tahoe Region

⁵ In 2020 the TRPA Governing Board appointed the Tahoe Living Housing and Community Revitalization Working Group as a committee of the Advisory Planning Commission to identify housing actions that TRPA could take to help address the regional housing need.

⁶ As of July 2020 there were 1,126 bonus units remaining under the 2012 Regional Plan. Since then, 11 bonus units have been assigned and constructed for individual permits, 128 have been assigned to the Sugar Pine Village (phase 1A, 2A and East parcel), and 41 have been assigned to the Lake Tahoe Community College dormitory project.

bonus units remaining that could take advantage of proposed Regional Plan amendments intended to incentivize development of the bonus unit pool.

Most bonus unit projects to-date have drawn units from the “affordable” pool. There remains a need to incentivize construction of the “moderate/achievable” pool of bonus units, and to the extent that housing needs assessment show a remaining need in the “affordable” category, housing in this category should be incentivized as well through this phase of proposed Regional Plan amendments.

Project Description:

The proposal would apply within three areas in the basin: centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District), areas that are zoned for multi-family housing outside of centers, and within the bonus unit boundary. A map of these locations can be found here: <https://gis.trpa.org/housing/>. The following amendments to region-wide development standards are evaluated for buildout of the remaining 2012 Regional Plan residential bonus units:

Height:

1. Centers: The proposal would increase the maximum height allowance from 56 feet (maximum of four stories) to 65 feet (no cap on the number of stories) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units when certain findings can be made. The proposal would require buildings to set back one foot for every foot above 56 feet, would not allow additional shade on smaller adjacent buildings to be created at the winter solstice, and incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
2. Center transition zones: The proposal would allow an additional 11 feet of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units on parcels outside of centers but adjacent and contiguous to center boundaries. Current height allowances are dependent on parcel slope and proposed roof pitch and allow up to 42 feet. The proposal would require buildings to set back one foot for every foot above 56 feet, would not allow additional shade on smaller adjacent buildings to be created at the winter solstice, and incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
3. Areas zoned for multi-family housing outside of centers: Current height standards are based on parcel slope and proposed roof pitch. A higher height is allowed when a steeper roof pitch is proposed; and lower height is allowed when a shallower roof pitch is proposed. This proposal would allow 100 percent deed-restricted affordable, moderate, or achievable residential developments that utilize bonus units to use the maximum height available for each building site slope category in Code Table 37.4.1 (up to 42 feet), with a minimum 3:12 roof pitch when certain findings are made. This option would require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.

Density:

1. Centers: The proposal would remove maximum density limits of up to 25 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.

2. Areas zoned for multi-family housing outside of centers: The proposal would remove maximum density limits of up to 15 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.

Parking:

1. Centers and areas zoned for multi-family outside of centers: Residential and mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing in centers would be subject to no minimum parking standards and .75 spaces per unit, on average, outside of centers. These minimums shall preempt inconsistent local jurisdiction’s minimum parking requirements however, in order to deviate from existing parking minimums, project applicants must demonstrate that the parking demand generated by their project, measured through a parking study, is met by providing parking spaces and/or through parking management strategies. At present, local jurisdictions require between 1 – 2.1 parking spaces per unit, depending on size.

Table 1: Existing Local Minimum Parking Requirements in the Tahoe Region					
	Washoe County	City of South Lake Tahoe	Placer County	El Dorado County	Douglas County
Parking Minimums (multi-family residential)	1.6 spaces/ 1 bdrm 2.1 spaces/ 2+ bdrm 1 space must be enclosed	1 space/ 1 bdrm 2 spaces/2+ bdrm 1 guest space/4 units	1 space/1 bdrm, 2 spaces/2+ bdrm	2 spaces/unit	2 spaces/unit

Land Coverage:

1. Centers: Allow for land coverage greater than current limits of 70 percent with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity instead of traditional land coverage limits (e.g., land coverage would not be capped at any percentage on high capability lands) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units. Land coverage transfers and water quality fees would still be required.
2. Areas zoned for multi-family housing outside of centers: Allow up to 70 percent land coverage on high capability lands (instead of capping land coverage at up to 30 percent) for 100 percent deed-restricted affordable, moderate or achievable residential or mixed-use developments that utilize bonus units with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. Land coverage transfers and water quality fees would still be required.
3. ADUs within bonus unit boundary: Allow up to 1,200 square feet on high capability lands within centers for a deed-restricted affordable, moderate, or achievable accessory dwelling unit(s). Allow up to 1,200 square feet or up to 70 percent land coverage (whichever is less) on high capability lands outside of centers for a deed-restricted accessory dwelling unit(s). Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage may not be used for parking. Land coverage transfers and water quality mitigation fees would still be required.

The proposed amendments above would apply region-wide following TRPA adoption, except where an area plan explicitly identifies alternative standards for 100 percent deed-restricted affordable, moderate or achievable housing. Local jurisdictions may propose alternative development standards that adjust the adopted TRPA

standards if that jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction, have an adopted inclusionary ordinance. Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.

The proposed amendments above would also apply to certain vertical mixed-use projects. The following is a summary of the changes to mixed-use definitions and standards:

1. New definition of mixed-use development added to Chapter 90 of the Code.
2. New design standards for mixed-use added to Chapter 36 of the TRPA Code, which includes parking and street frontage design.
3. Proposed land coverage, height, and density standards for 100 percent deed-restricted affordable, moderate, or achievable residential development defined above may be applied to vertical mixed-use developments that have a non-residential ground floor land use (e.g., retail, restaurant, personal services, office, and entertainment) and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing).

These proposed amendments do not add additional growth or development capacity that was not envisioned and analyzed in the 2012 Regional Plan.

Tiering and References to Other Documents:

This Initial Environmental Checklist (IEC) tiers from the 2012 Regional Plan Environmental Impact Statement (EIS). This document can be accessed at: <https://www.trpa.gov/regional-plan/2012-regional-plan-update/>.

The IEC also references several key planning documents and their associated initial environmental checklists. These include:

- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect. This initiative amended the Regional Plan Goals and Policies and the Code of Ordinances to allow for conversion of development rights and creation of the Bonus Unit Incentive Program, among other changes. The IEC can be found in the October 2018 Governing Board packet and also accessed here: https://www.trpa.gov/wp-content/uploads/documents/archive/3-Attachment-A1_DRIS-IEC_100318.pdf.
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed at: <https://www.trpa.gov/rtp/>.
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed here: <https://www.trpa.gov/wp-content/uploads/Attachment-I-IEC-for-VMT-Update.pdf>.
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist. The Phase 1 Housing Amendments allowed accessory dwelling units on all residential parcels, allowed existing tourist densities to be applied to residential development on the same parcel during redevelopment, and expanded the Bonus Unit Boundary to incorporate the ½ mile buffer from centers and all areas zoned for multi-family development. The document can be found in the July 2021 Governing Board packet and also access at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No.-VI.-A-Phase-1-Housing-Code-Amendments.pdf>.

The Phase 2 Housing Amendments propose to modify a small portion of the 2012 Regional Plan (as previously amended) specific to buildout of the remaining residential bonus units. This IEC evaluates the impacts of the Phase 2 Housing Amendments as compared to the existing 2012 Regional Plan. Impacts arising from development under current policy were already evaluated in the Environmental Impact Statement prepared for the Regional Plan Update (RPU) and the other environmental analyses listed above.

The following questionnaire has been completed based on evidence submitted with the application. For the TRPA Initial Environmental Checklist, all "Yes" and "No, With Mitigation" answers require written discussion. For the CEQA Initial Study checklist, all "Less Than Significant (LTS) with Mitigation" and "Less than Significant (LTS)" answers require written discussion. Written discussion is also provided by some "No" and "No Impact" answers where needed to support the conclusion.

For information on the status of TRPA environmental thresholds (<https://thresholds.laketahoeinfo.org>) click on the links below to the Threshold Dashboard.

I. Environmental Impacts

1. Land (TRPA Checklist Questions)

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or				

Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
2. Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 1.a:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This amendment would incentivize transfers of coverage into these center areas, which would result in the relocation of coverage from more sensitive to less sensitive lands. The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The proposal would allow up to 70 percent coverage for deed-restricted ADUs within the Bonus Unit Boundary. This amendment would incentivize transfers of coverage into these multi-family zoned areas and the Bonus Unit Boundary, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands. The amendments would allow land coverage up to 70 percent in multi-family zones and the Bonus Unit Boundary with participation in a stormwater collection and

treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

At present, the number of potential housing units eligible for development under the proposed amendments is equal to the number of bonus units remaining under the Regional Plan (approximately 946 in 2023 as noted in the Project Need section above). The 2012 Regional Plan Update analysis supporting increased land coverage limits of up to 70 percent coverage in centers (2012 RPU EIS Section 3.7, pages 3.7-33 to 3.7-36) also applies to the current proposal – impacts of higher land coverage percentages on high capability lands are mitigated by incentivizing the removal of coverage on sensitive lands for transfer to Centers and areas zoned for multi-family housing. Additionally, BMPs or regional water quality treatment systems will still be required to treat runoff from all coverage associated with the deed-restricted affordable housing development, providing protection to water quality in Lake Tahoe.

Because of the increased land coverage limits, this amendment could increase compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES) (within project specific sites, not on a regional basis) not previously studied in the 2012 RPU EIS.

While the land capability or IPES limits may be exceeded under the amendment, the land capability limits will not be exceeded on a regional level. Assuming that there are approximately 946 bonus units remaining for assignment to future projects (see Project Need section above), approximately 620,000 square feet (just over 14 acres) of land coverage (using 656 sf average land coverage per multi-family unit as estimated in the 2012 RPU EIS) would be required for buildout of bonus units within high capability lands inside centers, multi-family housing zones, and the bonus unit boundary. A sizable percentage of the land coverage needed for these affordable housing units would consist of base allowable land coverage (20 to 30 percent) for high capability lands whether the proposed development parcels are vacant or have existing land coverage. As such, up to 50-80 percent of the estimated land coverage total would require transfer under the current rules if future 100 percent deed-restricted affordable, moderate and achievable housing projects were to maximize land coverage at 70 or 100 percent of the high capability portion of the project area (70 percent in multi-family zones outside centers and up to 100 percent within centers). As such, under current transfer rules, approximately 7 to 11.2 acres of the calculated maximum land coverage total of 14 acres for buildout of the 946 bonus unit pool would require transfer. This range of potential land coverage transfer equals up to approximately 488,000 square feet of land coverage, a potential benefit to equally or more sensitive lands outside of the urban boundary that would no longer have development potential. Based on data included in the 2012 RPU EIS (Table 3.7-5), over 4,700 acres of high capability land coverage is available for development region-wide. Thus, not only would the additional 7 to 11.2 acres of additional land coverage within the Centers and multi-family housing zones require transfer from other areas (offsetting exceedance of existing land coverage limits in those locations), the total increase in these areas equates to less than 0.3 percent of the total remaining allowable high capability land coverage in the region. Under the current development caps, there is no possibility that even under full build-out, the region will exceed regional land coverage limits.

Based on the relatively small amount of high capability land coverage needed to incentivize 100 percent deed-restricted affordable, moderate, and achievable housing and the requirements to transfer land coverage over base allowable and provide equally effective stormwater management to current water quality requirements, the impact of this change is considered to be less than significant.

TRPA Questions 1.b-g:

All other responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to soils.

TRPA Threshold Indicators:

As indicated in the discussion above, adverse impacts to soils due to increased coverage are not anticipated with implementation of code requirements relating to land coverage transfers.

Impervious Cover: The proposal provides increased land coverage limits for 100 percent deed-restricted affordable, moderate, or achievable housing that utilize bonus units constructed on high capability lands. With the buildout of all remaining residential bonus units in the 2012 RPU, land coverage limits for high capability lands are not exceeded basin-wide under the proposed amendments (See analysis above and on pages 3.7-39-40 from the 2012 RPU EIS) and necessary land coverage transfers will benefit impervious cover outside of Centers and areas zoned for multi-family housing.

Stream Environment Zone: Fifteen acres of coverage within stream environment zones (SEZ) are anticipated to be restored over the life of the 2012 Regional Plan, and as of 2022, approximately 12.8 acres of SEZ coverage removal has been achieved, which is on track with performance benchmarks. With transfers of coverage associated with the proposed amendments designed to incentivize 100 percent deed-restricted affordable, moderate and achievable housing, these amendments would continue to support attainment of that goal.

CEQA Questions 1.1-1.6:

For question 1.2, please refer to TRPA question 1.a. All other responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to geology/soils.

2. Air Quality (TRPA Checklist Questions)

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"/>

Air Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Greenhouse Gas Emissions (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
5. Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 2.a-2.d:

The Phase 2 Housing Amendment is consistent with the existing growth management system and will help to implement Regional Plan and Regional Transportation Plan goals of concentrating development close to transit and centers, where it will have reduced air quality impacts. Thus, the change does not result in substantial air emissions, deterioration of ambient air quality, the creation of objectionable odors, change in climate, or increased use of diesel fuel beyond what was analyzed in the 2012 Regional Plan EIS.

The proposal does not change the overall number of units that will be built throughout the life of the Regional Plan, it instead creates incentives to shift that development closer to transit and services. Thus, the amount of air quality and climate emissions associated with each unit has already been analyzed in the 2012 RPU and shown not to exceed air quality or odor standards.

The carbon monoxide (CO) emission standard is not associated with overall trips but with idling time and could therefore be impacted by encouraging higher density housing in specific locations. Increasing incentives to develop town center parcels with more units could lead to more households with cars living in certain locations, increasing localized congestion during peak periods. While localized roadway intersections could see a slight increase in congestion from more densely built housing development, a CO hot spot analysis is not warranted to answer question (2.d) as Tahoe Basin intersections/roadway volumes do not reach the volumes/delay needed to exceed CO standards on a localized level. As reported in the US 50/South Shore Revitalization Project Draft EIR/EIS/EIS (page

3.13-30), there is no applicable El Dorado County Air Quality Management District (EDCAQMD) screening criteria available to determine the need for a CO hot spot analysis. As such, recent screening criteria from Sacramento Metropolitan Air Quality Management District (SMAQMD) is considered for this CO impact discussion. According to SMAQMD, a project would result in a less-than-significant CO impact if the project would not result in an affected intersection experiencing more than 31,600 vehicles per hour (SMAQMD 2009). For the purpose of this analysis, a significant impact related to CO emissions during operation would occur if the project would increase traffic volumes at Tahoe Basin intersections to more than 31,600 vehicles per hour.

There are no intersections in the Lake Tahoe Basin that come close to 31,600 vehicles per hour. For example, one of the busiest intersections in the Tahoe Basin is the US Highway 50/SR 89/Lake Tahoe Boulevard (“the Y”) intersection in South Lake Tahoe, with up to 4,294 vehicles per hour during peak summer periods (Table 2, page 5, LSC, 2070 Achievable Housing Traffic Study, May 28, 2021). As such, the proposed amendments would not increase intersection volumes that exceed the applicable screening criteria for CO hot spots analysis.

TRPA Question 2.e:

Use of diesel fuel over the long term would not be expected to increase over what was analyzed in the RPU, as nothing about incentivizing units to be located closer to transit and services would change the amount of diesel fuel that they are anticipated to use. Diesel fuel could be used during construction, however since there would be efficiencies of scale in constructing deed-restricted multi-family bonus units, no increase in the use of diesel fuel during project construction is expected as a result of the proposed amendment.

TRPA Threshold Indicators:

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

Air Quality: Current and historic status of air quality standards (e.g., Carbon Monoxide) can be found at the links above.

CEQA Questions 2.1-2.6:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to air quality/greenhouse gas emissions.

3. Water Quality (TRPA Checklist Questions)

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="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-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"/>

Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (CEQA Xc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) Impede or redirect flood flows?				
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 3.a and 3.c-3.f and 3.h-3.k:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to water quality.

TRPA Questions 3.b and 3.g:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. As a result, the amendments would incentivize transfers of coverage into centers, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This amendment would incentivize transfers of coverage into these multi-family zoned areas, by allowing up to 70 percent in multi-family zones with participation

in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Recently permitted projects in the Lake Tahoe Basin show how the use of onsite stormwater systems would allow deed-restricted housing developments to maximize the utility of land available for the housing units. The Waldorf Astoria Lake Tahoe and Incline 947 Residential, both of which are located in centers and can transfer in up to 70 percent coverage already, include state-of-the-art systems that can collect, treat and retain/infiltrate stormwater events onsite using underground systems that can be placed below driveways, parking areas and other development amenities, reducing the amount of land area needed to collect and treat stormwater runoff. Ultimately the treated stormwater is allowed to percolate into the soil to help recharge groundwater levels. These types of systems would benefit 100 percent deed-restricted affordable, moderate and achievable housing developments to maximize the utility of land available for affordable housing sites. In the case of the Waldorf Astoria Project, the system is designed to treat the 100-year, one hour storm event, substantially exceeding the TRPA Code requirements for treatment of the 20-year, one hour storm event.

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 targeted BMP compliance and the expansion of areawide treatments. A “revised policy option” expanded the ability to implement areawide treatment facilities to any area in the Region where the water quality benefit of the approach can be demonstrated to meet or exceed existing water quality requirements. The proposed land coverage amendments would add additional impetus to expand areawide stormwater treatment systems.

While the proposed amendments would allow increased land coverage limits on a parcel-by-parcel basis, they would not allow increased land coverage totals on a region-wide basis. Thus, new land coverage added to accommodate new 100 percent deed-restricted affordable, moderate, or achievable housing is coverage that may have been added anyway to build the remaining bonus unit inventory, spread out on additional parcels where multi-family housing is permitted. Similar to existing regulations, projects that create new land coverage under the proposed amendments must demonstrate that all stormwater runoff from this coverage is collected and treated to meet TRPA standards. Additionally, this amendment includes a provision requiring that the project participate in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity. The system could be located offsite or onsite and could be a new system or a connection to an existing system that is adequately sized (or retrofitted) to accommodate the project’s stormwater collection and treatment. This requirement would ensure that there would be no adverse alteration in surface water quality or change in the quantity of groundwater. Additionally, the requirement that the system be owned and operated by a public entity, or that a public entity is responsible for onsite system maintenance would be an enhanced level of maintenance over what is required today.

In response to concerns submitted on the 2012 RPU EIS regarding the localized water quality impacts of further concentrating development within community centers, TRPA prepared an analysis to estimate the relative changes in pollutant loading that could occur within community centers as a result of proposed policies. A stormwater modeling simulation was prepared using the Pollutant Load Reduction Model (PLRM). The simulation provided estimates of existing and future pollutant loading from areas designated as centers in the Final Draft Plan. The analysis incorporated parcel-level data on land use, existing coverage, and current BMP compliance to generate estimates of existing loading from Centers. To evaluate a worst-case scenario, the model assumed that all parcels within Centers with commercial, tourist accommodation, and residential land uses would maximize their allowable coverage as a result of policies that incentivize additional concentrated development. The model also assumed that all parcels that added coverage would comply with BMP requirements. The modeling results show that even if policies that incentivize concentrated development achieved the maximum allowable coverage in all Centers, the result would be a decrease in pollutant loading from Centers as a result of implementing required water quality regulations. Because of the relatively small increase in total land coverage associated with the proposed amendments (e.g., up to 11.2 acres of additional land coverage in high capability town center, multi-family zoned, and bonus unit boundary lands, which equates to less than 0.3 percent of the remaining allowable high capability land coverage in the region), the PLRM analysis also supports a finding of no significant impact for increasing land

coverage limits for 100 percent deed-restricted affordable, moderate, or achievable housing developments that utilize bonus units.

TRPA Threshold Indicators:

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

Water Quality: Current and historic status of water quality standards can be found at the links above.

CEQA Questions 3.1-3.5:

For questions 3.2 and 3.3, please refer to TRPA questions 3.b and 3.g. All other responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to hydrology/water quality.

4. Vegetation (TRPA Checklist Questions)

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?

Discussion

TRPA Question 4.a:

The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller multi-family units which would result in a reduction in impacts to vegetation region wide.

TRPA Questions 4.b-4.h:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

The proposal provides land coverage incentives on high capability land only, which by definition does not include riparian vegetation. The proposal would require that all runoff be treated and infiltrated either through on-site BMPs operated by a public entity, or through publicly managed offsite stormwater treatment systems which would return the treated water to the groundwater system. The proposed amendments do not change rules regarding access to, or use of groundwater. Thus there would not be a lowering of the groundwater table that could affect vegetation associated with critical wildlife habitat. In addition, individual projects must assess whether their project is in an area of critical wildlife habitat, and take appropriate measures to protect that habitat, or not create additional development in that location.

TRPA Threshold Indicators:

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

Vegetation Preservation: Current and historic status of vegetation preservation standards can be found at the links above.

5. Wildlife (TRPA Checklist Questions)

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Deterioration of existing fish or wildlife habitat quantity or quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 5.a-5.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

At a localized level, the proposal could result in a reduction of habitat in centers and areas zoned for multi-family housing, through development of 100 percent deed-restricted affordable housing. However, wildlife habitat within or immediately adjacent to centers is less suitable for sensitive wildlife species than habitat located outside of the urban core. The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller units which would result in a reduction in impacts to wildlife region wide.

TRPA Threshold Indicators:

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

Wildlife: Current and historic status of special interest wildlife preservation standards can be found at the links above:

Fisheries: Current and historic status of aquatic/fisheries preservation standards can be found at the links above:

CEQA Questions 5.1-5.6:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

6. Noise (TRPA Checklist Questions)

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

Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
2. Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 6.a-6.f:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to noise resources.

The amendments propose to concentrate multi-family residential uses in Centers and adjacent areas with multi-family zoning where the predominant CNEL standard is 60 dBA. Based on TRPA threshold evaluation monitoring (TRPA, 2019) for mixed-use land use areas (with an assigned CNEL standard of 60) and high density residential areas (55 CNEL standard), each area meets threshold targets and therefore would not expose new residents to noise levels that exceed standards. The 2019 threshold report states that average noise levels across all monitored commercial, tourist, and high density residential areas are well within the threshold standard.

TRPA Threshold Indicators:

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

Noise: Current and historic status of the noise standards can be found at the links above.

CEQA Questions 6.1-6.3:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to noise or vibration.

7. Light and Glare (TRPA Checklist Questions)

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"/>

Aesthetics – Light and Glare (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 7.a-7.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to light and glare.

CEQA Question 7.1:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to views from light and glare.

8. Land Use (TRPA Checklist Questions)

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Land Use/Planning (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Physically divide an established community? (CEQA XIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 8.a-8.b:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to land use.

The proposal does not add any additional land uses or development commodities. The proposal would intentionally intensify residential uses (8.b) in areas where they are already permitted. For the reasons explained in the Project

Description and Project Need, these changes are proposed in order to better incentivize development of affordable and workforce housing and realize the goals of the Regional Plan.

CEQA Questions 8.1-8.2:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to land use and land use plans.

9. Natural Resources (TRPA Checklist Questions)

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"/>

Mineral Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 9.a-9.b.

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to natural resources. The proposal does not create any additional growth, thus is not expected to increase the rate of use of any natural resources or non-renewable natural resources.

CEQA Questions 9.1-9.2:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to mineral resources.

10. Risk of Upset (TRPA Checklist Questions)

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hazards & Hazardous Materials (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIII f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wildfire (CEQA Checklist Questions)

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
8. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 10.a.

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

TRPA Question 10.b.

Evacuation planning and execution is conducted at the local level, with coordination among local fire and law enforcement agencies, departments of transportation, and state fire agencies during a large-scale emergency event, such as the 2021 Caldor Fire.

As part of the 2012 RPU EIS analysis, TRPA conducted an emergency evacuation analysis, considering the amount of growth forecast for the region. This amendment does not propose additional growth, only amendments to standards intended to encourage buildout of the remaining residential bonus units for deed-restricted affordable, moderate and achievable housing. By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments would benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways.

Several California state laws, including SB-99, require cities and counties to (1) identify residential areas without adequate exit routes for evacuation and (2) include mitigation measures in their general plans to overcome those issues. Another state law is AB 747, which requires local governments to plan evacuation route capacity needs under a range of emergency scenarios. The proposed amendments do not conflict with local jurisdictions' ability to prepare or implement emergency evacuation plans and therefore, would result in no impact.

CEQA Questions 10.1-10.5:

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

CEQA Question 10.6 and 10.8:

Please refer TRPA question 10.b.

CEQA Questions 10.7 and 10.9-10.11:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to wildfire risk.

11. Population (TRPA Checklist Questions)

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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Population (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 11.a:

The proposal will not increase the number of housing units planned for the region under the growth management system, as only remaining residential bonus units are available for the proposed incentives. In the recent past, the Tahoe Region population exceeded 60,000 people, approximately 10,000 more than present. Since much of that previous population has been lost, any growth in population provided by construction of bonus units would allow the growth rate of the human population residing in the region to more closely align with the growth rate/population projections envisioned in the Regional Plan (60,365 as reported in 2012 RPU Draft EIS, page 3.12-9; and 58,041 as reported in the 2020 Regional Transportation Plan, page 249), which includes a goal of providing sufficient local workforce housing to meet the needs of the Region. The Regional Plan also includes the State of California Regional Housing Needs Assessment (RHNA) requirements for affordable, moderate, and above-moderate-income housing. The proposed amendments would incentivize construction of the deed-restricted housing units planned for with the Bonus Unit Incentive Pool (currently approximately 946 remaining bonus units),

thus more quickly achieving the RHNA goals and the larger housing need identified in several other regional housing needs assessments [Tahoe Living Working Group Housing Need, August 19, 2020 accessed at <https://www.trpa.gov/wp-content/uploads/documents/archive/2/Housing-Need.pdf>]. The proposed amendments will shift densities to town center and multi-family zoned areas close to transit and services to help achieve Regional Plan goals of reduced VMT and walkable, bikeable centers. However, the changes in density will not result in increases to population growth rates anticipated in the 2012 RPU, thus they will not result in adverse impacts to the growth rate.

TRPA Question 11.b:

The proposal is not anticipated to result in temporary or permanent displacement of residents, rather the proposal will incentivize development of additional affordable housing opportunities for local residents. While an individual redevelopment project may temporarily displace residents during construction, those temporary impacts would be addressed through the specific project application.

CEQA Question 11.1:

Please refer to TRPA question 11.a.

12. Housing (TRPA Checklist Questions)

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:

- | | Yes | No | No, with mitigation | Data insufficient |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 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"/> |

Housing (CEQA Checklist Questions)

- | | Potentially Significant | LTS with Mitigation | LTS Impact | No Impact |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

TRPA Question 12.a:

The proposed amendments are intended to increase the amount of 100 percent deed-restricted affordable, moderate and achievable housing in the region, including housing affordable to lower and very-low-income households. By making multi-family and accessory dwelling unit housing types more affordable to build, housing projects will become more competitive for state and federal grants. Projects that receive government grant funding, such as the recently approved Sugar Pine Village, are more likely to provide affordable housing for the

lower income levels. Use of the remaining 946 residential bonus units to supply local residents with 100 percent deed-restricted affordable, moderate, and achievable housing units is anticipated to relieve pressure on the extremely limited rental market, allowing households to move into appropriately sized and priced units, and opening up more supply at lower rates.

It is possible that proposed density, height and land coverage amendments available for 100 percent deed-restricted housing units, including achievable, could encourage future developers to demolish existing housing units being rented at affordable or moderate rental rates and replace them with 100 percent deed-restricted housing units that would be rented to households working locally with higher incomes, but that still qualify for deed-restricted housing. However, in the case of future multi-family residential projects, the project would be required to complete an Initial Environmental Checklist (IEC) to analyze whether the proposed demolition of existing housing would decrease the amount of housing historically or currently being rented at rates affordable to lower and very-low income households. If a future project is found to reduce existing affordable housing supply, mitigation would be required to avoid a net loss of units affordable to low or very-low income households.

CEQA Question 12.1:

Please refer TRPA question 12.a.

13. Transportation / Circulation (TRPA Checklist Questions)

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"/>

Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) VMT Threshold – Land Use Projects? (CEQA XVIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in inadequate emergency access? (CEQA XVIIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 13.a:

The proposed amendments to increase height, coverage and density allowances for residential or mixed-use projects with 100 percent deed-restricted affordable, moderate or achievable housing units would only benefit projects receiving residential bonus units from TRPA. Since no new units are being added to the overall growth limits of the region, the VMT impact of the approximately 946 bonus units has already been analyzed, and the proposal will only further incentivize these housing units to be located in areas that generate less VMT per capita (centers and zones that permit multi-family housing) as encouraged by the 2012 Regional Plan and subsequent amendments.

As part of the analysis in the 2012 Regional Plan Update, the 2020 Regional Transportation Plan analysis, and the 2021 Phase 1 Housing Amendments analysis, bonus units were already assumed to be located within the Bonus Unit Boundary. In the 2012 RPU analysis and 2020 RTP analysis, the Bonus Unit Boundary included all centers except for Meyers, plus a ½ mile distance from existing transit. In the 2021 Phase 1 Housing Amendments analysis, similar to previous analyses, the Bonus Unit Boundary included the ½-mile buffer from existing transit, but also added a ½-mile buffer from centers, and all areas zoned multi-family at the time of the amendment. The proposal to increase height and coverage and remove maximum density limits for multi-family residential units in centers and to increase density to allow a minimum of three residential units per parcel in multi-family zones could result in bonus units being located more densely in centers and multi-family zones. However, this assumption would not cause the VMT threshold to be exceeded as both of these areas are within the bonus unit boundary and were already found to not have an impact in the previous analyses referenced above.

TRPA Question 13.b:

The proposed amendments will not result in a demand for new parking beyond what was assumed under the 2012 RPU, 2020 RTP and 2021 Phase 1 Housing analyses. The proposal does not add additional units under the region's growth management system. Similar to the response for question 13.a, it is assumed that new 100 percent deed-restricted affordable, moderate or achievable homes that utilize bonus units (up to approximately 946 bonus units) would be located more densely in centers or multi-family zones because of the proposed amendments than was previously anticipated within the slightly broader bonus unit boundary. To further incentivize use of the remaining bonus units, the amendments include a proposal to exempt 100 percent deed-restricted affordable, moderate, or achievable housing developments from minimum parking requirements within centers. Outside of centers but within areas zoned for multi-family housing, the proposal would reduce minimum parking requirements to .75 spaces per unit, on average. In order to deviate from existing local parking requirements, the project applicant must demonstrate their ability to meet the demand generated by the new development by constructing new parking and/or implementing parking management strategies. ADUs within the bonus unit boundary would be subject to applicable local parking requirements that exist today. Therefore, this condition will ensure that adequate localized parking is available in centers and multi-family zones without spillover impacts on neighborhoods.

The change in overall demand for parking would be minimal compared to previous analyses. Under the 2012 RPU, the 2020 RTP, and 2021 Phase 1 Housing analyses, all remaining residential units of development potential except

for bonus units were assumed to be randomly distributed to buildable residential parcels throughout the region. At present, existing minimum parking requirements vary by jurisdiction for units that are 1-bedroom or less, but each local jurisdiction requires all units with two or more bedrooms to have at least two parking spaces. By incentivizing more units to be 100 percent deed-restricted as affordable, moderate, or achievable and located in proximity to transit, with higher parcel-level densities, future units will be more likely to include studios and 1-bedroom options, as documented in the Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023. Studies have shown that demand for parking is reduced when people live close to transit, and that there is a positive correlation between home size and number of vehicles per household (Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018). Furthermore, a study from Los Angeles found that the market was more effective at responding to parking demand in centers than government mandated parking minimums which were on average too high (Manville, 2014). Additionally, centers offer more opportunity to provide shared parking agreements and other parking management strategies to better utilize existing parking resources. Thus, increasing the number of 100 percent deed-restricted affordable, moderate or achievable housing developments that are close to transit and other multi-modal options will reduce the overall demand for parking and support a parking supply model, and resulting land use, that is more reflective of real parking demand in multi-use centers. Therefore, the impact is considered less than significant.

TRPA Question 13.c:

The proposed amendments incentivize residential development within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle trails. The most likely change resulting from the proposal is that 100 percent deed-restricted affordable, moderate or achievable housing units utilizing bonus units will be located more densely in centers and multi-family zones, where services and employment are more concentrated, rather than distributed throughout the larger bonus unit boundary. This should reduce the number of vehicle trips and reduce or have no difference in impact to the highway system than what was analyzed in the 2012 RPU, 2020 RTP, and 2021 Phase 1 Housing ADU analysis. While an individual project could have a location-specific impact if a very large number of housing units are located, for instance, at the corner of a busy roadway intersection, certain factors would limit the impact overall on the highway system. For instance, the higher the number of units on a parcel, the smaller the units must become (Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023), and smaller unit size is associated with fewer vehicles per household [Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018]. Thus, it is anticipated that 100 percent deed-restricted affordable, moderate, or achievable households would generate fewer vehicle trips, lessening the impact overall on the highway and transportation system. Further, because of the design of nearly all communities in the basin, with neighborhoods that feed onto one or two main arterials, nearly all new vehicle trips will pass through centers. Whether those trips originate in centers or originate in outlying neighborhoods, the effect on traffic in centers will be the same. Thus, incentivizing more 100 percent deed-restricted housing development with lower vehicle requirements and within or near to centers would reduce trips and trip length and reduce the impact on the region's highway system.

By increasing densities in the lower-VMT areas of centers and multi-family zones, the proposed amendments will have a beneficial effect on existing transit systems. More people will be living within walking distance to transit, increasing ridership and making better use of available capacity and public investment in the transit system. Likewise, bike trails and pedestrian paths in centers are part of the transportation infrastructure with capacity to accommodate trips that may shift from vehicles to biking and walking. This will have a beneficial impact, making better use of public infrastructure.

TRPA Question 13.d:

Please refer to TRPA question 13.c.

TRPA Question 13.e:

The proposal will not result in any alterations to waterborne, rail or air traffic. However future waterborne transit access is focused in centers where there would be a denser population of potential users.

TRPA Question 13.f:

While the proposed amendments to incentivize housing for the permanent population/workforce could lead to an increase in vehicle traffic during off-peak times, it is not anticipated to be greater than traffic levels during peak times and would likely be significantly less due to new housing being in close proximity to services, transit and employment opportunities. The proposal is anticipated to reduce trip length and shift the proportion of trips made by motor vehicle so that a greater proportion are made by transit, biking, and walking. While an increase in biking and walking trips could lead to increased conflicts between these users on bicycle trails and sidewalks, these user conflicts are not considered as hazardous as conflicts between vehicles and bicyclists or pedestrians. The 2020 RTP includes pedestrian and bicycle improvements that address this potential increase in conflicts with vehicles and are intended to mitigate them. Thus, no significant increase in traffic hazards to motor vehicles, bicyclists, or pedestrians is expected as a result of the proposed amendments.

CEQA Question 13.1:

Please refer TRPA question 13.f.

CEQA Question 13.2:

Please refer TRPA question 13.a.

CEQA Question 13.3:

Please refer TRPA question 13.f.

CEQA Question 13.4:

Please refer TRPA question 10.b.

14. Public Services (TRPA Checklist Questions)

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

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

Public Services (CEQA Checklist Questions)

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (CEQA XVa)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Fire protection?

2. Police protection?

3. Schools?

4. Parks?

5. Other public facilities?

Discussion

TRPA Question 14.a:

Fire protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system. However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact. See Section 10, Risk of Upset for discussion of evacuation.

TRPA Question 14.b:

Police protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system, thus there is not expected to be a change in the need for police protection.

TRPA Question 14.c:

Schools. The proposed amendments encourage housing that will help bring the permanent population back to previous Tahoe region levels. Thus, school enrollments may increase. This could be considered a beneficial impact; however it is not considered to be a significant impact because school enrollment has fallen in the past and there is capacity in the Districts. For example, the Lake Tahoe Unified School District enrollment has been declining since the 2015/16 school year, and projections show continued declines through the next six years (Lake Tahoe Unified School District 2022 Facilities Master Plan [9.8.22 Revision]).

TRPA Question 14.d:

Parks or other recreation facilities. The proposed amendments encourage 100 percent deed-restricted affordable, moderate and achievable housing (e.g., workforce housing) that will help increase the permanent regional population toward previous levels, shifting expected population from seasonal workers, and commuters who travel into the Basin to more evenly distributed permanent population over time. While there is no increase in the overall number of housing units that will be built, there could be an increase in the use of existing parks and recreation facilities due to greater full-time population levels. However, because of the historical population levels that exceed current population figures, the increase in recreational facility use by full time residents does not result in a significant impact.

TRPA Question 14.e:

Maintenance of public facilities, including roads. There is no expected impact on maintenance of public facilities, including roads.

TRPA Question 14.f:

Other governmental services. There is no expected impact on other governmental services.

Although the amendments do not add development potential over what was analyzed in the 2012 RPU EIS, adoption of the proposed amendments may encourage higher residential development densities that could increase localized demand for fire protection, law enforcement, parks and school services. However, as with other project development anticipated in the 2012 RPU, environmental review of any necessary public service projects (e.g., City of South Lake Tahoe Recreation Center) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

CEQA Question 14.1:

Please refer TRPA question 14.a.

CEQA Question 14.2:

Please refer TRPA question 14.b.

CEQA Question 14.3:

Please refer TRPA question 14.c.

CEQA Question 14.4:

Please refer TRPA question 14.d.

CEQA Question 14.5:

Please refer TRPA questions 14.e and 14.f.

15. Energy (TRPA Checklist Questions)

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"/>

Energy (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

TRPA Questions 15.a and 15.b:

As reported in the 2012 EIS, the utility companies project that, based on their forecasting and recent growth trends in the Region, their existing capacity will substantially exceed the future demand that could be generated by the RPU at build-out (Anderson, Matthews, and Walden, pers. comms. 2012). The proposed amendments would not encourage residential housing that exceeds the building types and sizes anticipated in the 2012 EIS. This impact would be less than significant.

There is no change to the overall number of units proposed, as there are no changes to the growth management system. While individual household residents use different amounts of energy depending on how they are using the home, and permanent residents may use more energy overall, for the most part these are households which are already living in another location nearby, such as the Carson Valley, and would be using similar amounts of energy in their current location. In addition, 100 percent deed-restricted affordable, moderate or achievable housing units that will be incentivized under the amendments are likely to use the same amount or less energy than multi-family residential units modeled for buildout of the 2012 RPU. Thus, the proposed amendments will not result in the use of substantial amounts of energy or require the development of new sources of energy.

CEQA Question 15.1:

Please refer TRPA questions 15.a and 15.b.

CEQA Question 15.2:

TRPA Regional Plan Land Use Element AQ-1.5 encourages the construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings. Transportation Element Goal 1 is to “Protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions.” Furthermore, Policy 1.6 states, “Require new and encourage existing major commercial interests providing gaming, recreational activities, excursion services, condominiums, timeshares, hotels, and motels to participate in transportation demand programs and projects.” The Conservation Element Goal E-1 is “Promote energy conservation programs and development of alternative energy sources to lessen dependence on scarce and high-cost energy supplies.”

Housing development using the proposed amendments has the potential to improve energy efficiency through increased residential density and utilization of new, energy efficient materials, fixtures, and designs. Therefore, development of 100 percent deed-restricted affordable, moderate or achievable housing would not obstruct plans for renewable energy or energy efficiency. Development of the bonus unit housing would still be required to comply with federal and state regulations, TRPA Code and General Plan policies, during project specific review, and therefore, would not obstruct energy efficiency goals.

16. Utilities (TRPA Checklist Questions)

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

	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Utilities/Service Systems (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 16.a-16.f:

Adoption of the proposed amendments may encourage new residential development densities that could increase localized demand for power, water, sewage and solid waste that, in turn, could require new or improved facilities. However, as with other project development anticipated under buildout of the 2012 RPU, environmental review of

any necessary public utility projects (e.g., Liberty Utility 625/650 Line Upgrade Project) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

The proposed amendments do not include any change to the overall number of units proposed, as there are no changes to the growth management system. While individual households may use different amounts of public utilities depending on how they are using the home, any changes are anticipated to be small relative to the overall capacity available. Thus, the proposed amendments will not result in the need for new systems, or substantial alterations to utility providers.

CEQA Questions 16.1-16.5:

Please refer TRPA questions 16.a-16.f above.

17. Human Health (TRPA Checklist Questions)

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

TRPA Questions 17.a and 17.b:

The proposed amendments will not create health hazards. Individual projects must complete project-level analysis and mitigate for any temporary health hazards related to construction or storage of construction related materials.

18. Scenic Resources/Community Design (TRPA Checklist Questions)

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="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input checked="" 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?

Aesthetics (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (CEQA Ia)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

TRPA Questions 18.a and 18.b:

Each of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to scenic resources.

TRPA Questions 18.c and 18.d:

Additional height proposed for deed-restricted affordable, moderate or achievable housing has the potential to block or modify existing views and result in potentially significant impacts to scenic resources as viewed from federal/state highways, Lake Tahoe, public recreation areas, and shared-use trails. Height in excess of 26 feet is considered “additional height” and is allowed only if specific findings can be made. Increased height is currently allowed for many land use types and in many locations, subject to a variety of approval requirements. Existing opportunities for additional building height include:

- Up to 75 feet in Special Height Districts;
- Up to 95 feet in the City of South Lake Tahoe Redevelopment Area;
- Up to 56 feet for Area Plan Town Centers and certain recreation and public service buildings;
- Up to 48 feet for affordable housing projects within the Kings Beach Commercial subdistrict (formerly the Kings Beach Commercial Community Plan);
- Up to 48 feet for tourist accommodation uses within adopted Community Plan areas; and
- Up to 46 feet for a variety of environmentally beneficial design features.

Many of the redevelopment projects that have resulted in scenic improvement have utilized allowances for additional height, demonstrating that increased height and scenic improvement can occur simultaneously. Representative projects are described in 2012 RPU EIS Chapter 4, Cumulative Impacts, and in the Draft 2011 Threshold Evaluation (TRPA 2012a).

The current proposal to allow greater height for 100 percent deed-restricted affordable, moderate or achievable housing that utilize bonus units would expand existing 2012 RPU height allowances for affordable housing buildings (now capped at 56 feet) to 65 feet (with no cap on the number of building stories) in town centers, an additional 11’ of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for parcels that are adjacent and contiguous to centers, and to 36 to 42 feet for multi-family zones outside of centers (now 24 to 42 feet subject to Code Section 37.4). Changes to maximum height limits (up to 56 feet) for centers was previously analyzed as part of

the 2012 RPU EIS. The visual impact of such buildings would depend on several factors, including the building design, viewer location, setbacks from the roadway, view backdrop, and the landscape setting (including surrounding forest trees and other buildings).

These height amendments could increase the number of taller buildings in and adjacent to the centers, thereby increasing the overall visible mass, height, and scale of the built environment, despite the corresponding opportunities for improved building design in the case of site redevelopment. If a taller and more massive building is located between important viewer locations and the Lake, it could interfere with Lake views. Important viewer locations include TRPA roadway travel routes, public recreation areas and bike trails. If such a building is located near a designated scenic resource, the scenic quality of the designated resource could be adversely affected. Designated scenic resources are listed in the inventory maintained by TRPA and include specific views and certain physical features of the landscape.

Because the forest tree canopy is approximately 100 feet high throughout the Basin, including centers, it is unlikely that future buildings in the relatively flat centers would extend above the forest canopy where present. Taller buildings would have the potential to interrupt ridgeline views where such views exist, depending on the size of the building and its relationship to the ridgeline and the viewer; however, application of existing TRPA and local Area Plan standards for setbacks, building design, and site design would minimize ridgeline view impacts. Although aesthetically sensitive redevelopment design would create the opportunity for scenic benefits, permitting heights up to 65 feet for buildings in centers, up to 47 – 53 feet (depending on parcel slope) on parcels adjacent and contiguous to centers, and up to 36 to 42 feet (depending on parcel slope) in multi-family zones outside of centers could also result in new housing development that is incompatible with the natural, scenic, and recreational values of the Region. Despite existing scenic quality ordinances, building and site design standards, and new approval requirements for increased building height that require more stringent height limitations and/or other supplemental design standards, the impact of increased height for 100 percent deed-restricted affordable, moderate, or achievable housing would be potentially significant.

To protect scenic resources, earning the additional height proposed for 100 percent deed-restricted affordable, moderate, or achievable housing projects in centers and multi-family zones would require TRPA to make scenic resources findings similar to those currently required for additional height in the Kings Beach Commercial Community Plan (now the Placer County Tahoe Basin Area Plan). The following new or amended Code sections are included in the proposed amendment package to ensure that scenic resources are not adversely affected.

- New Code Section 13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans:

A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

- Amend Code Section 37.5.5 Additional Building Height for Affordable, Moderate, or Achievable Housing Projects:

A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a

roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or

B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13, utilize bonus units, and are located on a parcel that is adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

37.7.1. 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.

37.7.2 Finding 2

When outside a community plan, the additional height is consistent with the surrounding uses.

37.7.3. 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.

37.7.8 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.

37.7.9. 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.

TRPA Threshold Indicators:

As discussed above, no significant scenic impacts are anticipated with the addition of a new code section that requires TRPA to make additional height findings for 100 percent deed-restricted affordable, moderate or achievable housing projects that utilize bonus units. Continued application of existing and proposed design

standards and guidelines and maintenance of scenic quality numeric ratings will ensure improvement of overall scenic quality.

Scenic Resources: Current and historic status of the scenic resource standards can be found at the links above:

CEQA Questions 18.1-18.3:

Please refer to TRPA questions 18.c and 18.d.

19. Recreation (TRPA Checklist Questions)

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recreation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 19.a and 19.c:

The proposed amendments encourage workforce housing that will help bring the permanent population back to previous Tahoe region levels, shifting expected population from seasonal workers and commuters who travel into the Basin to more evenly distributed permanent population. There could be an increase in the use of existing parks

and recreation facilities due to more full-time population, but because of the historical population levels that exceed current population figures, the anticipated population increase is not expected to be a significant impact.

TRPA Questions 19.b and 19.d:

The proposal would not create additional recreation capacity or result in a decrease or loss of public access to any lake, waterway, or public lands.

TRPA Threshold Indicators:

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

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

CEQA Question 19.1:

Please refer to TRPA questions 19.a and 19.c.

CEQA Question 19.2:

Please refer to TRPA questions 19.b and 19.d.

20. Archaeological / Historical (TRPA Checklist Questions)

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tribal Cultural Resources (CEQA Checklist Questions)

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa.i)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIa.ii)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cultural Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
3. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 20.a and 20.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to cultural resources.

TRPA Questions 20.b, 20.c, and 20.e:

The proposed amendments would not change the likelihood of projects being located on properties with known cultural, historical, and/or archeological resources, any properties associated with any historically significant events, sites, or persons. Nor would the proposed amendments restrict historic or pre-historic religious or sacred uses.

CEQA Questions 20.1 to 20.5

Please refer to TRPA questions 20.b, 20.c and 20.e.

21. Agriculture and Forestry Resources (CEQA Checklist Questions)

Would the Project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA II d)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

CEQA Questions 21.1, 21.2 and 21.5

The locations where housing development may occur under the proposed amendments are partially developed and not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

CEQA Questions 21.3, 21.4 and 21.5

Public Resources Code section 12220(g) defines forest land as, "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." Since the locations where housing development may occur under the proposed amendments are already partially developed and located in Centers, areas zoned for multi-family housing and the bonus unit boundary, such canopy coverage does not typically exist. The amendments conflict with no zoning of and cause no rezoning of forest land, timberland or timberland zoned Timberland Production.

22. Cumulative/Synergistic Impacts

The Regional Plan, Code of Ordinances and adopted local jurisdiction Area Plans are a collection of both short- and long-term goals, policies, and measures designed to guide development and support the Region in attaining environmental thresholds and other important objectives. These goals, policies, and measures are inherently cumulative in nature as they are applied over a long-term basis, for the planning area as a whole, and in compliance with local jurisdiction and TRPA goals, policies, measures, and thresholds.

The proposed amendments do not include changes to regional growth restrictions that would be cumulatively considerable. The density, height, land coverage and parking amendments allow for greater flexibility in the design and financing for 100 percent deed-restricted affordable, moderate or achievable housing developments that utilize bonus units but maintains the existing land use designations for Centers and multi-family zones, thereby restricting the potential for cumulatively considerable impacts. The amendments do not propose any changes to the overall growth allowed in the Basin by the Regional Plan, nor would they cumulatively contribute to changes to the overall growth allowed when other projects or future Area Plan amendments are considered.

23. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
f. 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"/>
g. 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

TRPA Questions 23.a, 23.b and 23.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to cultural resources.

TRPA Question 23.c:

Please refer to Section 22 above.

DECLARATION:

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

Signature:

_____ at _____
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

Date _____

Title of Evaluator

Exhibit 2 - COMPLIANCE MEASURES PHASE 2 HOUSING AMENDMENTS

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

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	Y	The Phase 2 Housing Amendments amend Chapter 13 to allow additional density and height in area plans.
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	Y	The Phase 2 Housing Amendments amend Chapter 30 to allow up to 100% coverage in centers and up to 70% coverage within areas zoned for multi-family. Coverage transfer requirements remain in place with no changes. Projects will continue to be required to treat stormwater runoff from additional coverage either onsite through the use of BMPs or offsite by constructing or contributing to an area-wide stormwater treatment system.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	Y	The Phase 2 Housing Amendments are consistent with the Regional Plan strategies to focus development near centers and transit. The amendments further incentive transfers of equal or more sensitive coverage onto higher-capability lands in and near centers. The amendments continue to incentivize development near transit and near town centers by supporting higher residential densities and reduced parking.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances Chapters 30 and 61</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The amendments do not change policies and provisions that require the protection and restoration of SEZs.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, Individual Parcel Evaluation System, Section 53.9, will not be altered by the amendments.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will stay in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The Phase 2 Housing Amendments do not change the rate of allocation distribution or add any new development potential.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	Y	See response to Compliance Measures 1 through 4. The amendments may lead to increased BMP maintenance as there will be additional public oversight of BMP maintenance and compliance.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	Y	The amendments would allow developers to have higher coverage in exchange for financial contributions to construct a new area-wide stormwater treatment system or participate in an existing area-wide stormwater treatment system.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	There are no changes to the artificial wetlands/runoff treatment program proposed.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The amendments do not affect existing provisions regarding the transfer of development from SEZs.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
23	Improved mass transportation	WQ, Trans, Noise	Y	The amendments do not directly improve mass transportation, however they may indirectly support mass transportation systems by facilitating and better incentivizing new residential development in centers and multi-family areas that are in close proximity to transit, providing additional demand.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	Y	The Phase 2 Housing Amendments specifically encourage the redirection of residential land uses to areas well-served by transit and services by allowing higher residential densities in centers and areas zoned for multi-family.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not alter existing TRPA Code of Ordinance provisions concerning combustion heaters, stationary source controls, sewage transport, treatment, or release, garbage or hazardous materials and waste.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
28	Effluent limitations	WQ, Soils/SEZ	N	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	

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

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

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
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.
WATER QUALITY/SEZ – SUPPLEMENTAL				
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The amendments do not include any provisions that would impact Compliance Measures 52 through 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	
AIR QUALITY/TRANSPORTATION - IN PLACE				
62	Fixed Route Transit - South Shore	Trans, Rec	N	As noted in Compliance Measure 23, above, the amendments do not change plans or goals

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

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

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

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

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

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

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

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

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

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The amendments are not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The amendments are not altering where hiking and riding facilities are permissible. See also Compliance Measure 40.
194	Scenic quality of recreation facilities	Rec, Scenic	N	The amendments do not include any changes to provisions related to scenic quality of recreation facilities.
195	Density standards	Rec	Y	The amendments exempt 100% deed restricted affordable, moderate, or achievable housing developments that use bonus units from existing density standards in Table 31.3.2.
196	Bonus incentive program	Rec	N	The amendments do not change the amount of bonus units available or where they can be distributed. The amendments would encourage more dense bonus unit distribution in town centers and areas already zoned for multi-family.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	The amendments do not affect required findings.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	The amendments will not impact the Lake Tahoe Recreation Sign Guidelines.
199	Annual user surveys	Rec	N	The amendments will not affect user surveys.
RECREATION – SUPPLEMENTAL				
200	Regional recreational plan	Rec	N	The amendments do not modify any portion of the Goals and Policies in the Regional Recreation Plan, which is the Recreation Element in the Regional Plan.
201	Establish fairshare resource capacity estimates	Rec	N	The amendments do not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	Y	See response to Compliance Measure 11.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	Y	The amendments would allow an additional nine feet of height in town centers, an additional 11 feet of height on parcels adjacent and contiguous to town centers and more flexible roof pitch in areas zoned for multi-family housing. Projects must make specific findings that prevent view obstruction and scenic impacts, require building articulation and step backs, and prevent shadows on adjacent buildings.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	Y	See response to compliance measure 84-87.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	The amendments do not make changes to design standards and guidelines relating to signage.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	Y	The amendments add design standards in Chapter 36 for mixed-use developments with a residential component that is 100% deed restricted affordable, moderate, or achievable. The standards ensure that the ground floor of the development is public, and promotes pedestrian accessibility and parking is designed to limit pedestrian conflict.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See response to Compliance Measures 43 through 50.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to meet the 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	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	See response to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	N	The amendments do not make any changes to the Design Review Guidelines. Projects will continue to be subject to the Design Review Guidelines during application review.
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	The amendments do not conflict with the SQIP and are not anticipated to impact scenic ratings. The recommendations could improve scenic quality ratings as new projects undergoing redevelopment along scenic resource areas will provide an opportunity to improve scenic quality ratings.
218	Project Review Information Packet	Scenic	N	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
SCENIC – SUPPLEMENTAL				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed.
222	Integrate project identified in SQIP	Scenic	N	The amendment does not include projects identified in the SQIP.

Attachment B

Table of Phase 2 Housing Amendments and Rationale

Regional Plan Amendments

Goals and Policies

The following sections show the proposed changes to the Regional Plan Goals and Policies. Goals and Policies are general in nature. More detailed requirements are provided in the Code of Ordinances sections, which follow.

Code Section	Rationale	Proposed Code Language <u>(new language shown in Track Changes)</u>																				
LU-2.11	Amend coverage policies to allow higher than 70% coverage in centers with transfer of coverage.	<p>LU-2.10 Allowed Base Land Coverage for all new projects and activities shall be calculated by applying the Bailey Coefficients, as shown below, to the applicable area within the parcel boundary, or as otherwise set forth in A, B, and C, of this policy.</p> <table border="1" data-bbox="758 646 1772 1175"> <thead> <tr> <th data-bbox="758 646 1373 735">LAND CAPABILITY DISTRICT</th> <th data-bbox="1377 646 1772 735">MAXIMUM ALLOWED LAND COVERAGE</th> </tr> </thead> <tbody> <tr> <td data-bbox="758 738 1373 784">1a</td> <td data-bbox="1377 738 1772 784">1 percent</td> </tr> <tr> <td data-bbox="758 787 1373 833">1b</td> <td data-bbox="1377 787 1772 833">1 percent</td> </tr> <tr> <td data-bbox="758 836 1373 881">1c</td> <td data-bbox="1377 836 1772 881">1 percent</td> </tr> <tr> <td data-bbox="758 885 1373 930">2</td> <td data-bbox="1377 885 1772 930">1 percent</td> </tr> <tr> <td data-bbox="758 933 1373 979">3</td> <td data-bbox="1377 933 1772 979">5 percent</td> </tr> <tr> <td data-bbox="758 982 1373 1027">4</td> <td data-bbox="1377 982 1772 1027">20 percent</td> </tr> <tr> <td data-bbox="758 1031 1373 1076">5</td> <td data-bbox="1377 1031 1772 1076">25 percent</td> </tr> <tr> <td data-bbox="758 1079 1373 1125">6</td> <td data-bbox="1377 1079 1772 1125">30 percent</td> </tr> <tr> <td data-bbox="758 1128 1373 1174">7</td> <td data-bbox="1377 1128 1772 1174">30 percent</td> </tr> </tbody> </table> <p data-bbox="758 1208 2062 1305">developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in Attachment 3</p> <p data-bbox="758 1308 2062 1408">C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the</p> <p data-bbox="1808 675 2062 1198">A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in Attachment 2 B. In the case of existing planned unit</p>	LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE	1a	1 percent	1b	1 percent	1c	1 percent	2	1 percent	3	5 percent	4	20 percent	5	25 percent	6	30 percent	7	30 percent
LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE																					
1a	1 percent																					
1b	1 percent																					
1c	1 percent																					
2	1 percent																					
3	5 percent																					
4	20 percent																					
5	25 percent																					
6	30 percent																					
7	30 percent																					

above coefficients and applied to the designated evaluation area. The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.

LU-2.11 The allowed coverage in policy LU-2.10 may be increased by transfer of land coverage within hydrologically related areas up to the limits as set forth in this policy:

Special provisions for additional coverage, such as exceptionally long driveways, pervious coverage, public trails and access for the disabled, may also be allowed, Ordinances shall specifically limit and define these programs.

Land coverage may be transferred through programs that are further described in the implementation element. Notwithstanding the limitation stated above, land coverage may be transferred across hydrologically related areas when existing hard or soft coverage is transferred and retired from sensitive land transferred to non-sensitive land further than 300 feet from the high water line of Lake Tahoe, or on the landward side of Highways 28 or 89 in the Tahoe City of Kings Beach Town Centers.

The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, programs to encourage concentration of development, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal LU-2 of this Subelement.

- A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:

<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
0 - 4,000	Base Land Coverage as Set Forth in <i>Policy LU-2.10</i>
4,001 - 9,000	1,800 sq. ft.

		<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
		9,001 - 14,000	20 percent
		14,001 - 16,000	2,900 sq. ft.
		16,001 - 20,000	3,000 sq. ft.
		20,001 - 25,000	3,100 sq. ft.
		25,001 - 30,000	3,200 sq. ft.
		30,001 - 40,000	3,300 sq. ft.
		40,001 - 50,000	3,400 sq. ft.
		50,001 - 70,000	3,500 sq. ft.
		70,001 - 90,000	3,600 sq. ft.
		90,001 - 120,000	3,700 sq. ft.
		120,001 - 150,000	3,800 sq. ft.
		150,001 - 200,000	3,900 sq. ft.
		200,001 - 400,000	4,000 sq. ft.
		<p>For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.</p>	
		<p>B. <u>Facilities in Centers</u>: Except as provided in Subsections A, F, I, J, and K, <u>and L</u> of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p>	
		<p>C. <u>Commercial and Mixed Use Facilities in a Community Plan</u>: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for</p>	

		<p>coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p> <p>D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.</p> <p>E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above, <u>except for residential developments consisting of deed-restricted affordable, moderate, or achievable housing.</u></p> <p>F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.</p> <p>G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.</p> <p>H. Other Facilities Outside of Community Plans and Centers, Facilities Within Community Plans Before the Community Plan is Approved, and Facilities within Centers before Conforming Area Plans are approved: Other than the exceptions in Subsections A, E, F, and G, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.</p> <p>I. Notwithstanding Subsection A above, when existing development is relocated to Centers and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.</p> <p>J. Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in</p>
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		<p>conformance with the Regional Plan, the comprehensive coverage management system shall reduce coverage overall, reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code of Ordinances and not increase allowed coverage within 300 feet of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).</p> <p><u>K.</u> Additional land coverage limitations shall be implemented within 300 feet of Lake Tahoe, as further described in the Code of Ordinances.</p> <p><u>K.L.</u> Residential or mixed-use developments that comprise 100 percent affordable, moderate, or achievable units, located in land capability districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers if they demonstrate participation in a stormwater collection and treatment system that is consistent with TRPA requirements and approved by the applicable state water quality agency (I.e., LRWQCB or NDEP depending on where it is located), where required. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be in conformance with the ratios set forth in Section 30.4.3 of the Code of Ordinances.</p>
HS-3.1	New Regional Plan language for deed-restricted affordable, moderate, and achievable housing with local option for differing standards when housing need can be achieved	<p>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, low- and moderate-income housing, accessory dwelling units and long-term residency in motel units in accordance with the timeline outlined in the implementation element. Due to the challenges of building affordable and workforce housing in the Tahoe Basin, TRPA and/or the local jurisdictions shall set density, height, coverage, and parking standards to promote projects that include deed-restricted affordable, moderate, and achievable housing units through the following options:</p> <p><u>A.</u> TRPA shall adopt development standards to promote 100 percent deed-restricted affordable, moderate and achievable housing that supersede local jurisdiction’s standards, including in approved area plans; or</p> <p><u>B.</u> Local jurisdictions may propose within an area plan, alternative development standards for deed-restricted affordable, moderate or achievable housing that adjust TRPA’s standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.</p>

Code of Ordinances

Chapter 13: Area Plans

Code Section	Rationale	Proposed Code Language										
13.5.3.1	<p>[MODIFY EXISTING SECTION]</p> <p>Remove number of stories from height allowance to rely on maximum number of feet.</p>	TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS										
		Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Resort Recreation	Residential	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
		Height [3]	N/A	Sec. 37.4					Up to 4 stories (56 ft) max. [1]	Up to 6 stories (95 ft) max. [1]	Up to 197' max. [2]	
		Density SFD		Sec. 31.3								
Density MFD [3]	N/A	Sec. 31.3						With adoption of an Area Plan: - Residential: 25 units/acre (max.); Tourist: 40 units/acre (max.)				

		Land Coverag e		Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]		
		Comple t Streets	Sec. 36.5	[4]		
			<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>			
13.5.3.I	<p>[NEW CODE SECTION]</p> <p>Allows up to 65' for deed-restricted housing in centers. Allows additional height on multi-family zoned parcels depending on slope of the</p>	<p>13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers in Area Plans</p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100 percent deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.</u></p>				

	<p>parcel, roof pitch, and if adjacent and contiguous to a town center boundary. Removes density maximums for deed-restricted housing in centers and multi-family zoned parcels. Local jurisdictions can adopt different standards as long as they can show it will provide sufficient affordable and workforce housing.</p>	<p><u>B. Residential or mixed-use developments with a residential component that is 100 percent deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.</u></p> <p><u>C. Local jurisdictions may propose alternative height and density allowances from what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:</u></p> <ol style="list-style-type: none"> <u>1. Demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction; or</u> <u>2. Has an approved inclusionary housing ordinance.</u>
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Chapter 30: Coverage

Code Section	Rationale	Proposed Code Language
30.4.2.B.5	<p>[NEW CODE SECTION]</p> <p>Allow up to 70% coverage outside of town centers within areas that are zoned for multi-family for 100% deed-restricted affordable, moderate, or achievable housing, provided the</p>	<p>30.4.2 Transferred Land Coverage Requirements</p> <p>In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this</p>

<p>development is on high capability land.</p>		<p>subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.</p> <p>B. Location -Specific Standards</p> <p><u>5. Affordable, Moderate, and Achievable Housing outside Centers</u> <u>The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:</u></p> <p><u>a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must be consistent with TRPA requirements, be owned and operated by a county or city, a utility, a community service or improvement district, or similar public or private entity, and must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required; or</u></p> <p><u>b. If a stormwater collection and treatment system is not available for the project area, water quality treatment consistent with Chapter 60 of the TRPA Code of Ordinances may be approved by TRPA provided that local jurisdictions verify and are responsible for ongoing BMP maintenance of the project area through a deed restriction running with the land.</u></p> <p><u>1. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.</u></p>
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30.4.2.B.6	<p>[NEW CODE SECTION]</p> <p>New code section to allow higher than 70 percent coverage for deed-restricted affordable, moderate, and achievable housing on high capability lands in centers. The project must show that stormwater will be treated through area-wide stormwater treatment, managed and maintained by a public or private entity.</p>	<p><u>30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing</u></p> <p><u>Multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers. All runoff from the project area must be treated by a stormwater collection and treatment system, provided it is consistent with TRPA requirements, is owned and operated by a county or city, a utility, a community service or improvement district, or similar public or private entity, and must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required.</u></p> <p><u>1. The additional coverage for accessory dwelling units is limited to 1,200 square feet of the project area that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.</u></p>
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Chapter 31: Density

Code Section	Rationale	Proposed Code Language
31.4.1.C	<p>[NEW CODE SECTION]</p> <p>New Code section that exempts density maximums for deed-restricted projects within centers.</p>	<p>31.4 Increases to Maximum Density</p> <p>31.4.1 Affordable, Moderate, and Achievable Housing</p> <p>A. Affordable Housing Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:</p> <ol style="list-style-type: none"> 1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and 2. The additional density is consistent with the surrounding area.

		<p><u>B. Affordable Housing within Kings Beach Commercial Community Plan</u> Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:</p> <ol style="list-style-type: none"> 1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; 2. The additional density is consistent with the surrounding area; and 3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area. <p><u>A. Affordable, Moderate, and Achievable Housing</u> <u>Residential developments or mixed-use developments with a residential component that is 100 percent deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, and utilize bonus units are exempt from the density maximums in Section 31.3.</u></p>
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Chapter 34: Driveway and Parking Standards

Code Section	Rationale	Proposed Code Language
34.4.1	<p>[NEW CODE SECTION]</p> <p>New Code section that limits the amount of vehicle parking local jurisdictions can require for deed-restricted housing.</p>	<p><u>34.4.1 Parking for Deed-Restricted Affordable, Moderate, or Achievable Housing</u> <u>No vehicle parking minimums shall apply to residential or mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing units, as described in subsection 36.13 if located within a Town Center, Regional Center, or High-Density Tourist District as defined in the Regional Plan. Outside of centers, parking minimums shall be no greater than 0.75 spaces per unit, on average. In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that parking demand generated by the project, as determined by a parking analysis, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements or providing or</u></p>

		<p><u>contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development.</u></p>
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Chapter 36: Design Standards

<p>36.13</p>	<p>[NEW CODE SECTION]</p> <p>New Code section that applies to mixed-use developments with a residential component that is 100% deed-restricted.</p>	<p><u>36.13 Mixed-Use with Affordable, Moderate, and Achievable Housing</u></p> <p><u>A. Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.C, and 37.5.5, respectively, provided the commercial component is no greater than fifty percent of the total development square footage.</u></p> <p><u>B. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:</u></p> <ul style="list-style-type: none"> <u>a. The ground floor shall include one or more permissible pedestrian-oriented non-residential uses that include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses.</u> <u>b. Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;</u> <u>c. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;</u> <u>d. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</u>
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Chapter 37: Height

Code Section	Rationale	Proposed Code Language
37.5.5	<p>[MODIFY EXISTING SECTION]</p> <p>Allow deed-restricted multi-family developments to have additional height up to the maximum for building slope shown in Table 37.4.4-1, with a roof pitch of at least 3:12.</p>	<p>37.5.5 Additional Building Height for Affordable, <u>Moderate, or Achievable</u> Housing Projects</p> <p><u>A. Residential and mixed-use projects that are 100 percent deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or</u></p> <p><u>B. Residential and mixed-use projects that are 100 percent deed-restricted to affordable, moderate, or achievable, as described in subsection 36.13, utilize bonus units, and are located on a parcel that is adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.</u></p> <p>The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades,</p>

		articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.
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Chapter 52: Bonus Unit Incentive Program

Code Section	Rationale	Proposed Code Language
52.3.4.G	Institute the option for TRPA to charge a fee to new development to help cover the cost of conducting monitoring and enforcement of deed-restrictions	<p>52.3.4. Affordable, Moderate, and Achievable-Income Housing</p> <p>All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: <i>Definitions</i> shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.</p> <ul style="list-style-type: none"> 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

		<p>occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to <u>\$5,000.00 per day 1/10 of the current cost of a residential unit of use annually</u> for failure to submit the compliance report or comply with these requirements.</p> <p>E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.</p> <p>F. 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.</p> <p><u>G. TRPA may adopt a fee on new residential construction to cover the cost of monitoring affordable and workforce housing.</u></p>
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Chapter 90: Definitions

Code Section	Rationale	Proposed Code Language
Chapter 90	Add new definition for Stormwater Collection and Treatment System.	<p><u>Stormwater Collection and Treatment System:</u></p> <p><u>Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location</u></p>

		<p><u>or locations where it will be treated. Streets, curbs and gutters can be included as part of the collection system.</u></p> <p><u>Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).</u></p>
Chapter 90	Add a new definition of Mixed-Use Development.	<p><u>Mixed-Use Development:</u> <u>Developments fostering the integration of compatible uses on a single site that are designed to promote pedestrian circulation.</u></p>

Fee Schedule Institute the option for TRPA to charge a fee to new development to help cover the cost of conducting monitoring and enforcement of deed-restrictions.	Schedule "A" - Residential	Shoreland Scenic Review Fee if applicable*						Deed-Restriction Monitoring Surcharge	
		Fee Category	Base Fee		BMP Fee	IT Surcharge			
		NEW CONSTRUCTION							
		1. Single Family Dwelling, Summer Home, Secondary Residence, one Mobile Home Dwelling, and one Employee Housing unit	\$1.57 per sq. ft of floor area covered by roof, \$787 minimum*	\$629		\$152	\$138		\$50 per unit
		2. Multiple Family Dwelling, Multiple Person Dwelling, Nursing and Personal Care, Residential Care, more than one Employee Housing unit, more than one Mobile Home Dwelling	\$3460 + \$64 per unit*	\$629		\$152	\$138		\$50 per unit
		ADDITIONS AND OTHER CONSTRUCTION MODIFICATIONS TO EXISTING STRUCTURES/FACILITIES							
		3. Single Family Dwelling, Summer Home, Secondary Residence, one Mobile Home Dwelling, and one Employee Housing unit	\$1.72 per sq. ft of modified/new floor area covered by roof, \$604 minimum*	\$629		\$152	\$138		\$50 per unit
		4. Multiple Family Dwelling, Multiple Person Dwelling, Nursing and Personal Care, Residential Care, more than one Employee Housing unit, more than one Mobile Home Dwelling	\$1888 + \$64 per unit*	\$629		\$152	\$138		\$50 per unit
		CHANGES OF USE AND OTHER ACTIVITIES (No construction)							
		5. Domestic Animal Raising	\$329	N/A		N/A	\$138	N/A	
		6. On-Site Election of Conversion of Use to Residential (Section 51.9, TRPA Code)	\$551 per unit	N/A		N/A	\$138	N/A	
		7. Change from an Existing Residential Use to Another Residential Use	\$629 per unit	N/A		N/A	\$138	N/A	
		8. Mixed Use Projects	Use new constr	N/A		N/A	\$138		\$50 per unit
		9. Driveway Paving	\$235	N/A		N/A	\$138	N/A	
		10. Other	\$787	\$629		\$152	\$138	N/A	
*All application fees listed under numbers 1-4 except for the Deed-Restriction Monitoring surcharge waived with projects that use new affordable, moderate, or achievable housing bonus unit(s). Other fees would still be applicable.									

Attachment C

Adopting Ordinance for Amendments to the TRPA Regional Plan and TRPA Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2023-___

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

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

Section 1.0 Findings

- 1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
- 1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
- 1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
- 1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
- 1.40 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.0 Amendment of the TRPA Code of Ordinances

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

Section 3.0 Interpretation and Severability

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

Section 4.0 **Effective Date**

4.10 This ordinance shall be effective 60 days after adoption.

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

Ayes:

Nays:

Abstain:

Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board



Mail

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STAFF REPORT

Date: November 1, 2023
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: 2020 U.S. Census demographics for the Tahoe Region and Other Available Data

Summary and Staff Recommendation:

This informational item will review population and demographic information from the recently released U.S. Census data products from the 2020 Decennial Census and the most recent available American Community Survey data. Additional discussion will include recently released reports related to Lake Tahoe travel times and congestion, traffic count data, paid overnight visitation, and new research related to travel patterns.

Background

In May 2023, the complete data from the 2020 U.S. Decennial Census were released providing a robust look at demographic and socioeconomic change in the region over the last ten years. The report highlights that the loss of jobs, businesses, and residents that occurred between 2000-2010 stabilized during the last decade.

The population in the Tahoe Region was virtually unchanged between 2010 and 2020, with population increasing just 0.2% to 55,836 residents. At the community level, the Nevada communities in the Lake Tahoe Region added 979 residents, while the California side lost 750 residents.

TRPA staff has evaluated several data sources to evaluate, analyze, and identify trends related to population, day and overnight visitation, recreation activity, and travel patterns. This presentation will summarize the available data to establish a common understanding as TRPA continues with its current strategic priorities, future strategic planning discussions, and the upcoming Threshold Evaluation report.

Accompanying detailed reports from the TRPA Research and Analysis department on these topics are also available at the following links:

- 1) Demographics page on Tahoe Open Data: explore high-level 2020 Census data and other key demographics on this new page: <https://data-trpa.opendata.arcgis.com/pages/demographics>.
- 2) 2020 Census Report: TRPA prepared a detailed report on the 2020 Decennial Census results for the Lake Tahoe Region and surrounding areas. This report highlights the population, housing, income, workforce, jobs, and Industries data from the U.S. Census Bureau from 1990 to 2020. This report is available at <https://monitoring.laketahoeinfo.org/socioecon>.
- 3) Tahoe Roadway Congestion Report: this report uses data from the Federal Highway Administration and INRIX to evaluate travel times on 12 roadway segments in the Lake Tahoe

Region and to quantify congestion patterns on Tahoe roadways from 2016 to 2022. This report is available at <https://monitoring.laketahoeinfo.org/MonitoringProgram/Detail/77>.

Contact Information:

For questions regarding this agenda item, please contact Ken Kasman, Research and Analysis Department Director, at kkasman@trpa.gov or (775) 589-5253.

Public Comment

To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.



Tahoe In Brief

Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

October 2023

TRPA CALENDAR AT-A-GLANCE

OCTOBER 2023

- October 18: Tahoe Living Housing and Community Revitalization Working Group Meeting
- October 25: TRPA Governing Board Meeting and Retreat

NOVEMBER 2023

- November 8: TRPA Advisory Planning Commission Meeting
- November 15: TRPA Governing Board Meeting

DECEMBER 2023

- December 6: TRPA Advisory Planning Commission Meeting
- December 13: TRPA Governing Board Meeting

JANUARY 2024

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

Potential agenda items November to February may include:

- Tahoe Living Phase 2: Market Solutions to Encourage Affordable and Workforce Housing Solutions informational and consideration hearings.
- Aquatic Invasive Species Program update (informational)
- Threshold updates for Stream Environment Zones, Aquatic Invasive Species, and Tahoe Yellow Cress informational and consideration hearings.
- Tahoe Valley and Tourist Core Area Plan amendments
- Placer County Tahoe Basin Area Plan amendments

TRPA STRATEGIC PRIORITIES

TRPA STRATEGIC PRIORITIES

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

Tahoe Living - Creating Complete Communities that provide housing for all, an appropriate mix of uses to support vibrant, walkable, transit-friendly neighborhoods, and the necessary infrastructure to protect our unique and precious environment.

Keeping Tahoe Moving - Improving the transportation system for Complete Communities and for the millions of annual visitors to the Tahoe Region.

Restoration and Resilience - Accelerating environmental improvement and transportation improvement programs to restore our environment and better prepare the region for climate resilience.

TAHOE LIVING STRATEGIC PRIORITY

This priority implements the housing and community revitalization goals of the Regional Plan by developing region-wide strategies that most effectively deliver needed housing and walkable, compact development. Activities include proposed updates to TRPA development standards to encourage deed-restricted multi-unit, compact residential development, launching an equity and climate assessment to inform the update of the region's land use and growth management system, development of a Community Engagement and Capacity Building Plan, and establishing and reporting data to measure progress toward regional housing goals.

Tahoe Living Housing and Community Revitalization Initiative, Phase 2: Market Solutions to Encourage Affordable and Workforce Housing Development

On October 12 staff posted proposed code amendments and supporting environmental analysis to update development standards for deed-restricted affordable, moderate, and achievable housing. The amendments were developed based on input from the Tahoe Living Working Group, the Local Government and Housing Committee, a technical code committee, through public input gathered throughout the summer, through the results of

environmental analysis, and most recently, through direction by the Governing Board Regional Plan Implementation Committee at their September 2023 meeting.

The amendments support Complete Communities goals by providing additional incentives for concentrating needed workforce housing close to transit and services to reduce vehicle miles traveled, lowering the cost to construct such housing, and supporting a shift toward more comprehensive stormwater treatment infrastructure. In November both the Advisory Planning Commission and the Regional Plan Implementation Committee will consider these amendments for recommendations for approval.

Placer County Tahoe Basin Area Plan: Economic Sustainability and Housing Amendments
Placer County and TRPA staff will be bringing amendments to the Placer County's Tahoe Basin Area Plan to the TRPA Advisory Planning Commission, Regional Plan Implementation Committee, and Governing Board for recommendations and consideration for approval beginning in November. The amendments are aimed at supporting workforce housing, encouraging lodging and mixed-use redevelopment in Town Centers, and adding street improvement requirements for single-family detached dwellings to align with pedestrian mobility goals.

TRPA Staff Contact: Karen Fink, Housing and Community Revitalization Program Manager
775-589-5258, kfink@trpa.gov

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

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

Website(s):

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

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

ADDITIONAL ITEMS OF INTEREST

Project Permitting

See tables on the next pages for permitting details.

TRPA Applications by Project Type through September 30, 2023

TRPA Applications by Project Type	2021	2022	2023 YTD
Residential Projects	242	267	185
Commercial Projects	11	18	22
Recreation/Public Service Projects	44	48	34
Environmental Improvement Projects	13	5	6
Shorezone/Lakezone Projects	130	66	33
Buoy and Mooring Projects	48	15	10
Grading Projects	37	35	25
Verifications and Banking	427	379	261
Transfers of Development	55	59	26
Other	142	233	136
Grand Total	1,149	1,125	738

Completeness Review Performance

	<u>July 31, 2023</u>	<u>August 31, 2023</u>	<u>September 30, 2023</u>
Completeness Reviews Finished During Period	91	107	110
Reviewed within 30 Days of Submission	91	107	110
Over 30 Days from Submission	0	0	0
Percent Over 30 Days	0%	0%	0%
Files with Completeness Over 30 Days	N/A	N/A	N/A
Applications Not Yet Reviewed for Completeness	55	54	51
Under 30 Days Since Submission	55	54	51
Over 30 Days Since Submission	0	0	0
Percent Over 30 Days	0%	0%	0%

Application Review Performance

	<u>July 31, 2023</u>	<u>August 31, 2023</u>	<u>September 30, 2023</u>
Issued Permits	85	79	89
Issued within 120 Days of Complete Application	81	75	87
Issued over 120 Days from Complete Application	4	4	2
Percent Over 120 Days	5%	5%	2%
Files with Issued Permits - Over 120 Days:	MOOR2022-1808 (Mooring Permit; 209 days) MOOR2022-1834 (Mooring Permit; 192 days) MOOR2021-1869 (Mooring Permit; 146 days) MOOR2021-1872 (Mooring Permit; 145 days)	MOOR2021-1889 (Mooring Permit; 295 days) MOOR2021-1847 (Mooring Permit; 167 days) MOOR2021-1846 (Mooring Permit; 142 days) ERSP2022-1697 (Shore-Lakezone; 124 days)	MOOR2021-1075 (Mooring Permit; 224 days) ERSP2021-1948 (Rec-Public Serv.; 125 days)

	<u>July 31, 2023</u>	<u>August 31, 2023</u>	<u>September 30, 2023</u>
Applications in Review	134	148	152
Under 120 Days in TRPA Review	134	148	152
Over 120 Days in TRPA Review	0	0	0
Percent Over 120 Days	0%	0%	0%
Files In Review - Over 120 Days:	N/A	N/A	N/A

	<u>July 31, 2023</u>	<u>August 31, 2023</u>	<u>September 30, 2023</u>
Applications Requiring Additional Info. From Applicants for TRPA Review	94	94	88

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