

Attachment A
Summary of Survey Responses

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Tahoe Living Working Group Near-Term Actions Survey February 2021

Name and Organization

Questions 1 and 2 asked for respondents' name and organization. Eighteen out of 21 Working Group members took the survey.

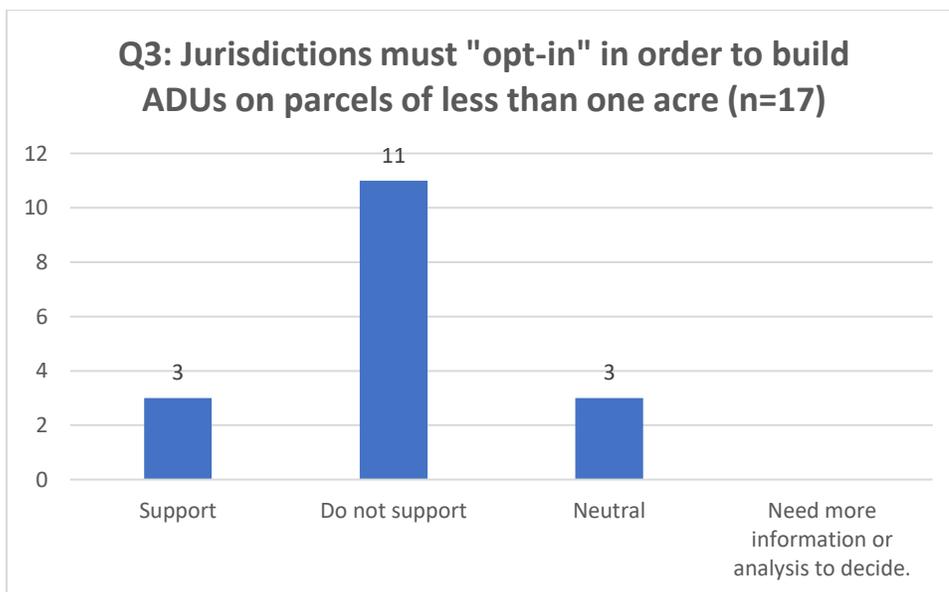
Opt-in/Opt-Out of ADUs

The next two survey questions attempted to understand whether jurisdictions should be able to allow Accessory Dwelling Units (ADUs) on parcels of less than one acre upon request, i.e., through a special resolution or Area Plan amendment (TRPA called this the "opt-in" approach in the survey) or whether TRPA should simply lift the one-acre restriction region-wide, putting the responsibility for any further parcel-size restrictions on local jurisdictions (TRPA called this the "opt-out" approach in the survey).

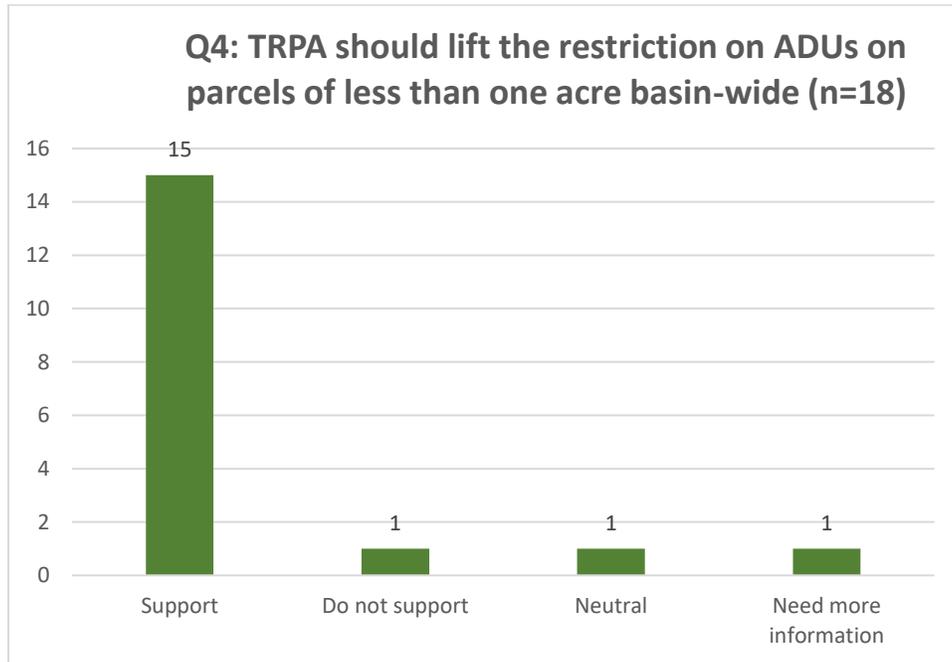
Of the respondents, eleven did not support the "opt-in" approach, while three registered support. In response to the next question, which asked the reverse of the first question, i.e., whether the one-acre restriction should be lifted region-wide **16 respondents were in support or neutral**, while **one respondent was not in support**, and one requested more information. The open-ended comments associated with these two questions are listed after the graphs.

Questions 3 and 4: Indicate your level of support.

Question 3: "Jurisdictions must "opt-in" in order to build ADUs on parcels of less than one acre."



Question 4: TRPA should lift the restriction on ADUs on parcels of less than one acre basin-wide. If a local jurisdiction wants to place restrictions on ADUs, they would need to do so through an Area Plan (“opt-out”). For the purposes of answering this question, assume that ADUs would require either a residential unit of use or a Bonus Unit, and that there will be an incentive package to incentivize the construction of ADUs below a certain size.



Open-ended responses:

Need more information:

What are the full implications of opting out? Are there other conformance issues opting out may raise?

Question 5: Do you have additional ideas or suggestions related to opting-in or opting-out of ADUs?

ADU projects should be encouraged in all jurisdictions with an opt-in plan. Each jurisdiction should have a consistent set of guideline (basin wide) to ensure flexibility in creating more housing units

ADUs are simply to onerous for inside the Basin proper. I don't think they should be allowed.

I believe most local jurisdictions realize they can be more restrictive than the TRPA, but not less. Setting up an equal playing field by having the TRPA allow ADU's on all parcels seems the most equitable and straightforward route. Then each jurisdiction is empowered to decide how they want to address ADU's. This may also require less administration overall – instead of setting up processes for opting in or opting out, and certifying housing programs the local jurisdictions can respond through their own current processes for addressing their ordinances.

In favor of supporting ADUs but need to allow for local adjustments as appropriate

I think we'll need to talk through this at the meeting so that everyone is clear on what opting-in and out means.

Some jurisdictions would have a hard time allowing ADU's as it would alter deeded access to beaches etc. Making it so each jurisdiction could opt out easily is ideal

I'm not sure I understand the impact of opening up ADUs on transit, transportation, VMT, etc. I'm not against it, I just don't know how we plan for it and get good data on its impact.

Based on what we've seen in Placer county, just allowing them isn't enough. We should be making the process to build ADUs as simple and streamlined as possible, and maybe incentivize them..

Either way, maybe it just applies to within 1/2 mile of a Town Center

This does not need to be so complicated. Lift the one acre requirements and allow CA jurisdictions to comply with state law. Don't understand the Area Plan reference.

ADUs and Development Rights/Deed-Restrictions

Questions 6 through 11 gauged where respondents fell on a spectrum of restricting the use of ADUs versus allowing more flexibility for the use of ADUs. Question 6 offered the most restrictive option (require all ADUs to be deed-restricted to affordable, moderate, or achievable levels); while Question 10 offered a less restrictive option (ADUs require a residential unit of use [RUU] or a Bonus Unit. The Bonus Unit would be provided in exchange for a deed-restriction). Question 11 was an open-ended question where some respondents offered suggestions outside of the options provided in questions 6-10.

Many of those respondents that marked “support” for more restrictive options also marked “support” for less restrictive options. The table below combines responses for questions 6-10, placing responses into the least restrictive category that each respondent indicated they would support.

Questions 6-10: Deed Restrictions

ADUs on parcels of less than one acre must be deed-restricted by income.	All who supported this option also supported less restrictive options
On parcels of less than one acre, either the ADU or the main home must be deed-restricted by income	All who supported this option also supported less restrictive options
ADUs on parcels of less than one acre must be deed-restricted workforce housing/full-time residency	All who supported this option also supported less restrictive options
On parcels of less than one acre, either the ADU or the main home must be deed-restricted to workforce housing/full-time residency	7
ADUs on parcels of less than one acre must obtain a full residential unit of use or a Bonus Unit.	6
Did not support any of the options, or supported even less restrictive option through the comments	4
Need more information	2

Questions 6-9: Income-based or workforce-based deed-restriction

Within questions 6-9 another question was embedded, which was whether a deed-restriction, if issued, should be only for people in affordable, moderate, or achievable income levels, or whether the deed-restriction should be restricted to workforce housing only (require a deed-restriction related to employment and/or full-time residency in the Basin – i.e., a worker, senior, or relative could live full-time in the ADU). Only two respondents showed a strong preference on this question. **One respondent** marked that they only supported an income-based deed restriction, and **one respondent** marked that they only supported a workforce-based deed-restriction. All others supported either option, a combination of the two, or did not support any of the deed-restriction options.

Open-ended responses to the “Need more information” question:

see discussion below regarding definition of workforce housing
Restricting ADUs to owner/long term renter (i.e. no short term rental) uses is supported. Surveys have shown that when ADUs are occupied by property owner or long term renter, a majority of the occupants meet the affordability objective. Monitoring this is costly and time consuming. Relying on "affordable by design" seems to be a better approach.
I support the general policy direction. I just don't understand how deed restrictions fit into a monitoring regime. Are they only checked once when they move in? Does an owner hire a monitoring consultant to track income of residents? I'm for the restriction in concept.
If an ADU is designed as a source of income to help keep a full-time family here in the community, would we consider the deed restriction to be placed on the main unit and allow for more flexible use of the ADU? Would that matter?
The ADU should not be deed restricted. Each jurisdiction should set flexible housing guidelines so that income levels of affordability can be set accordingly. In California, where each local jurisdiction must meet statewide housing requirement Regional Housing Need Allocations (RHNA). A similar guideline should be applicable in Nevada to compliment the TRPAs effort to increase housing at the low and very low income level.
Same as above. And is part time residency still possible?
Can this be combined with #6 and #7 - either the house or ADU must either be affordable-achievable OR workforce?
what are the costs and benefits of this approach [RUU or Bonus Unit], environmentally and economically?
Market rate ADU's are still an important housing element to include. Any addition to housing stock (even non deed restricted ADU's) should receive an incentive (bonus development rights or other incentives), and those who choose to deed restrict should be offered more attractive incentives. It will already be difficult to create incentives for getting any ADU's built so that it pencils for an owner or developer.
Pros and cons [to the RUU or Bonus Unit question]
Did I miss the definition of a "full residential unit of use"? Is this a term unique to TRPA?

Question 11: I support a different approach related to deed-restrictions and allocations for ADUs than is described in #6-#10 above or have additional comments:

The only issue I have with requiring the home or the ADU to be income restricted is that financing for building ADUs is incredibly difficult to do. Without a collaborative approach across program partners, this would severely limit who will build ADUs.
In order to get housing created on the ground, we need incentives, not restrictions.
Do not support deed-restrictions
Allow ADUs and JADUs without restriction
Are we still talking about 1 acre or smaller only? There will still be two standards regardless? On more than 1 acre nothing would hve to be deed restricted?

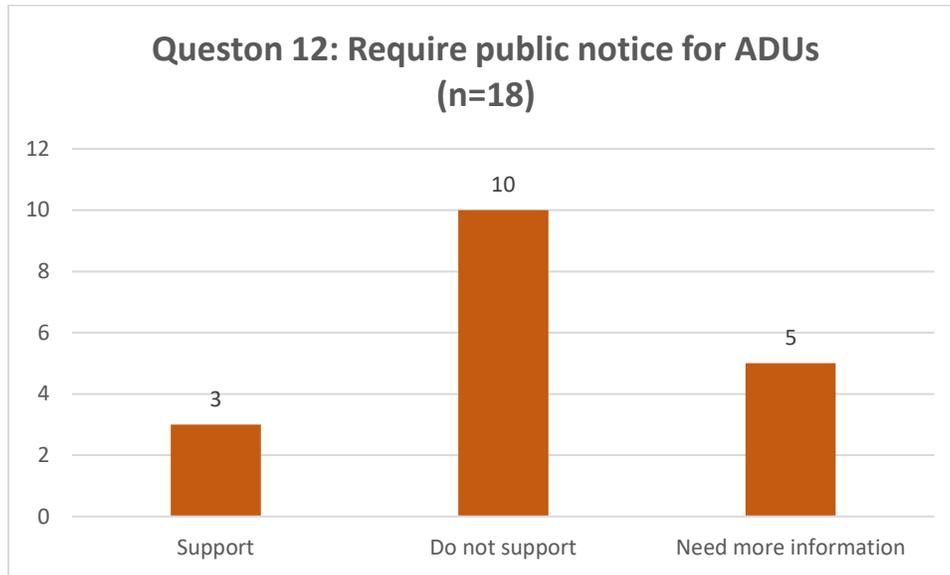
Also need to remove the requirement for public notice for "secondary residence"

I think it would help to define the goals, terms and then walk people thru the choices. Ultimately, I believe that you are wanting tie the loosening of regulation to the assurance of more local workforce units. How can the code then follow that goal?

Noticing

Questions 12 and 13 asked about noticing requirements.

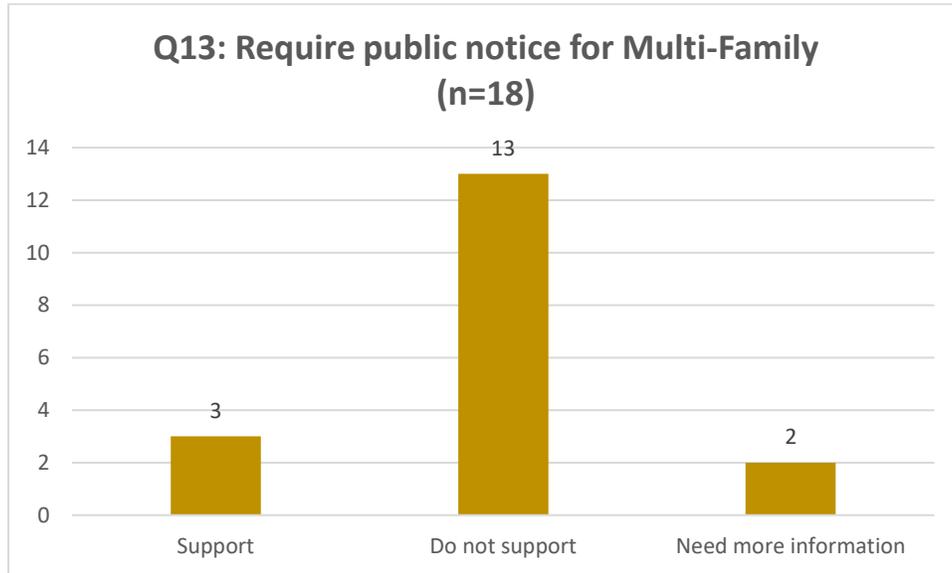
Question 12: Indicate your level of support: When a property owner wishes to build an ADU, they must provide noticing to neighbors within 300 feet of the property (this is the current requirement).



Open-ended responses to "Need more information":

Support public notice if ADU is a "special use" or requires a variance. If ADU is an allowable use and requires no variance then public notice does not need to be required
If the zoning and building codes permit an ADU there should be no notice requirement especially for workforce housing
Maybe just notice the direct neighbors
What are the findings for approval? I think the neighbors should be informed about the project, but if as I would suspect, there is backlash only because a neighbor is opposed to a deed restricted ADU being next door, then I don't want the approval to be affected by that. I.E. are there words like preserving character of the neighborhood or property values in the findings? Which a neighbor may be able to make the case would be affected by a deed restricted ADU.
To provide notice is one thing. What power then does the neighbor have to derail the project? In some way, we need to encourage awareness and sensitivity, but limit the course of action with neighbors within reason. I am sure there are different levels of "harm" that could be claimed by a neighbor within 300 feet. Which ones do we believe are worthy of definition, and then, which ones are significant enough to stop a project?

Question 13: Indicate your level of support: When a property owner wishes to build attached homes in a district zoned multi-family, they must provide noticing to neighbors within 300 feet of the property.



Open-ended responses to “Need more information”:

same as previous answer if zoning is an allowed use then no notice, if special use notice should be required
Sorry to not be so black and white here. However, with Sacramento lifting the zoning requirement of single family homes, they took that burden off the homeowners in this scenario. I think the code needs to support people who want to be part of the solution. I

Question 14: Additional suggestions/comments related to noticing:

Noticing creates a burdensome and subjective process. It is expensive and creates uncertainty for the developer or owner who is proposing the project. It is a bureaucratic process which is slow and unnecessarily drags neighbors into weighing in on a property owners right to utilize their property. The creation of housing should not be at the neighbors discretion.
If a development is clearly within zoning/building codes there should be no notice requirement
Allow consistent with California State Law
Noticing for housing type is in appropriate.
I strongly dislike noticing.
No public noticing is needed if density is allowed, including 25% density bonus for affordable housing

Expanding Eligibility for Bonus Units

Questions 15-17 asked questions related to whether the use of Bonus Units should be expanded.

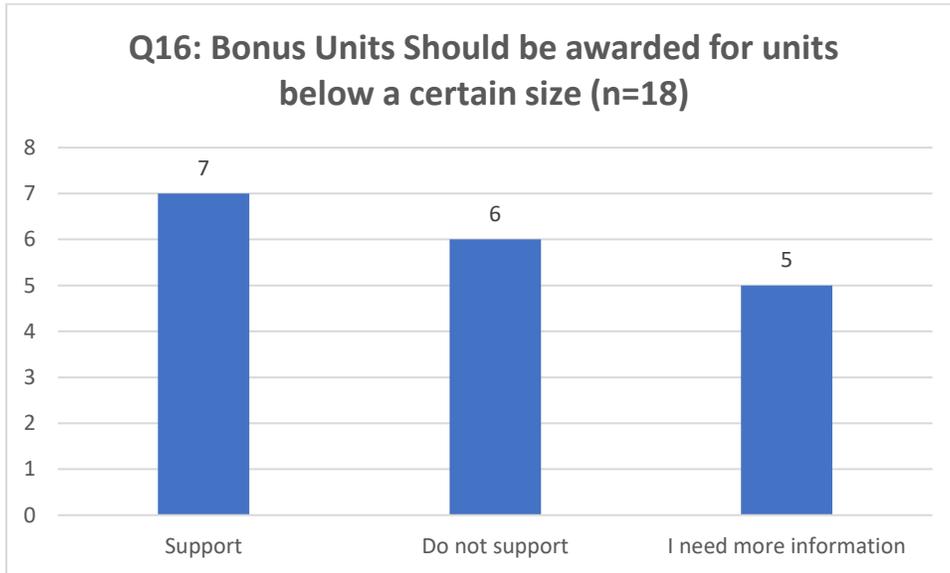
Question 15: Location: In exchange for a workforce or affordability deed-restriction for ADUs/attached multi-family, bonus units should be awarded based on the following location criteria. Check all that you support.

Area for awarding bonus units should stay the same as it is today (unit must be within ½ mile of an existing transit stop).	1
Area for awarding bonus units should be expanded to within ½ mile of a Town Center or an existing or planned transit stop, or in an area zoned for multi-family development.	5
Area for awarding bonus units should be expanded to within ½ mile of a Town Center, an existing or planned transit stop, an existing or planned bicycle path, lane or route, or in an area zoned for multi-family development.	10
I don't know enough about this topic to make a choice.	1
Other or need more information:	6

Open-ended responses to "Other or need more information:"

how about adding car-free households, or participants in car share programs?
There may be areas that are farther away from a town center or transportation that could be a prime location to promote density. It seems that if a property is located further away and there are circumstances that would make it a place for a cluster development, those parcels should still have a path for consideration for bonus units. Many people are more mobile today in alternate forms of transportation (electric scooters/bikes/cars for example) that do not increase VMTs, and with more people working from home there may be areas in the City limits that could provide cluster development with open space without impacting carbon emissions.
There should be no restrictions as to where the ADU is located
If it is restricted to one of the affordability Levels/definitions in the regional plan, then the bonus unit should be available anywhere.
1/2 mile of Town Center, 1/2 mile of existing transit stop, or area zoned for multi-family. Planned transportation might never actually happen at that could create a pretty big loophole - get a project in a plan and 1/2 mile radius around it is all of a sudden eligible.
Remove location requirements for bonus units.
I can't say I understand enough about this topic as it hasn't really come up for discussion at MHC.

Question 16: Size: In order to promote "affordable by design" housing, bonus units should be awarded for units that are below a certain size, even if they are not deed-restricted.



Open-ended responses to "Need more information:"

The unit size should be a variable for bonus housing award. But it should be a range in square footage between 450 to 800 square feet as long as other zoning requirements are met
Sounds good, but would want to know how this would impact ADU construction. Is this trying to solve a problem that won't exist, given the small nature of ADUs?
Smaller units are not necessarily more affordable. Housing needs to be sizable enough for flexibility for the tenant. Some one-household tenants may need a home office. Growing and multi-generational family units also need more bedrooms and space. Some living situations are fluid, such as roommates traveling for work contracts. Creating more housing requires flexibility, and by limiting square footage or requiring deed restrictions that flexibility is removed from the equation when a project is being considered.
not sure imposing size restriction will help achieve desired goals
The cheapest house currently on the market is \$475k, and it's a 3 bd, 1bth, <1100sf house. I like the idea but think it's needs to be paired with better density allowances. For example, the two combined could promote tiny home villages, which I'm in favor of.

Question 17: Additional comments/suggestions regarding assignment of Bonus Units:

The ratios for bonus units should be a consideration. If a project includes some deed restricted units, they should get additional incentives and perhaps a higher ratio of bonus units if they meet certain density requirements.
ADUs less than 1,000 sqft would promote affordability
They really need to be retained for affordable-achievable and workforce

Coverage Incentives

Questions 18-20 related to coverage incentives for ADUs and other types of workforce housing.

Question 18: Additional coverage: In exchange for a deed-restricted bonus unit, TRPA should consider allowing additional coverage above the base allowable for ADUs or attached multi-family units. Check all that you could support:

There should be no changes to coverage above base allowable beyond what is already allowed in the Code of Ordinances.	2
Some additional coverage should be allowed to be transferred in (transferred coverage must be purchased on the open market or otherwise obtained, for instance from a local jurisdiction pool).	8
Some additional coverage above base allowable should be exempt (must pay a water quality mitigation fee but no requirement for transfer).	12
I don't know enough about this topic to make a choice.	1
I need more information or analysis to decide. Here is what I would like to know:	1

Open-ended responses to "I need more information":

I support watershed level approaches to facilitate more ADUs, such as local jurisdictions adding hard coverage dedicated to ADU construction from new land restoration projects

Question 19: Amount of additional coverage allowed: In exchange for a deed-restricted bonus unit, TRPA should consider allowing additional coverage above the base allowable for ADUs or attached multi-family units. Check all that you could support:

There should be no changes to coverage above base allowable beyond what is already allowed in the Code of Ordinances.	2
Up to 50% of a parcel should be allowed to be covered as long as BMPs are compliant.	3
As much coverage as is needed should be allowed, as long as the parcel can accommodate the needed BMPs.	10
As much coverage as is needed should be allowed, as long as the parcel can accommodate the needed BMPs, but the units should be limited to a certain size.	8
I don't know enough about this topic to make a choice.	1
I need more information or analysis to decide. Here is what I would like to know:	2

Open-ended responses to "I need more information:"

Large homes are routinely built in the Basin through payment of excess coverage mitigation fees. These are often in much more sensitive environmental areas that small ADUs will be. A win-win can be achieved by creating new hard coverage through restoration of land in low land capability areas, to be transferred for ADU construction in higher land capability areas. I checked both boxes above because the program should be designed to allow small home ADUs, not second large residential homes, squeezed on to a parcel
Allow up to 10 or 15% of parcel to have increase in coverage for ADUs only. Don't understand the new reference to attached MF units. If a 6,000 SF lot, allow an additional 600 SF of coverage for a detached or attached ADU.

Question 20: Additional suggestions/comments related to coverage incentives for ADUs/attached multi-family:

I agree that additional coverage should be utilized as an incentive, not only for deed restricted units but other housing units. If a developer is willing to create deed restricted units, it could be a consideration that they be except from water quality mitigation fees as well. The argument that coverage creates stormwater runoff and environmental detriment to the lake is not exactly true. There are properties in Tahoe that are 100% covered with building footprint and pavement - some of which have been incorporated into area-wide treatment and mitigation that treats runoff on-site. The current TRPA policy regarding stormwater treatment is counter productive given the built environment. The "parcel by parcel" BMP mitigation has proven to be an unwieldy and unsuccessful model for meeting EIP goals. New and redevelopment could be in an area wide treatment plan, or
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given the nature of the parcel being developed, there might be no negative environmental impacts and often a chance to improve existing drainage on both developed and undeveloped parcels. There are also parcels that are in hydro areas that do not discharge into the Lake Tahoe watershed, but are still required to install BMP's. Limiting overage has become an antiquated system.

Any changes to coverage need to go through a very detailed analysis

ADUs should not be considered attached MF

Density/Distribution of Development

The next-to last question asked about making changes to TRPA's density regulations.

Question 21: We would like to get an initial understanding of your thoughts regarding TRPA's density requirements. Please check all that you could support. The options below assume no changes to TRPA's growth management system.

TRPA should maintain maximum residential density requirements with no increases above what is allowed today.	2
TRPA should increase allowable residential densities in some locations.	10
TRPA should establish minimum residential densities in some areas, instead of maximums.	3
TRPA should remove density requirements in Town Centers and shift to rules that regulate the height, size and mass of buildings.	7
TRPA should remove density requirements in districts zoned for multi-family and shift to rules that regulate the height, size and mass of buildings.	7
TRPA should remove density requirements within the boundary in which parcels are eligible for Bonus Units and shift to rules that regulate the height, size and mass of buildings.	4
TRPA should remove density requirements in Town Centers and districts zoned for multi-family when the local jurisdiction regulates size, mass and other aspects of building design.	7

Request for Resources/Other Suggestions

In the last two questions TRPA asked for suggestions for other ideas and resources.

Question 22: Have you looked into practices to better incentivize mixed-use, infill development, and "missing middle" home types, and if so are there other tools that you recommend the Working Group consider? Please describe.

<p>In California, the legislature passed housing bonus density to allow a development to go above local height restrictions that create more affordable units. This new bonus density rules have complicated in California Coastal communities where the California Coastal Commission has applied the coastal act to deny a project that has been approved by a local jurisdiction. The coastal commission has not made clear how the coastal act can over ride local housing projects where the state legislature has established state policies to encourage building more affordable housing units. The TRPA should create a standard policy that will not conflict with local jurisdiction's need to meet their RHNA requirements while at the same time, allowing a local jurisdiction the flexibility to produce more housing units.</p>
<p>https://www.mas.la/affordable-adus Parking is a big issue for infill development, I also suggest alignment with local/state/federal financing programs. Equal ownership opportunities or unit lot subdivisions (https://static.spokanecity.org/documents/projects/infill-housing-strategies-infill-development/infill-development-open-house-strategies-boards.pdf)</p>
<p>How about making it harder to obtain market-rate residential allocations in areas where the outcome is not mixed-use, infill development with missing middle housing, and easier/cheaper to obtain allocations, coverage and other incentives where it is?</p>
<p>TRPA's plan area statements are each very specific to their geographical area and often eliminate uses that would make sense for redevelopment in neighborhoods. The tourist core areas and town centers are quite limited in geographic size. In order to get mixed use development, the uses in PAS's need to be flexible as getting an amendment for a non-compliant use is a burdensome and expensive process. For examples, some PAS do not allow for non-profit or member organization uses, however it would make sense to allow those entities to operate in those areas, redevelop property, and encourage mixed use and housing elements to be included. Thinking "big picture" - the TRPA's growth management plan does not make sense to encourage the creation of housing. Limiting the number of residential units of use overall has been a hard rule to limit growth, but perhaps it is time to reconsider the policy altogether. There are environmentally friendly ways to develop and redevelop property, and with all of the expense and restrictions surrounding development rights, there are missed opportunities because developers and property owners cannot make projects financially worthwhile.</p>
<p>Up to 4 plex allowed under single family zone; make it easy to convert large single family homes to allow for ADU/JADU, duplex, triplex and 4 plex; permit by right through single permit by local agency for up to a 4 plex on single family zone within currently allowed setbacks, height limits, coverage and parking requirements and with restriction on short term and ski lease rentals.</p>
<p>direct subsidy</p>
<p>I think we need to be careful when we look at any standalone policy. Our system is so complex, we need to be sure that any policy changes work well with other existing policies. Otherwise a different lever can be pulled to prevent new housing.</p>
<p>Parking! So many options. Unbundle parking and rent, parking buyouts, region-wide parking maximums, more required bike parking. Also, inclusionary zoning.</p>

TRPA should consider allowing CA projects to take advantage of ministerial, by-right and streamlining housing laws including eg: SB 35, SB 1818, AB 1763, AB 2345.

Just need to make sure that ADUs are never permitted to be used as short term rentals and allow property owners to develop ADUs as detached or attached units on less than an acre and only deed restricted if a bonus unit is obtained. Thank you!

I very much enjoyed the last presentation on this topic. I know that codes must be standard across a jurisdiction, however I think that if TRPA picked 10 demonstration projects as pilots across the basin and unit type, you could accomplish solutions that fit within each neighborhood, without rewriting all the code. There would be excellent learnings. I know it is not that simple, but I just am having a hard time trying to support code without a vision that makes sense at the neighborhood level.

Question 23: Do you have other thoughts on ADUs/Small Homes and Density, or other resources to recommend?

TRPA should look at other California coastal communities to find how those communities are addressing affordable housing, ADUs and Tiny Homes as a policy that may be applicable in the Tahoe Basin

Recommend that we convene a panel of ADU builders and experts from across the country to investigate the Tahoe landscape, and to make recommendations based on their experiences

I think higher density housing such as condos or apartments in tightly regulated areas close to Town Centers would be more appropriate than ADUs strewn throughout a community.

Incentive programs and loosening of restrictions will help the housing issues. There are some very dilapidated properties in the basin that could be rehabilitated or demolished and rebuilt. If there was a streamlined program for owners and investors to have options for those properties that did not trigger the massive expense to rehabilitate them, they could be converted into housing stock. Another issue that needs to be addressed is the costs for utility hook ups/requirements for remodeling/building. Each PUD/GID has different costs associated with hooking into the system and water flow and size line requirements and ongoing usage and base rates (meters/sub-meters). Similarly, utilities such as Liberty Energy and SW Gas have their own fees. Some owners attempting to improve or develop their properties are required to upgrade lines service and capacity for not only their parcel, but others as well. The utilities should be a part of this conversation as their policies regarding multiple hook ups affect the cost of development.

Consider supporting programs that provide assistance to homeowners that provide workforce ADUs-tenant screening/prop mgmt, etc.

Deed restrictions undermines private property rights and the restrictions that TRPA was created for

Consider by right conversions of vacant nonres into residential regardless where it is located

Focus on what we can do quickly without much controversy that will make a meaningful difference and here are more drastic measures that we might be able to take based on lessons from the immediate actions. Retention tools - make sure we don't lose anything we have. proactively identify neighborhoods that are at risk of becoming unaffordable – kind of like community priority zones in the RTP – areas we want to prioritize for some of the preservation actions.

ADUs should not be counted against allowable density and we still need to increase the density to allow duplexes on 5,000 and 6,000 SF lots