NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, July 9, 2008 at the TRPA Offices, located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

July 2, 2008

[Signature]

John Singlaub
Executive Director
AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. RESOLUTIONS

A. Resolution In Memory of Leo Poppoff

VI. PLANNING MATTERS

A. Report on 2008 MPO Regional Transportation Plan Update


VII. PUBLIC HEARINGS

A. Recommendation to the Governing Board of an Amendment to the Goals and Policies, Land Use Element, Goal #3, Code of Ordinances Chapter 20, Section 20.3 Land Coverage, and Chapter 35, Section 35.2 Bonus Unit Incentive Program, to allow the Subdivision of Existing Units of Use and Provide for Other Matters Related Thereto

VIII. REPORTS

A. Executive Director

B. Legal Counsel
C. APC Members

IX. ADJOURNMENT
REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:40.

Members Present: Mr. Breuch, Mr. Goldberg, Mr. Harris, Ms. Jamin, Mr. Jepsen, Mr. Smith for Ms. Kemper, Ms. Krause, Mr. Kuchnicki, Mr. Lawrence, Mr. Lefevre, Mr. Maurer, Mr. McIntyre, Mr. Plemel, Ms. Merchant, Mr. Kuchnicki for Ms. Sertic, Mr. Tolhurst, Mr. Upton, Mr. Walker

Mr. Mr. Zuckerman arrived at 9:50 a.m.
Ms. Schmidt arrived at 10:00 a.m.

Members Absent: Mr. Riley, Mr. Szczurek

Chairman Tolhurst introduced the new members of the APC, including Mr. Goldberg, representing the California Fire Districts, Mr. Walker representing the Washoe Tribe and Mr. Szczurek, representing the Nevada Fire Districts. This is APC member, Jim Lawrence’s last meeting. His replacement will be appointed by the Nevada Department of Conservation & Natural Resources. The Chairman stated that long-time APC member, Leo Poppoff passed away a few days ago.

II. APPROVAL OF AGENDA

Mr. Jepsen moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

Scott Teach, member of the Friends of Crystal Bay Brockway, stated that their group is working toward keeping the Boulder Bay project, in Crystal Bay from achieving a massive size.

Ann Nichols stated that the citizens of Crystal Bay are very confused about why this project is going after two of their abandoned roads to enhance the internal circulation of their project. Washoe County and Crystal Bay say it is for public safety, however, the conditions of approval give the project 5 years to perform the work.

IV. DISPOSITION OF MINUTES

Mr. Upton moved approval with amendments.
Motion carried.
Mr. Lawrence and Mr. Harris abstained.
V. PUBLIC HEARINGS

A. Recommendation to the Governing Board on:

(1) Certification of the Kings Beach Commercial Core Improvement Project Final Environmental Assessment/Environmental Impact Report/Environmental Impact Statement (EA/EIR/EIS), and
(2) Amendments to the Kings Beach Community Plan, and other matters related thereto; and
(3) Finding of Consistency For the Kings Beach Commercial Core Improvement Project with EIS Recommended Mitigation

Executive Director Singlaub introduced, as part of the presentation, is Jon Paul Harries, who is on contract with TRPA, Peter Kratz, Deputy Director of Placer County Public Works, John Hitchcock and Keith Norberg from TRPA. There are many communities throughout the United States that are struggling to maintain the character and cohesion of their main streets, which have changed from dirt tracks to two-lane to four lane highways. All towns that are about the size of Kings Beach, highways have grown into thorough affairs that have sliced our communities in half. In Kings Beach we have a rare opportunity to regain the communities’ character and to give pedestrians and bike riders’ equal footing on the streets with the automobile. And to also slow down the pace of the main street for the people who live here, and for the tourists that fuel the economy. TRPA, Placer County and Caltrans have come together in a rare opportunity to support that change and break down the paradigm of automobile dominance and highway expansion. Critically needed water quality improvements are included in all the alternatives, but there is much more at stake. If we truly desire our communities to be bike and pedestrian friendly, we need to start here.

Agency Counsel, Joanne Marchetta clarified the procedures by summarizing the actions that is requested by the Commission today. There are three recommendations that are being proposed to the Governing Board. Those three recommendations require eight motions, which are separate but related.

Peter Kratz, Deputy Director Placer County Public Works, stated that this is a paramount project for improving a community in a major way. He gave a presentation on the technical aspects of the proposed Alternative and what they analyzed for this project. The County recommendation based on analysis is the Hybrid Three-Lane Alternative.

Jon Paul Harries presented information supporting the required findings on the Certification of the Final Environmental Impact Statement, the Community Plan Amendments and the proposed project. This is a joint environmental document for a NEPA EA, a CEQA EIR and an EIS under TRPA. This process began in 2002 with the release of the Draft EA/EIR/EIS and continued until today with a recommended project.

Commission Questions & Discussion:
Ms. Jamin asked what actions have been taken by Placer County or is scheduled at this time.

Peter Kratz stated that since the final environmental document was issued last month, a series of four agency approval or consideration has been scheduled. This is the first one and next week they are scheduled to go to the Placer County Planning Commission on June 18th and tentatively going to the TRPA Governing Board on June 25th and tentatively going to the Placer County Board of Supervisors on July 21st. All meeting will be in the North Shore area.

Mr. Harris stated that looking at Alternative 3 the four-lane alternative with the signals and parking, it seems that represents the current condition with the addition of side walks. He asked “Is that essentially correct?”

Peter Kratz stated that yes that is correct with the addition of water quality BMPs, bike lanes, turn pockets at certain intersections and a signal added at the Bear intersection.

Mr. Kuchnicki asked how were the benefits of pedestrian friendly, downtown and the bike lanes factored into the projections for 2028.

Peter Kratz stated that it is difficult to model pedestrian and bicycle growth and how it impacts traffic.

Gordon Shaw, traffic consultant, stated that they had long discussion in their technical meetings trying to project the increase in pedestrian and bicycle activity. They spent sometime looking at the proportion of travel that is through King Beach, rather than within Kings Beach. There is not a good way to evaluate this one way or the other, but there is a benefit in that you can pull people out of their cars and have perhaps less cars on the road. There is also a dis-benefit from the point of view of traffic congestion with more people crossing the street and taking more of the time away from their cars. The assumption is that the EIS did not make any change one way or the other on these factors.

Mr. McIntyre asked if there is information regarding the traversing traffic vs. local traffic.

Gordon Shaw stated that they do have that information and they know what proportion of the traffic at Highway 267 that turns off into some driveway or a side street before it gets into the town.

Mr. Smith stated that with the need to reduce fine particles to improve lake clarity, there has been emphasis placed on BMPs for roads. TMDL science has pointed out roadways as being probably the number one contributor to fine particle load. He asked if there has been any assessment as to the differences in the alternatives on the amount of deicers and abrasives used and the maintenance impacts for the various alternatives.

Peter Kratz stated that we have not. The EIS stated that under all the alternatives the water quality benefits are essentially equal. But with more sidewalk area for landscape improvements there is the opportunity
to remove more hard coverage and soft coverage with the Hybrid Alternative. This would be an enhanced water quality benefit with the Hybrid Alternative.

Public Comment:

Ed Granzow, Kings Beach Business & Citizens Alliance, made a power point presentation supporting the four-lane alternative.

Tom Turner supports the four-lane alternative, but thinks that there are other alternatives and the County should review other alternatives that exist today so we don’t have backed up traffic.

John Bervid supports the four-lane alternative.

David Wilderarder supports the three-lane alternative.

Ellie Waller stated that EIR traffic data is misapplied.

Sue Klier supports the three-lane alternative.

Alex Mourlatos supports the three-lane alternative.

Jackie supports the three-lane alternative.

Larry Dial supports the three-lane alternative.

Kurt Wagner supports the three-lane alternative.

Ken Arnett supports the three-lane alternative.

Megan Schleme supports the three-lane alternative.

Don Starbard supports the four-lane alternative.

Nicole Jerkins, League to Save Lake Tahoe, supports the three-lane alternative.

Jerry Dinges supports the four-lane alternative.

Jeff Richard supports the four-lane alternative.

John Falk, Tahoe Sierra Board of Realtors, stated that he wants to refocus attention on the commercial core improvements project which is so very important for the revitalization of our entire North Shore. We most definitely have seen improvements in areas such as Tahoe City and we hope that we can continue that progress into Kings Beach in an expeditious fashion.

Jim Gardner supports the three-lane alternative.

Rick Papalero supports the three-lane alternative.

Dave McClure supports the four-lane alternative.
Regina Staner supports the three-lane alternative.

Kevin McDermott supports the three-lane alternative.

Vera Besser supports the four-lane alternative.

John Burgman supports the three-lane alternative.

George Koster supports the three-lane alternative.

Carol supports the three-lane alternative.

Sue Daniels supports the four-lane alternative.

Adam Koening supports the three-lane alternative.

Bill Johnson supports the three-lane alternative.

Theresa Duncan supports the three-lane alternative.

Commission Questions & Discussion:

Mr. McIntyre stated that there was a statement made regarding the fact that if the three-lane alternative hybrid were constructed that would disqualify the CEP projects from moving forward. He would like staff response to that statement.

Agency Counsel Joanne Marchetta stated that nothing about approving the three-lane alternative will disqualify any project from being brought forward. There has been some internal discussion about what level of environmental review would be required for those projects. We will take as a baseline, whatever the decision is of the Governing Board, assuming that they make the decision this month. The decision may have an affect on the level of environmental review and that is all.

Mr. Lawrence stated that there was a comment about overriding consideration that the other alternatives are not feasible because they are not consistent with the Kings Beach Community Plan yet what is before us is a motion to amend the Kings Beach Community Plan. Could you state TPRA’s perspective on that?

Agency Counsel Joanne Marchetta stated that is why we are bringing forward the conforming amendment to the Community Plan for both the community plan amendment and the project itself, would be require that finding of overriding consideration. Each recommendation is a predicate for the other and if you decide that this Commission can not make the recommendation to make the overriding consideration finding with respect to the community plan then we can’t move on to consider a three-lane alternative with respect to the project.

Jon Paul Harries stated that Mr. Lawrence is correct. We are on one hand saying we are doing this in part because of what the Community Plan says and we are also saying it requires a change of the Community
Plan. The four-lane configuration change that we are looking at is repeated in a couple areas. What we have identified is that there is a conflict in the Plan. When the Plan was put together, there were objectives that it wanted to achieve. We have now done the work and realize we can't achieve all these objectives in the space that is provided. The four-lane configuration requirement is the only element that we proposed to amend.

Ms. Merchant stated that she heard some data expressed that there are as many as 5,000 pedestrians a day crossing the highway in Kings Beach. She would like clarification on that figure. She also heard that there is desire for more detailed improvement on things that would have improved Alternative 3.

Peter Kratz stated that he respectively disagrees with those statements as all the alternatives were equally evaluated.

Jon Paul Harries stated that regarding pedestrian numbers and according to the traffic studies, in general the data indicates that pedestrian crossing at State Route 28 are highest at Bear Street with 144 pedestrians and 1 cyclist in the peak observed summer hour.

The Advisory Planning Commission then took the following actions on Items 1 through 3:

(1) Recommend Certification of the Final EIS: Motions and vote to recommend that the Governing Board certify the EIS:

I. (a) A motion to recommend the Governing Board make the Compact Article VII (d) findings for the Final EIS.

Mr. Upton moved approval to recommend the Governing Board make the Compact Article VII (d) findings for the Final EIS.

Motion carried unanimously.

I. (b) A motion to recommend the Governing Board certify the Final Environmental Impact Statement for the Kings Beach Commercial Core Improvement Project.

Mr. Upton moved approval to recommend the Governing Board certify the Final Environmental Impact Statement for the Kings Beach Commercial Core Improvement Project.

Motion carried unanimously.

(2) Amendments to the Kings Beach Community Plan, and other matters related thereto

II. (a) Finding of Overriding Consideration:

Mr. Upton moved approval Finding of Overriding Consideration: A motion based on this staff summary and the complete administrative record to
recommend the Governing Board make the following finding for the significant and unavoidable impacts identified in 1 through 4 below:

“Specific considerations such as economic, social or technical make infeasible the mitigation measure or project alternatives discussed in the environmental impact statement on the project.”

1. Degradation of roadway Level of Service (LOS) below applicable standards.
2. Degradation of intersection Levels of Service below applicable standards.
3. An increase in average daily traffic on residential streets.

Motion carried unanimously.

II. (b) A motion, with regard to the Kings Beach Community Plan, Placer County, California, recommending the Governing Board make the Chapter 6, Chapter 13, and EIS findings, and a Finding of No Significant Effect for all potential impacts, except certain traffic impacts considered in the previous motion.

Mr. Upton moved approval, with regard to the Kings Beach Community Plan, Placer County, California, recommending the Governing Board make the Chapter 6, Chapter 13, and EIS findings, and a Finding of No Significant Effect for all potential impacts, except certain traffic impacts considered in the previous motion.

Motion carried unanimously.

II. (c) A motion to recommend the Governing Board adopt the Kings Beach Community Plan amendments.

Mr. Upton moved approval to recommend the Governing Board adopt the Kings Beach Community Plan amendments.

Motion carried unanimously.

(3) Finding of Consistency for the Kings Beach Commercial Core Improvement Project with EIS Recommended Mitigation.

III. (a) A motion, based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment A are consistent with the EIS.

Mr. Upton moved approval based on this staff summary and the complete administrative record, recommending that the findings set forth in Attachment A are consistent with the EIS.

Motion carried unanimously.

III. (b) Finding of Overriding Consideration
Mr. Upton moved approval based on this staff summary and the complete administrative record, recommending that a finding that changes or alterations have been made that avoid or reduce the significant adverse environmental effects for all potential impacts except the following:

1. Degradation of roadway Level of Service (LOS) below applicable standards.
2. Degradation of intersection LOS below applicable standards.
3. An increase in average daily traffic on residential streets.

For these impacts, based on this staff summary and the complete administrative record, the APC recommends that the Governing Board find that specific social, technical or economic considerations make the mitigation measures or project alternatives discussed in the FEIS infeasible.

Motion carried unanimously.

III. (c) A motion, based on this staff summary and complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

Mr. Upton moved approval based on this staff summary and complete administrative record, recommending that the project, subject to the attached Draft Permit, is consistent with the EIS.

Motion carried unanimously.

Chairman Tolhurst took note of the specific concerns of APC members and will present them at the next Governing Board.

VI. REPORTS

A. Executive Director

Executive Director Singlaub gave the Executive Director’s report.

B. Legal Counsel

No report.

C. APC Members

Mr. Lawrence stated that it has been a pleasure being a part of this Commission and working with each member, and he also appreciates the quality of work and professional dedication of staff.

VII. ADJOURNMENT
Chairman Mr. Tolhurst adjourned the meeting at 3:15 p.m.

Respectfully submitted,

Judy Nikkel  
Clerk to the Board

The above meeting was taped in its entirety.Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 589-5277. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
To:       TMPO Governing Board
From:    Transportation Staff
Date:    July 1, 2008
Subject: Report on 2008 MPO Regional Transportation Plan Update Presentation

**Requested Action:** No action is required, informational only. Staff will provide an overview of the proposed document, and provide a more detailed presentation on some of the new concepts being considered. A copy of the plan will be available on the TRPA website on July 8th, 2008.

**Staff Recommendation:** Transportation staff recommends the APC review the staff summary, and consider the presentation and provide an opportunity to the APC and the public to comment.

**Required Motion:** No motion is required.

**Background:** A Regional Transportation Plan (RTP) is required to be prepared every four years by TMPO to satisfy federal requirements, and TRPA acting as the Regional Transportation Planning Agency (RTPA) in California. In addition, under the Compact TRPA is required to prepare a regional transportation plan; but the TRPA plan is not part of the update. The proposed RTP Update has been developed under the public participation and technical efforts of the Pathway process, and will represent only the TMPO and TRPA acting as the RTPA in California RTP requirements at this time. Later through the Regional Plan Update process a TRPA Transportation Plan will be developed that will fully integrate with the new TRPA Regional Plan. The TMPO and RTPA plan will be amended as necessary to be consistent. The recommendations and policies contained in the TMPO/RTPA RTP will not modify TRPA regulatory documents and tools (Goals and Policies, Code of Ordinances, PAS, Etc.) at this time.

Periodic updates on the RTP Update were presented to the TMPO in October and March. Transportation staff started the process of developing the 2008 RTP Update in June 2007. Since that June 2007 meeting, the following sections of the RTP has been reviewed and discussed by the Tahoe Transportation Commission (TTC).

- Introduction and Trend Analysis
- Strategies/Actions
- Financial
- Travel Forecasts
Conformity-Environmental

The following summary has been prepared to provide an overview of the proposed 2008 RTP elements. Upon receiving feedback from the TMPO Governing Board staff is looking to initiate a required 30-day public comment period on July 8, 2008, and will bring back a Draft for TMPO/TRPA Governing Board to review in July, with a final document presented for adoption by TMPO and TRPA Governing Boards in August.

Public Participation-Consultation

Early in 2005, the process to update the TRPA Regional Plan was initiated through a series of Place-Based Planning Workshops and the Pathway Forum. Through this process a transportation vision summary were developed. In addition, to the Pathway Process, TRPA staff hosted two transportation roundtable public forums to solicit public input on the Draft RTP.

Introduction and Trend Analysis: TMPO estimates indicate that approximately 7,662 year-round residents have left the Tahoe Region since the 2000 Census Survey. A wide variety of resources suggests that a significant shift in residential home prices starting in 2001 have resulted in many year-round residents to “cash out” the equity invested in their homes to buy in other locations. Coupled with decreases in school enrollment, gaming employment, visitor overnight occupancies and other indexes have resulted in a dramatic shift in traffic volumes with August 2005 traffic volumes decreasing by 14.6 percent from the reported highest volumes in 1986.

Goals and Policies: In addition to the Safe, Accountable, Flexible, Efficient, Transportation Equity Act (SAFETEA-LU) planning factors, the goals and policies of the 2008 RTP Update must also address the requirements of the Compact (Public Law 96-551). These Goals include policies to enhance the following:

- Pedestrian and Transit-Oriented Development
- Economic Vitality
- Pedestrian/Bicycle Friendly
- Parking
- Transportation Demand Management
- ITS
- Mass Transit
- Regional Roadways
- Inter-Intra Regional Transportation
- Transit-Dependent Groups
- Airport
- Regional Revenue

Strategies-Actions: Strategy Development-Actions for the 2008 RTP Update is guided largely by SAFTEA-LU requirements for developing both short-range and long-range strategies. The 2008 RTP Update has identified six projects that in many cases have undergone significant review in terms of preliminary planning, public review, environmental documentation, preliminary design, and programmed funding. The 2008 RTP Update intends to prioritize the following projects for actual achievement during the planning period:

- U.S. 50 Bicycle & Pedestrian Improvement Project.
- U.S. 50 Stateline Corridor Project
- Fanny Bridge- State Route 89 Realignment
- S.R 28 – King Beach Commercial Core Improvement Project
- Tahoe City Transit Center
- Lake Tahoe Waterborne
Financial: The issue of funding continues to be a crucial factor in the provision of transportation services in the Tahoe Region and has often proven to be the single greatest determinant of success or failure. In order to develop a reasonable range of funding revenues two revenue forecasts were developed. Under the Baseline Revenue Forecast the Lake Tahoe Region would have an estimated $1,530,670,546 over the 23 year forecast period with $362,007,317 estimated for the next five-year period (2008-2012). Under the Expanded Program Forecast, an estimated $1,766,733,722 would be available over the 23 year forecast period with $403,454,128 available over the next five-year period (2008-2012).

As a result of SAFETEA-LU (Title 23 CFR Part 450.322(f)(10)(iv), costs estimates for future transportation projects must use “year of expenditure dollars” rather than “constant dollars” to better reflect the time-based value of money. After cost estimates are prepared for the RTP strategies-actions, the costs need to be expressed in year of expenditure dollars. Using year of expenditure cost estimates, a deficit of $30,106,123 and $23,736,511 was estimated to occur between 2008-2017 forecast periods, under the Baseline Revenue Forecast. However, over the full course of the funding years (2008-2030) a total of $46,462,235 would be available. Under the Expanded Revenue Forecast no funding deficit was estimated to occur over the 2008-2030 forecast period.

Travel Forecasts: With new travel survey data now available, Transportation staff with support assistance from PBConsult, has started the process of building a new TransCAD tour-based model that reflects resident, seasonal resident and visitor travel behavior in the Lake Tahoe Region. In order to assemble the growth assumptions for population and land use patterns, TRPA staff has utilized the information received from the ongoing discussions on the TRPA Regional Plan Update to formulate future forecast. Using these growth assumptions, which includes significant growth in surrounding drive up markets, Vehicle Miles Travelled (VMT) and Vehicle Hours Travelled (VHT) were modeled for the 2012, 2017, 2022 and 2030 forecast time periods with 2030 VMT and VHT expected to increase by 15.31 and 16.27 percent respectively over the 2005 Base year estimate. If strategies are not implemented to reduce these increases.

Conformity-Environmental: As the Metropolitan Planning Organization (MPO) for Tahoe Region, the Tahoe Metropolitan Planning Organization (TMPO) is required pursuant to Section 176 (c)(4) of the 1990 federal Clean Air Act Amendments (CAA) to conduct a determination of conformity of the 2008 Regional Transportation Plan (RTP) with the State Implementation Plans (SIP’s). As a result of TMPO analysis using on-road mobile source emissions estimates produced with the EPA approved EMFAC2007 (v. 2.30 November 6, 2006) emission inventory, the TMPO found that the non-exempt projects did not exceed the CO budget in either Placer or El Dorado Counties for the life of this plan. For this reason, the TMPO stipulates that the 2008 RTP is consistent with the California and Nevada SIP for air quality and is in full compliance with the Conformity requirements of the Clean Air Act. As part of the Conformity-Environmental Section Transportation staff analyzed the potential effect the list of RTP Strategies Action could have on global warming which is consistent with the goals of California’s Global Warming Solutions Act (AB32), which specifies that the state must reduce greenhouse gas emissions to 1990 levels by 2020.

In addition to the above Air Quality Conformity Analysis Transportation staff prepared an Initial Environmental Checklist (IEC) to disclose initial environmental concerns under TRPA requirements, and a Negative Declaration under California Environmental Quality Act (CEQA) with each making a finding of no significant effect. The 2008 RTP contains individual projects that, when subsequently implemented, will use federal funds or will
require federal approval. Any such individual projects will undergo environmental evaluation by the appropriate lead agency at the time projects are initiated.

If you have questions concerning this particular agenda item or desire a copy of the plan please contact Keith Norberg at (775) 589-5289 or knorberg@trpa.org.
MEMORANDUM

To: TRPA Advisory Planning Commission
From: TRPA Staff
Date: July 1, 2008
Subject: Environmental Improvement Program Update

Requested Action: This is an informational presentation regarding the status of the Environmental Improvement Program Update. No formal action is requested at this time.

Staff Recommendation: This item is intended as an informational item only.

Project Description/Background: The Environmental Improvement Program (EIP) is a strategy to achieve the environmental goals for the Lake Tahoe Basin. The first draft of the EIP was prepared in conjunction with the 1997 Lake Tahoe Presidential Forum. The EIP strategy builds on the capital improvement approaches that have been underway within the Region for almost 20 years. This strategy is designed to accomplish, maintain or exceed multiple environmental goals and develop a more integrated, proactive approach to environmental management. Key to this strategy is reliance upon partnerships with all sectors of the community, including the private sector, local, state and federal government.

The goals of the EIP update are to identify (1) the new 10-year funding target, (2) achieve improved strategic funding and implementation alignment among all partners, (3) establish a program management approach to EIP implementation and accomplishment reporting and to the extent possible, and, (4) link EIP management actions and accomplishments closer to the environmental thresholds through the development of conceptual models. A complete list of Focus Areas, Sub-Programs and Action Priorities is attached (Attachment A) to this memo and represents the proposed organization of the EIP and those areas where future capital funding will be focused over the next ten years of the EIP.

An ongoing challenge facing the EIP, and other restoration programs across the county, is the need to show more direct relationships between restoration activities and their effect on threshold indicators. Funding scientific studies is important in order to correlate effectiveness to implementation and generate information that will help to prioritize projects. Models, such as the TMDL, represent important tools that can guide the planning and implementation of restoration activities to ensure projects are achieving maximum efficiency while stretching limited restoration dollars.
Last summer’s Federal Event marked the 10-year anniversary of the Environmental Improvement Program. Since 1997 significant progress has been made by all partners, public and private, by investing $1.1 billion in threshold related capital EIP projects. Another $48 million has been spent on science projects aimed at helping to inform policy choices by increasing knowledge related to environmental thresholds and $15.5 million for technical assistance. A 10-year EIP Accomplishment Report was completed for last year’s Federal Event and copies are still available.

This year’s Federal Event is scheduled for August 16th and will be hosted by Senator Diane Feinstein and among the topics to be discussed will be the EIP, the reauthorization of the Lake Tahoe Restoration Act and the continued commitment of funding necessary for the next ten years at a total amount of almost of $2.5 billion. The table below breaks this cost out by Focus Area:

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watershed Focus Area</td>
<td>$1,477    Million</td>
<td>(60%)</td>
</tr>
<tr>
<td>Forest Health Focus Area</td>
<td>$178    Million</td>
<td>(7%)</td>
</tr>
<tr>
<td>Air Quality &amp; Transportation Focus Area</td>
<td>$265    Million</td>
<td>(11%)</td>
</tr>
<tr>
<td>Recreation &amp; Scenic Focus Area</td>
<td>$290    Million</td>
<td>(12%)</td>
</tr>
<tr>
<td>Operations &amp; Maint.</td>
<td>$131    Million</td>
<td>(5%)</td>
</tr>
<tr>
<td>Science &amp; Monitoring</td>
<td>$91    Million</td>
<td>(4%)</td>
</tr>
<tr>
<td>Technical Assistance</td>
<td>$25    Million</td>
<td>(1%)</td>
</tr>
<tr>
<td>Public Education &amp; Outreach</td>
<td>$2    Million</td>
<td>(0.1%)</td>
</tr>
<tr>
<td>Annual Oversight, Coord. &amp; Reporting</td>
<td>$17    Million</td>
<td>(1%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2.476 Billion</strong></td>
<td></td>
</tr>
</tbody>
</table>

Of this total amount, anticipated revenues have been identified for the next ten years total of $670.6 million for capital projects and $20 million for operations & maintenance projects.

The current unfunded need identified for EIP capital projects over the next ten years is:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>$512 Million</td>
<td>(33%)</td>
</tr>
<tr>
<td>California</td>
<td>$507 Million</td>
<td>(33%)</td>
</tr>
<tr>
<td>Nevada</td>
<td>$100 Million</td>
<td>(6%)</td>
</tr>
<tr>
<td>Local</td>
<td>$119 Million</td>
<td>(8%)</td>
</tr>
<tr>
<td>Private</td>
<td>$302 Million</td>
<td>(20%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1.54 Billion</strong></td>
<td></td>
</tr>
</tbody>
</table>

Please note that the costs for O&M, Science & Monitoring, Technical Assistance, Public Outreach & Education, and Annual Oversight, Coordination & Reporting have not been detailed to allow for sector break out at this time. However, it is expected that the local jurisdictions will be taking on a larger percentage of the O&M costs, specifically related to the stormwater management and transportation sub-programs.

These estimates were developed under the direction of the Tahoe Interagency Executive (TIE) Steering-Committee, which consists of executives from TRPA, US Forest Service LTBMU, California Tahoe Conservancy, Nevada Division of State Lands and local government. The larger Tahoe Interagency Executive Committee has also been engaged during the process and staff from numerous EIP partner agencies served on the EIP Strategic Planning Group (SPG) which prepared the initial cost estimates. The full TIE met on June 20th to provide final comments on the 10-year cost estimates and to
discuss the August Federal Event and is scheduled to meet again on July 30th to further prepare for the August Federal Event. Attachment B is a draft copy of the 4-page Draft 4-page summary of the proposed 2008-2018 EIP for the August Event.

As part of the March Governing Board workshop regarding emerging issues with the Regional Plan Update, staff presented the three key items below in the development of the EIP Update and the Regional Plan:

1. **Relationship Between EIP and the Regional Plan:** The EIP will be incorporated into the Regional Plan as an implementation strategy to address continuing environmental harms of the past that need to be corrected in order to achieve threshold attainment. The EIP is being reorganized in an approach that creates Focus Areas, Sub-Programs and Action Priorities to provide a direct link to resource management activities, Regional Plan Elements, Threshold Goals and Compact Requirements.

2. **Local Regional Revenue:** Establishing a local regional revenue source to fund the local share of EIP is the biggest issue facing future EIP implementation.

3. **Climate Change:** Accounting for the effects of climate change in developing projects and securing funds for EIP projects will be a component of the EIP.

Further information on each of these is provided below under the Issues/Concerns section of this memo.

The EIP Strategic Planning Group (SPG) will meet on July 18th to further discuss the next steps for the EIP Update and to answer the on-going questions regarding the next steps in finalizing the EIP Update. The SPG completed a lot of work regarding the sub-program development and determining the funding needs. TRPA Staff preceded to finalize the finance plan and are currently doing a technical edit. The associated targets goals of what is to be accomplished in the next 10-years were developed based on the assumptions in determining the funding needs by the SPG and are in line with the expected funding requests over the next ten years for each action priority (Not for each implementer, project, etc.) Staff will continue to work with the SPG to finalize the EIP Update documents that have not been completed, such as: the final content of the sub-programs; input on drafting the request for proposals for work on creating more threshold related Accomplishment Units and completing the "Working Together" Chapter; and, the level of information needed from implementers concerning the five year lists and how to report annual accomplishments.

**Issues/Concerns:**

1. **Relationship of EIP and Regional Plan:** Although the 1997 EIP was not adopted as part of the original 1987 Regional Plan, it was incorporated into the plan in 1997. The EIP Update is proposed to be adopted and incorporated into the Regional Plan in 2009. The updated EIP is centered on six focus areas which are: Restoring Watershed and Habitats, Improving Forest Health, Improving Air Quality and Transportation, Enhancing Recreation and Scenic Resources, Science and Reporting and conducting Public Education and Outreach. Subprograms and action priorities will provide strategic goals within these focus areas such as treating runoff from local city and county roads and treating hazardous fuels within the wildland urban interface.
Summary of Reason(s): The EIP accomplishments are needed to correct the development harms of the past, prior to the adoption of thresholds. Incorporation into the Plan should not be considered mitigation for any future development; rather the EIP Update is necessary to address past harms with continuing present effects that are preventing threshold gains and attainment. The EIP is one of several Regional Plan strategies geared toward more aggressively correcting past adverse environmental effects that are preventing threshold attainment.

The 1997 EIP listed more than 700 projects with budgets and implementation schedules organized by threshold areas. This approach required a 10-year prediction of all projects and costs that needed to occur in order to make substantial progress toward threshold attainment. Over time, many project descriptions have changed as a result of new information and evolving economic conditions. Project schedules deviated substantially for these reasons.

The reorganization of the EIP into Focus Areas, Sub-programs and Action Priorities more accurately reflects the resource management activities undertaken by our EIP partners, provides a more direct link between potential funding sources and projects and allows for greater detail in reporting financial investments and environmental accomplishments.

2. Secure Local Regional Revenue for Capital Projects and Long-Term Operations and Maintenance: The updated Draft EIP Finance Plan makes recommendations for generating local revenue from a variety of sources. Concern exists that the next 10-year state and federal EIP commitments may be difficult to secure without a guaranteed source of local funding.

Summary of Reason(s): A significant gap in the 1987 Regional Plan was the absence of sufficient measures to remediate the ongoing adverse effects of past environmental mistakes. The extent of improvements needed to make the gains necessary to attain thresholds as a result of these past policies or lack thereof cannot be achieved by project-level regulation and case-by-case enforcement alone. Needed improvements to correct the effects of past environmental harms are unlikely to be achieved without a relatively secure funding source to pay for needed capital improvements and protections like those initiated during the first 10 years of the EIP. In today’s challenged fiscal environment at every level of public governance, establishing a local public funding source is a significant impediment. Without local commitments to participate in EIP implementation, state and local funding may be put at risk.

The draft EIP finance plan currently under final review includes recommendations for generating local revenue from a variety of sources. A 2006 TRPA poll of residents in El Dorado and Placer County living outside the Tahoe Basin indicated support for implementing a fee to fund water quality and transportation related improvements within the Tahoe Basin, administered as local stormwater assessment districts, sales taxes, or other means. Many jurisdictions across the country have implemented stormwater assessment fees to generate revenue for watershed management activities. These jurisdictions have acted in response to more stringent federal Clean Water Act storm water control requirements; the same requirements will become effective in the Tahoe Basin as a result of the
TMDL once finalized. Regional Plan amendments are being proposed that will put local jurisdictions in a position to be in or close to compliance once these more stringent stormwater requirements come into effect.

3. Incorporate Climate Change Effects and Funding into EIP: We propose to link EIP projects to climate change effects to the maximum extent in order to leverage new sources of funds that may be available for this purpose but may also have a direct relationship to needed EIP projects. Both for global and local reasons, climate change will be addressed in the EIP update. Recent studies indicate that warming trends could have dire consequences on attaining thresholds for Lake Tahoe.

Summary of Reason(s): Goals and Policies are being developed for inclusion in the Regional Plan that relate to climate change – both reducing the load of carbon emissions in the Region and reducing the adverse effects of climate related changes. There are two primary considerations relevant to the EIP in regard to global climate change. First, it is important to consider the latest scientific information pertaining to the effects of climate change on resource management activities such as rising snow levels and changes to hydrology. The EIP recognizes that such considerations should be considered when planning and designing EIP projects so that their effectiveness is maintained over time in a changing hydrologic regime.

Second, the EIP will consider how implementing EIP projects may address concerns related to climate change such as the reduction in global greenhouse gases from transit programs or wood stove retrofits. Implementing EIP projects results in benefits beyond those directly tied to the environmental threshold carrying capacities. More and more funding is being made available for climate change related projects. Highlighting these benefits is another way to stress the importance of the EIP and may assist in securing funding from revenue sources that may require a project to have a nexus to global climate change.

Should you have any questions please feel free to contact Paul Nielsen at (775) 588-5249 or pnielsen@trpa.org.

Attachment A: List of EIP Update Focus Areas, Sub-programs, and Action Priorities. Attachment B: Draft 4-page proposed Summary of the 2008-2018 EIP.
EIP Focus Area, Sub-programs and Action Priorities

Improving Forest Health Focus Area

Forest Health & Fuels Management Sub-program
- Improving Vegetation Conditions Action Priority
- Treating Hazardous Fuels on Public & Private Urban Lots Action Priority
- Treating Hazardous Fuels in the Wildland Urban Interface Action Priority
- Reducing Fire Threat within the General Forest Action Priority
- Treating Biomass from Forest Fuels Reduction Action Priority

Achieving Air Quality and Transportation Focus Area

Air Quality & Transportation Sub-program
- Improving Air Quality Action Priority
- Improving Bicycle and Pedestrian Connections Action Priority
- Developing Complete Street
- Increasing Transit Level of Service Action Priority

Restoring Watersheds and Habitat Focus Area

Stormwater Management Sub-program
- Reducing Stormwater from Local Roads Action Priority
- Reducing Stormwater from State Highways Action Priority
- Retrofitting Public and Private Facilities Action Priority
- Reducing Stormwater from Forest Roads Action Priority

Watershed Management Sub-program
- Restoring the Upper Truckee Watershed Action Priority
- Restoring California Priority Watersheds Action Priority
- Restoring Nevada Priority Watersheds Action Priority
- Acquiring Environmentally Sensitive Lands

Threatened, Endangered, and Sensitive Species Sub-program
- Implementing the Tahoe Yellow Cress Recovery Plan Action Priority
- Restoring Lahontan Cutthroat Trout Action Priority
- Protecting Other Sensitive Species Action Priority

Habitat and Vegetation Improvement Sub-program
- Enhancing Fish and Wildlife Habitat Action Priority
- Controlling Invasive Terrestrial Species Action Priority
- Controlling Invasive Aquatic Species Action Priority

Enhancing Recreation and Scenic Experiences Focus Area

Recreation Sub-program
- Improving Lake Access Action Priority
Developing a Comprehensive Trail System Action Priority
Improving Day Use and Overnight Recreation Facilities Action Priority
Improving Educational and Interpretive Programs and Facilities Action Priority
Expanding of Local Parks and Recreation Facilities Action Priority

Scenic Sub-program
- Improving the Scenic Quality of Roadway Units Action Priority
- Improving the Scenic Quality of Shorezone Units Action Priority

Science and Reporting Focus Area
Science Sub-program
- Monitoring Action Priority
- Research Action Priority
- Data Distribution, Data Management, and Data Synthesis Action Priority

Oversight and Reporting Sub-program
- Annual Oversight, Coordination, and Reporting Action Priority

Technical Assistance

Public Outreach & Education Focus Area
School Education – K-12, College Level Sub-program
- Increase Environmental Educational Opportunities with EIP Partners and Academic Institutions Action Priority

Community Outreach and Publications Sub-program
- Increase Environmental Stewardship of Tahoe Visitors and Residents Action Priority
- Increase Defensible Space and BMP compliance through Community Outreach Action Priority
The Lake Tahoe Basin’s extraordinary mountain beauty is a national treasure.

The Lake is one of the largest and deepest in the world and the startling clarity of the water has drawn people to its shores for centuries. Over the last 50 years, our enjoyment of this special place has caused changes in the ecosystem. The Lake’s clarity hit an all-time low in 1997, but over the last seven years, an encouraging trend has emerged that shows clarity loss is slowing.

More than 50 public and private organizations joined together 10 years ago to restore and protect Lake Tahoe. Now we’re taking the restoration effort to the next level. Here’s a summary of the outlook for the Environmental Improvement Program from 2008 to 2018.
The 1997 Lake Tahoe Presidential Forum was a turning point in Tahoe’s history. The event inspired renewed commitment to restore the Lake’s ecosystem and spurred the creation of the Environmental Improvement Program (EIP). Over the last 10 years, $1.1 billion has been invested by the US Congress, the California and Nevada legislatures, local governments, and the private sector to implement the EIP. Nearly 50 partners are collaborating in an unprecedented manner on the EIP, which helps leverage scarce resources and delivers more return on funds invested in Lake Tahoe’s conservation. Progress to date proves that public-private partnerships work at Lake Tahoe. Now we need to ensure another 10 years of continued commitment.

The next 10-year phase of the EIP will require approximately $2.5 billion in funding to continue critical restoration projects. Approximately $700 million is already in the pipeline from commitments made by EIP partners leaving a funding gap of $1.8 billion for capital projects, science, monitoring, technical assistance, program administration, public education and operations and maintenance.

**EIP Accomplishments Over the Last Decade**

- Developed a conservation plan for Lake Tahoe that rivals some of the largest collaborative restoration initiatives in the United States.
- Constructed approximately 266 EIP capital projects and hundreds more are in the planning stages.

**Science and Monitoring:**
- Funded $48 million in research/monitoring and nearly $15.5 million in technical assistance to EIP partners.
- Established the Tahoe Science Consortium to better inform agency decision making.

**Watersheds, Habitat and Water Quality:**
- Acquired more than 3,064 acres of sensitive land and improved more than 13,000 acres for wildlife habitat.
- Restored more than 739 acres of wetlands.
- Treated storm water runoff from 26 miles of state highways.

**Forest Health:**
- Treated 21,293 acres to achieve ecosystem restoration and/or forest fuel reduction goals.
- Completed the “Fuels Reduction & Forest Restoration Plan for the Lake Tahoe Basin Wildland Urban Interface” including Community Wildfire Protection Plans which qualifies Lake Tahoe to receive funding authorized under the Healthy Forests Restoration Act.

**Air Quality and Transportation:**
- Constructed or rehabilitated 20 transit facilities and increased transit ridership to 1.5 million passengers annually.
- Replaced 18 vehicles in the public transit fleet with clean-burning vehicles.

**Recreation and Scenic:**
- Constructed or rehabilitated 82 public facilities to increase accessibility and the quality of the recreational experience.
- Constructed or planned 127 miles of new multi-purpose trails.

“Since 2001, we have had seven years in which Lake clarity has consistently been better than the long term trend would have predicted. This is unprecedented.”

- Geoffrey Schladow, Director of the Tahoe Environmental Research Center, UC Davis.
Goals for the Next 10 Years At-a-Glance

Restoring Watersheds, Habitat and Water Quality
- 245 acres stream environment zone enhanced or restored
- 45 invasive species sites treated
- 188 miles of roadways retrofitted with water quality improvements
- 350 acres wildlife habitat improved/protected.

Improving Forest Health
- 67,241 acres treated for forest fuel reduction and ecosystem restoration
- 2,500 public lots and 7,000 private parcels treated for forest fuels reduction and defensible space clearing
- 1,500 acres of aspen stands enhanced.

Achieving Air Quality and Transportation Goals
- 45 miles of trails constructed
- 18 facilities constructed or rehabilitated to increase transit ridership
- Road sanding reductions and improvements
- Waterborne transit system implemented.

Enhancing Recreation and Scenic Experiences
- 60 recreation facilities rehabilitated or constructed
- 20 miles of overhead utilities under-grounded
- 600 projects meeting scenic quality standards along shoreline and scenic highways.

Conducting Public Education and Outreach
- Support all EIP goals with 15 educational programs developed and implemented which result in behavior and stewardship improvements.

Using Science and Monitoring
- Refine and implement monitoring and evaluation programs to report on the status of environmental conditions and determine the effectiveness of EIP restoration projects
- Support applied research to test causal relationships and quantitatively describe underlying ecosystem processes
- Improve data management to utilize web-based systems, develop and adopt standard operating procedures for seamless data analysis and public reporting.
The next phase of the EIP will be science-based and will use an adaptive management approach in order to reflect evolving environmental conditions such as climate change. The Tahoe Regional Planning Agency’s Regional Plan update and EIP projects will be designed to take climate change effects into consideration.

The future looks bright for Lake Tahoe. Recent science indicates that Lake clarity can be achieved with sustained investment and the ability to prioritize projects for the greatest environmental good with the resources available. New findings released by researchers show an unprecedented slowing in the decline of Lake clarity, which means our efforts are paying off for Lake Tahoe. The Environmental Improvement Program has a proven track record of getting environmental restoration projects on the ground. Keeping the program moving forward is the key to reaching our goals to conserve and restore this spectacular place for future generations.

The Environmental Improvement Program allows us to be part of something larger than ourselves—the conservation of an irreplaceable icon.

Partnerships make the EIP possible. From the federal government to the states of California and Nevada, to local governments and the private sector, it takes all of us doing our part to conserve Lake Tahoe.

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Printed on Recycled Paper
June 2008
MEMORANDUM

Date: July 2, 2008

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Recommendation to the Governing Board of an Amendment to the Goals and Policies, Land Use Element, Goal #3, Code of Ordinances Chapter 20, Section 20.3 Land Coverage, and Chapter 35, Section 35.2 Bonus Unit Incentive Program, to allow the Subdivision of Existing Units of Use and Provide for Other Matters Related Thereto.

Requested Action: Staff/Applicant requests an APC recommendation to the Governing Board on the proposed TRPA Code of Ordinances (Code) amendments and findings of no significant environmental effect.

Staff Recommendation: Staff recommends that the APC recommend that the Governing Board make the required findings and approve the proposed TRPA Code of Ordinances amendments for Chapter 2 Definitions, Chapter 20, section 20.3.B(3), and Chapter 35, section 35.2.F as described in the proposed Ordinance (Attachment B).

Required Motion(s): The APC motion to recommend approval of the proposed Code amendments includes the recommendation that the Governing Board make the following motions, based on this staff summary and the evidence in the record:

1) A motion to approve the required findings (Attachment A), including a finding of no significant effect; and
2) A motion to approve the proposed Ordinance amending the TRPA Code of Ordinances (Attachment B).

Project Description/Background: The applicant proposes three Code amendments to facilitate the development of affordable and moderate income housing in the Basin.

First, the applicant proposes to amend the Code’s Chapter 2 definitions to include a definition for Multi-Residential Facilities. Multi-residential facilities will be defined as residential uses of 5 or more units, with 2 or more units per structure, that meet the criteria for transit oriented development (TOD) set forth in Code Section 13.7.D(3)(a)-(e) or the functional equivalent as defined in Section 13.7.D(4). This definition captures the intended form of multi residential facilities as attached residential units that meet TOD criteria.
Second, the applicant proposes to amend Code Section 20.3.B(3), which currently allows up to 50% coverage for multi-family residential facilities of 5 units or greater, but does not permit subdivision of these facilities into fewer than 5 units. The amendment would allow the subdivision of multi-residential facilities receiving substituted units into four or fewer units, provided they are deed-restricted to affordable or moderate income housing. This change would increase the potential for development of for-sale moderate and affordable residential units.

Third, the applicant proposes to amend Code Section 35.2.F, which currently limits the transfer of existing residential units of use, for which bonus units have been substituted, to multiple family dwelling and multi-person dwelling projects that shall not be subdivided. The amendment would allow the transfer of substituted units to multi-residential facilities and allow the subdivision of multi-residential facilities receiving substituted bonus units. Bonus unit substitution is currently provided as an incentive to developers to rehabilitate existing housing units or to convert tourist accommodation units to residential units. However, the applicant and housing development stakeholders contend that the current inability to subdivide the substituted units of use, once transferred, does not provide an adequate incentive. It is intended that by allowing the subdivision of substituted units, once transferred to new multi-residential facilities, TRPA will increase the financial incentive for developers to rehabilitate and deed-restrict existing residential units of use to moderate or affordable income housing. At the same time, the amendment, as proposed, would ensure that these substituted units are used only for the creation of multi-residential and affordable or moderate income housing.

Issues/Concerns: Issues and Concerns regarding the proposed amendments were identified and addressed in the Environmental Assessment (EA)(Attachment C). The major issue identified related to consistency with TRPA’s regulations as set forth in the Code to promote and protect affordable and moderate income housing. Staff and the EA consultant have determined, however, that the proposed amendments are consistent with the intent of TRPA’s Ordinances and will further promote the development of affordable and moderate income housing. Other non-environmental issues and concerns identified in the EA were addressed with the applicant and supporting staff prior to presentation to the APC.

To maintain consistency with the Water Quality Management Plan for the Lake Tahoe Basin (208 plan) and maintain the original intentions of the subdivision Ordinances contained within the Code of Ordinances, the definition of multi-residential facilities was added to Chapter 2. The definition captures the intended form of multi-residential facilities as attached residential units that meet TOD criteria. The original intent of the provision to allow up to 50% land coverage for multi-residential facilities in Community Plans was to allow for concentration of development in these areas. Generally this was thought to be apartment townhouse developments not detached single-family dwellings. The proposed Code amendments will further promote this policy by allowing attached TOD units to receive up to 50% coverage.

Regional Plan Compliance: The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all

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1 Attachments A&B of the Environmental Assessment are not included in the APC packet due to length. These documents are available upon request and will also be available at the APC meeting.
required findings in Chapters 6 of the TRPA Code of Ordinances (see attachment A for details).

If you have any questions, please contact Neil Crescenti, Assistant Branch Chief for Planning and Evaluation at ncrescenti@trpa.org or (775) 589-5216.

Attachments:
- Required Findings/Rationale (Attachment A)
- Draft Ordinance and Findings (Attachment B)
  - Proposed Amendments (Exhibit 1)
- Environmental Assessment for Affordable Housing Code Amendments (Attachment C)
Required Findings / Rationale

Required Findings: The following findings must be made prior to adopting the proposed amendment to TRPA Code of Ordinances Chapter 2:

A. Chapter 6 Findings:

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

   Rationale: The proposed amendment to add the definition of multi-residential facilities will not adversely affect implementation of the Regional Plan. The proposal maintains consistency with both the Goals and Policies and Code of Ordinances including chapters 2, 13, 18, 41 and 43.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

   Rationale: The proposed amendment to define multi-residential facilities will not adversely affect implementation of the Regional Plan. The proposal defines multi-residential facilities that are intended to create compact pedestrian and transit oriented residential facilities located within close proximity to urban centers. Such facilities are intended to reduce negative environmental impacts associated auto-oriented development patterns such as increased coverage and emissions from increased vehicle miles traveled (VMT).

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

   Rationale: Amendment to Chapter 2 of the TRPA Code of Ordinances to define multi-residential facilities will not substantially impact local air and water quality standards, because it does not increase the development potential above and beyond today’s Regional Plan and is consistent with the Water Quality Management Plan for the Lake Tahoe Basin (208 plan)

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   Rationale: See Findings 1, 2 and 3 above.
5. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See Findings 1, 2 and 3 above.

**Required Findings:** The following findings must be made prior to adopting the proposed amendment to **TRPA Code, subparagraph 20.3.B(3):**

A. **Chapter 6 Findings:**

1. **Finding:** The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

**Rationale:** The proposed amendment to allow subdivision of residential projects utilizing the 50% coverage incentive found in Code section 20.3.B (3), will not adversely affect implementation of the Regional Plan. The proposal maintains consistency with both the Goals and Policies and TRPA Code of Ordinances including chapters 20, 21, 41 and 43.

2. **Finding:** That the project will not cause the environmental thresholds to be exceeded.

**Rationale:** The proposed amendment to allow subdivision of projects utilizing the 50% coverage incentive found in Code section 20.3.B (3) will not adversely affect implementation of the Regional Plan. The proposal will incentivise the provision of for sale affordable or moderate rate income housing. Under today’s regulations these parcels could be developed at 50% coverage, but only as rental stock. Therefore, the proposed amendment would not significantly impact the amount of potential coverage on these parcels.

3. **Finding:** Wherever Federal, State and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

**Rationale:** Amendment to Code section 20.3(B) will not substantially impact local air and water quality standards, because it does not increase the development potential above and beyond today’s Regional Plan and is consistent with the Water Quality Management Plan for the Lake Tahoe Basin (208 plan). Rather, the proposed amendment provides increased incentives for the development of for-sale affordable and moderate income housing.
4. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

**Rationale:** See Findings 1, 2 and 3 above.

5. **Finding:** The Regional Plan, as amended, achieves and maintains the thresholds.

**Rationale:** See Findings 1, 2 and 3 above.

**Required Findings:** The following findings must be made prior to adopting the proposed amendment to **TRPA Code Section 35.2.F:**

A. **Chapter 6 Findings:**

1. **Finding:** The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

**Rationale:** The proposed amendment modifies condition number 4 of section 35.2.F, which states that projects receiving existing development rights that were substituted with bonus units, shall only be transferred to multiple family dwelling or multi-person dwellings and shall not be subdivided at any time. The amendment would modify the provision to allow the substituted units to be transferred only to multi-residential facilities and to allow the units, once transferred, to be subdivided. The amendment does not conflict with either the Goals and Policies, or chapters 35, 41, 43 of the Code of Ordinance.

2. **Finding:** That the project will not cause the environmental thresholds to be exceeded.

**Rationale:** The proposed amendment to allow removal of condition 4 of section 35.2.F to allow subdivision of units, does not cause any environmental thresholds to be exceeded. The amendment would not increase the development potential of the Tahoe Region, but rather would change potential ownership patterns of future development.

3. **Finding:** Wherever Federal, State and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.
Rationale: Amendment to Code section 35.2.F will not substantially impact local air and water quality standards, because it does not increase the development potential above and beyond today's Regional Plan. Rather, the proposed amendment provides opportunities for different types of ownership of residential units.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See Findings 1, 2 and 3 above.

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

Rationale: See Findings 1, 2 and 3 above.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendments. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings shown above.
DRAFT
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2008-__

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE CODE OF ORDINANCES OF THE TAHOE REGIONAL PLANNING AGENCY TO AMEND CHAPTER 2 DEFINITIONS, SECTION 2.2, CHAPTER 20, SECTION 20.3.B (3) TOURIST ACCOMMODATION FACILITIES, MULTI-RESIDENTIAL FACILITIES (FIVE OR MORE UNITS), PUBLIC SERVICE FACILITIES, AND RECREATION FACILITIES WITHIN COMMUNITY PLANS AND CHAPTER 35, SECTION 35.2.F BONUS UNIT SUBSTITUTION AND OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00  Findings

1.10  It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which Ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances Chapter 2, section 2.2 and Chapter 20, section 20.3.B (3) and Chapter 35, section 35.2.F, in order to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20  These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30  The Advisory Planning Commission (APC) has conducted a public hearing on the amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.

1.40  The Governing Board finds that, prior to the adoption of this Ordinance, the Board made the findings required by Chapter 6 of the Code, and Article V(g) of the Compact.

1.50  The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental Threshold carrying capacities as required by Article V(c) of the Compact.

NC/sb
Each of the foregoing findings is supported by substantial evidence in the record.

Amendment of Code of Ordinance Chapter 2, section 2.2, Chapter 20, section 20.3.B(3) and Chapter 35, section 35.2.F.

Subsection 6.60, of Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, dated July 2, 2008, which attachments are attached hereto and incorporated herein.

Interpretation and Severability

The provisions of this Ordinance and the amendment of the TRPA Code of Ordinances Chapter 2, Chapter 20, section 20.3.B(3) and Chapter 35, section 35.2.F, adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and the amendment to the TRPA Code of Ordinances Chapter 2, Chapter 20, section 20.3.B(3) and Chapter 35, section 35.2.F shall not be affected thereby. For this purpose, the provisions of this Ordinance and its amendments are hereby declared respectively severable.

Effective Date

The provisions of this Ordinance amending Code of Ordinance Chapter 2, Chapter 20, section 20.3.B(3) and Chapter 35, section 35.2.F shall be effective immediately.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held July 23, 2008 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Mara Bresnick, Chairman
Tahoe Regional Planning Agency

NC/sb
EXHIBIT 1
Proposed Amendments to the TRPA Code of Ordinances

Proposed Amendments include defining multi-residential facilities in Chapter 2, amending existing language in Chapter 20, section 20.3.B(3) and Chapter 35, section 35.2.F of the Code of Ordinances.

The proposed language changes are shown with deletions shown as “strike-out” text and additions are shown as “bold and underline” text.

Code of Ordinance Chapter 2: Definitions

**Multi-Residential Facilities: Residential uses of 5 or more units, with 2 or more units per structure, that meet the Transit Oriented Development standards set forth in Subparagraph 13.7.D(3)(a)-(e) or the functional equivalent as defined in Subparagraph 13.7.D(4).**

Chapter 20 Land Coverage

20.3.B(3) Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities and recreation facilities is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. Residential Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

Chapter 35 Bonus Unit Incentive Program

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.E on a unit for unit basis, provided that the following conditions are met:

1. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
2. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;

NC/sb
(3) A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA’s affordable or moderate income housing definition and will be so maintained; and

(4) The existing units of use not used in the project area are only transferable to multiple family dwelling or multi-person dwelling projects multi-residential facilities. Projects receiving existing development rights in this manner shall not be subdivided at any time.
Environmental Assessment
for
TRPA Affordable Housing Code Amendment

Prepared for
Tahoe Regional Planning Agency
Stateline, Nevada

June 23, 2008
INTRODUCTION

Lake Tahoe Basin housing development stakeholders (e.g., Lake Tahoe Development Company, LLC) propose to amend the TRPA Code of Ordinances to allow for the construction and subdivision of multi-residential housing units that are located within community plan boundaries and constructed with up to 50 percent land coverage. At present, the Code of Ordinances allows for use of up to 50 percent land coverage and the subdivision of multi-residential units, but requires at least 5 housing units per parcel, both before and after the subdivision occurs. This means that projects of fewer than 5 units cannot qualify for the 50 percent land coverage maximum. It also means projects that qualify for 50 percent land coverage cannot be subdivided into fewer than 5 units per parcel, so individual housing units cannot be subdivided and sold to their residents. In order to permit subdivision into fewer than 5 units per parcel, the stakeholders are proposing that the multi-residential facilities would have to qualify as affordable or moderate income housing (as defined by TRPA Chapter 2), meet transit oriented development (TOD) standards (pursuant to the new definition proposed for Chapter 2), and be maintained as affordable or moderate income housing in perpetuity.

NEED FOR THE PROJECT

Conflicts with Current Code of Ordinances

The proposed project’s conflicts with the current Code of Ordinance are described below.

TRPA Code of Ordinances Subsection 20.3.B(3): Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities Within Community Plans…

Under TRPA Code Subsection 20.3.B(3), multi-residential facilities are eligible for maximum land coverage of 50 percent of the project area, provided the parcel is located within a community plan. Multi-residential facilities constructed under this section may be subdivided into parcels of 5 or more residential units. If the property is to be subdivided into parcels of 4 residential units or less, however, the project is not eligible for the maximum 50 percent coverage. Instead, the maximum land coverage would be limited to that permissible under Code Subsection 20.3.A or 20.3.B(1), whichever is greater, but in no event more than 30 percent of the project area.

The proposed project seeks to amend the Code of Ordinances to eliminate the provision in Code Subsection 20.3.B(3) which renders subdivisions into parcels of 4 units or less ineligible for 50 percent land coverage. TRPA’s goal in adding this language was to prevent circumvention of the more restrictive land coverage limitations in Subsections 20.3.A and 20.3.B(1) in order to develop large single family estates. As currently written, this provision prevents the development of separate ownership of smaller scale multi-residential facilities that have been constructed with the additional coverage permitted under Subsection 20.3.B(3). These facilities can provide needed affordable or
moderate-income housing, but according to Basin housing development stakeholders who typically operate without subsidies or land donations, are more feasible to develop if they can be subdivided and sold as individual units.

At 30 percent maximum land coverage (assuming Class 7 land capability), each multi-residential unit would be allowed up to 871 square feet of land coverage at maximum allowable housing densities of 15 units per acre. However, assuming a two-story structure, a typical 1,000 square foot, two bedroom, one bathroom residential unit would require approximately 1,075 square feet of land coverage as estimated in Table 1. Therefore, to achieve the maximum multi-residential densities allowed for in the Basin’s Community Plans and using the current Code of Ordinances (e.g., 15 units per acre), a parcel would need to be larger than 0.333 acres and would need to permit up to 50 percent land coverage. Some sites may provide optimum vehicular access from nearby roadways. However, to provide adequate parking, driveways and a garage or covered parking space, the minimum land coverage assumptions shown in the Table 1 example would likely be required. Some sites might require longer driveways and would further increase the minimum land coverage needs. Some sites might allow for three-story construction that could reduce land coverage needs. However, typical affordable or moderate income residential construction would not include three stories because of construction cost considerations.

Table 1. Estimated Minimum Land Coverage Needs for a Typical Multi-Residential Dwelling Unit (e.g., Four-Plex)

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Assumption</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>1,000 square foot 2 story residential unit</td>
<td>500</td>
</tr>
<tr>
<td>Garage/Covered Parking Space</td>
<td>1 covered parking spot</td>
<td>250</td>
</tr>
<tr>
<td>Deck/Landing</td>
<td>1 deck and entry way per unit</td>
<td>125</td>
</tr>
<tr>
<td>Driveway</td>
<td>Shared access to garage/covered parking space</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>suitable for one parking space</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>1,075</strong></td>
</tr>
</tbody>
</table>

TRPA Code of Ordinances Subsection 35.2.F: Bonus Unit Substitution

Under TRPA Code Subsection 35.2.F, bonus units may be assigned for existing residential units of use in a project area on a unit for unit basis, subject to certain conditions. Pursuant to Subsection (4), the existing units for which bonus units have been substituted are only transferable to multiple family dwelling or multi-person dwelling projects. Further, as currently written, Code Subsection 35.2.F states that projects receiving the existing units of use in this manner may not be subdivided at any time. The Basin housing development stakeholders also seek to amend Code Subsection 35.2.F(4) to allow subdivision of projects that receive the substituted existing units of use. These substituted units of use would not have to be deeded as affordable or moderate income housing. As a result, this proposed Code Amendment would allow for the development of market rate multi-residential units that are transferred from existing residential units of use where those existing units are converted to deed restricted affordable or moderate income units.
TRPA Code of Ordinances Chapters 41: Permissible Subdivisions and 43: Subdivision Standards

These Code Chapters were also reviewed for consistency with the project objectives and no amendments are required.

Applicable Definitions/Subsections from the TRPA Code of Ordinances

Chapter 2

Affordable Housing: Residential housing, deed restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development. For multi-person dwellings, the affordable housing determination shall be made using each resident’s income and not the collective income of the dwelling.

Bonus Unit: An additional residential or tourist accommodation unit obtained pursuant to Chapter 35.

Moderate Income Housing: Residential housing, deed restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county’s median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development.

Multi-Residential: Residential development at a greater density than one unit per parcel.

Subdivision: A subdivision is the act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include but are not limited to divisions of real property, improved or unimproved, for the purpose of use, sale, lease or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots or parcels.
Chapter 13

13.7.D(3): If the amendment is to add multiple-family as a permissible use to a plan area or for one or more parcels, except as provided for in (5) below, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors, or a functional equivalent as provided for in (4) below, are satisfied when determining TOD suitability:

(a) The area must have access to operational transit within a 10 minute walk; and

(b) Neighborhood services within a 10 minute walk, (e.g., grocery/drug stores, medical services, retail stores, and laundry facilities); and

(c) Good pedestrian and bike connections; and

(d) Opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses; and

(e) Adequate public facilities, (e.g., public schools, urban or developed recreation sites, government services, and post offices).

Chapter 18

Multiple Family Dwelling: More than one residential unit located on a parcel. Multiple family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a fourplex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in Chapter 2. One detached secondary residence is included under secondary residence.

Multi-Person Dwelling: A building designed primarily for permanent occupancy by individuals unrelated by blood, marriage or adoption in other than single family dwelling units or transient dwelling units. A multi-person dwelling includes, but is not limited to, facilities such as dormitories and boarding houses, but not such facilities as hotels, motels and apartment houses.

PROPOSED CODE OF ORDINANCE AMENDMENTS

The following changes are proposed to the TRPA Code of Ordinances to meet the project objectives outlined above. Code deletions are shown as “strike-out” text and additions are shown as “bold and underline” text.
Chapter 2

The following definition shall be added to Code of Ordinances Section 2.2.

Multi-Residential Facilities: Residential uses of 5 units or more per project area that meet TOD standards as set forth in Subsection 13.7.D.3.

Chapter 20

20.3.B(3) Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities and recreation facilities is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum permitted under this subparagraph unless a deed restriction is approved by TRPA and recorded with the local jurisdiction to ensure that the subdivided units meet TRPA’s affordable or moderate income housing definition and will be so maintained.

Chapter 35

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.E on a unit for unit basis, provided that the following conditions are met:

1. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
2. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
3. A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA’s affordable or moderate income housing definition and will be so maintained; and
4. The existing units of use not used in the project area are only transferable to multiple family dwelling or multi-person dwelling projects. Projects receiving existing development rights in this manner shall not be subdivided at any time.
ENVIRONMENTAL IMPACTS OF NO ACTION

No Action would maintain the status quo associated with potential development of affordable or moderate income housing in the Lake Tahoe Basin. Under the No Action alternative, there would be no Code of Ordinance amendments to remove restrictions on the maximum allowable land coverage and subdivision requirements for affordable or moderate income multi-residential housing. As such, it is assumed that affordable income housing projects will continue to be mostly constructed as large scale projects (5 or more units) for rent by student, senior or special need groups, and as mitigation for housing impacts from other “market rate” development actions.

Under the No Action alternative, it is assumed that smaller multi-residential parcels (e.g., under 0.333 acres in size) would not be used for affordable or moderate income housing because they would not qualify for a maximum of 50 percent land coverage. For example, pursuant to Code Subsection 20.3.B(3), these parcels would not qualify for 50 percent land coverage because they are not large enough to accommodate 5 or more housing units. As such, under the No Action alternative, it is assumed that only parcels 0.333 acres or larger would be developed for affordable or moderate income housing. This assumption is supported by the trends shown in Table 2 – a majority of bonus units have been assigned to projects of more than 5 units. For analysis purposes, it is assumed that up to 716 additional affordable and moderate income housing units could be developed under the No Action alternative using maximum allowable land coverage limits. However, based on past trends, it is unlikely that this many units would be constructed because under today’s Code of Ordinances, the units could not be subdivided and sold to individual resident-owners. Therefore, for the purposes of this assessment, it is assumed that the No Action alternative would create the same number of affordable and moderate income housing units assigned since the adoption of the Regional Plan (448 units).

Table 2. TRPA Assigned Bonus Units

<table>
<thead>
<tr>
<th>County</th>
<th>PAS</th>
<th>PAS Name</th>
<th>Assigned Affordable Bonus Units Detail</th>
<th>Assigned Bonus Units</th>
<th>Bonus Units Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washoe</td>
<td>37</td>
<td>LAKEVIEW</td>
<td>4 BU to APN 127-022-02 GB 4/94</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Washoe</td>
<td>044</td>
<td>FAIRWAY</td>
<td>2 BU to APN 125-461-01(900893) 8/12/90</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Washoe</td>
<td>045</td>
<td>INCLINE V.</td>
<td>6 BU to Lodgepole Villas APN 124-231-14 (931081 and 960429) GB</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Washoe</td>
<td>046</td>
<td>INCLINE V.</td>
<td>2 BU to APN 124-041-031 8/96</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Washoe</td>
<td>048</td>
<td>TOUR COM PLAN</td>
<td>3 BU to APN 130-050-04 (960249) 9/96</td>
<td>104</td>
<td>91</td>
</tr>
<tr>
<td>County</td>
<td>PAS</td>
<td>PAS Name</td>
<td>Assigned Affordable Bonus Units Detail</td>
<td>Assigned Bonus Units</td>
<td>Bonus Units Used</td>
</tr>
<tr>
<td>--------</td>
<td>-----</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Douglas</td>
<td>076</td>
<td>KINGSBURY COM PLAN</td>
<td>040-08 (980950) GB 3/94 only 21 used (staff summary 5/99); 16 BU to Country Club Villas APN 130-170-20/21 (930937)</td>
<td>63</td>
<td>63</td>
</tr>
<tr>
<td>El Dorado</td>
<td>093</td>
<td>BIJOU</td>
<td>27 BU to APN 25-241-06 (911592) Tahoe Pines Affordable Housing Project 7/28/93; 2 BU to APN 27-202-06 (930339) 5/26/93; 2 BU to APN 27-202-11 (93033)</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>El Dorado</td>
<td>105</td>
<td>SIERRA TRACT</td>
<td>1 BU assigned as part of a Bonus Unit Substitution Project, 1064 Marjorie APN 031-094-24</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>El Dorado</td>
<td>110</td>
<td>SOUTH Y</td>
<td>45 BU to Tahoe Senior Plaza APN 023-375-003 (980083) 4/22/98</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>El Dorado</td>
<td>112</td>
<td>Gardner</td>
<td>Accessible Space Housing Project for Persons with Disabilities, 18 BU</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>El Dorado</td>
<td>114</td>
<td>BONANZA</td>
<td>26 BU to Evergreen Tahoe Apartments, APN 032-211-06, 1432 Melba Drive</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>El Dorado</td>
<td></td>
<td>City of SLT</td>
<td>17 Bonus Units assigned to deed restricted affordable housing through illegal unit conversion program (see CSLT &quot;closed illegal units&quot; table for assignments)</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Washoe</td>
<td></td>
<td>INCLINE V.</td>
<td>8 units permitted (affordable) 10-03-06</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Placer</td>
<td>009B</td>
<td>Dollar Hill</td>
<td>Highlands Village Project April 2006 GB, 78 Affordable Senior Units 10-10-06 APN 093-160-38, 69, 67, 70</td>
<td>78</td>
<td>78</td>
</tr>
<tr>
<td>El Dorado</td>
<td>94 (#2)</td>
<td>City of SLT</td>
<td>Tahoe Senior Lodge 32 Affordable Senior and 1 moderate unit*; GB 2-27-08; APN 025-510-02</td>
<td>32</td>
<td>32</td>
</tr>
</tbody>
</table>

**Sub-Total** | **446** | **433** |

**Moderate Income Bonus Units**

| El Dorado | City of SLT | One moderate income unit assigned | 1 | 1 |
| El Dorado | 94 (#2) | City of SLT | Tahoe Senior Lodge 1 moderate unit; GB 2-27-08; APN 025-510-02 | 1 | 1 |

**Sub-Total** | **2** | **2**

**Total** | **448** | **435**
ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

This section addresses potential environmental impacts of the proposed amendments to the TRPA Code of Ordinances and compares them to the No Action Alternative, which would include no amendments. Estimates of environmental and social variables are provided for the proposed amendments. Potential impacts of the proposed Code amendments would result from the potential development of affordable and moderate income residential units above and beyond what would likely be constructed under the existing Code of Ordinances. The Code Amendments are anticipated to increase the rate of affordable housing development by: 1) allowing the subdivision of affordable and moderate income housing units into parcels of 4 or less units within Community Plan boundaries; and 2) allowing units of use transferred from existing multi-residential parcels to be subdivided at the receiving multi-residential project site. Neither of these changes increases the number of residential housing units that could be built by themselves, but provide greater incentives to developers to develop affordable and moderate income housing.

Impacts associated with the development of affordable and moderate income housing have been previously analyzed by TRPA for housing that would utilize bonus units under TRPA’s existing allocation system. Other housing built as a result of the proposed Code Amendments would be constructed using market rate units of use. Impacts associated with the subdivision of transferred units of use are not considered to be significant because there are no measurable differences in the impacts of multi-residential “renters” versus multi-residential “home owners”.

A discussion of the potential impacts of the Proposed Action and a copy of the Initial Environmental Checklist follow.

Estimates of Environmental Variables for the Alternatives

On the basis of estimated development levels associated with the proposed affordable housing Code amendments, resultant changes in several environmental variables can be estimated. The estimated environmental effects use a set of resource-based assumptions that TRPA staff developed for the Interim Allocations EA, October 2006.

Table 3 compares the number of affordable and moderate income housing units that may be built in the Lake Tahoe Basin with and without the proposed Code amendments. To ensure a worst-case comparison, the analysis assumes that residential allocations needed to construct the multi-residential units would be available (e.g., that bonus units will be available for each affordable or moderate income housing unit proposed) and that available parcels would be used for affordable and moderate income units. Following the estimate of potential development levels, the analysis presents values for several environmental indicators for both the proposed action and no action, and compares them
to the baseline condition. The assumptions upon which these estimates are made are given in notes following the table. The data in the table were used to develop the effects discussion documented in subsequent sections.

Table 3. Estimated Development and Environmental Effects That Could Result from the No Action and Proposed Action

<table>
<thead>
<tr>
<th>Estimated Development</th>
<th>2006 Baseline</th>
<th>No Action</th>
<th>Proposed Action</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Units¹</td>
<td>44,187</td>
<td>448²</td>
<td>716³</td>
<td>+268</td>
</tr>
<tr>
<td>Environmental Impacts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basin Population⁴</td>
<td>110,066</td>
<td>1,073</td>
<td>1,725</td>
<td>+652</td>
</tr>
<tr>
<td>Air Quality –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Miles Traveled</td>
<td>1,575,090</td>
<td>17,920</td>
<td>28,640</td>
<td>+10,720</td>
</tr>
<tr>
<td>AQ Mitigation Fees</td>
<td>--</td>
<td>$1,460,480</td>
<td>$2,334,160</td>
<td>+$873,680</td>
</tr>
<tr>
<td>Soil Coverage</td>
<td>6,989 ac.</td>
<td>15.43 ac.</td>
<td>24.66 ac.</td>
<td>+9.23 ac.</td>
</tr>
<tr>
<td>Water Quality Mitigation Fees</td>
<td>--</td>
<td>$1,249,920</td>
<td>$2,397,168</td>
<td>+$1,147,248</td>
</tr>
<tr>
<td>Vegetation –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total trees removed</td>
<td>1,248,467⁵</td>
<td>1,848</td>
<td>2,954</td>
<td>+1,106</td>
</tr>
<tr>
<td>Between 6-30”</td>
<td>1,792</td>
<td>2,864</td>
<td>+1,072</td>
<td></td>
</tr>
<tr>
<td>Greater than 30”</td>
<td>56</td>
<td>90</td>
<td>+34</td>
<td></td>
</tr>
<tr>
<td>Vegetation cover removed</td>
<td>6,989 ac.</td>
<td>15.43 ac.</td>
<td>24.66 ac.</td>
<td>+9.23 ac.</td>
</tr>
<tr>
<td>Wildlife – Woody debris removed (tons)</td>
<td>--</td>
<td>112</td>
<td>179</td>
<td>+67</td>
</tr>
</tbody>
</table>

Table Notes:
1 2006 Baseline number is taken from the Interim Allocations EA (October 2006) and includes all residential unit types. Estimates provided for the No Action and Proposed Action alternatives only include multi-residential units located within Community Plan boundaries, as these unit types are the subject of the proposed Regional Plan amendments.
2 The number of possible No Action units are estimated based on the number of affordable and moderate income housing assigned since adoption of the 1987 Regional Plan (Table 2).
3 The number of possible Proposed Action units are estimated based on Community Plan parcels zoned for multi-residential uses that are greater than 0.333 acres in size and suitable for multi-residential development. The No Action alternative assumes that these parcels would be used for multi-residential purposes and developed at maximum allowable densities. The list of parcels used to calculate the estimate are included in Attachment A, “Housing Market Analysis and Site Evaluation,” M.E. Shay & Company, May 2008
4 2006 Baseline number includes residential and tourist population during the high summer season.
5 Includes all trees greater than 6” dbh

Assumptions for Environmental Impacts:

Population
The population estimates were derived by applying the following factors:
- Douglas County 2.3 people/Allocation
- Washoe County 2.3 people/Allocation
- El Dorado County 2.5 people/Allocation
- Placer County 2.4 people/Allocation

Air Quality
- Vehicle Miles Traveled. The factors for the calculation of VMT per allocation is as follows:
  - Residential 40 VMT/Allocation
- Air Quality Mitigation Fee. The AQ mitigation fee is based on vehicle trip ends. A fee of $326 per trip end for residential is assessed. It was assumed that there are 10 trip ends per residential allocation.

Soil and SEZ
The amount of land coverage was estimated by allocation based on the following ratios:
  Multi-Residential 1,500ft²/Allocation

**Water Quality**
The WQ Mitigation Fee is $1.86 per square foot

**Vegetation**
The following factors were used for estimating tree removal:
  - 6-30” dbh
    - Multi-Residential 4 trees /Allocation
  - >30” dbh
    - Multi-Residential 0.125 trees /Allocation

The amount of vegetative cover removed was estimated by allocation based on the following ratios:
  Multi-Residential 1,500ft²/Allocation

**Wildlife**
The following factors were used for estimating tons of woody debris removed:
  Multi-Residential 0.25 tons /Allocation

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**Land Impacts**

**Chapter 20 Amendment**
The proposed Chapter 20 Code amendment may increase land coverage for affordable and moderate income housing by allowing 50 percent land coverage to smaller parcels and by encouraging the development of more affordable and moderate income housing that can be subdivided and sold to individual owners. Multi-residential housing projects must comply with land coverage limits. The proposed Chapter 20 Code amendment would allow for additional land coverage (increasing the maximum allowable coverage from 30% to up to 50%) for affordable or moderate income multi-residential housing projects (located in Community Plan boundaries) that could not be constructed using the base allowable land coverage. The Chapter 20 Code Amendment would make additional land coverage concessions previously provided only for “rental” units also available for “for sale” subdivided units. As a result, approximately 9.23 more acres (402,000 square feet) of land could be covered as a result of the incentives that would be provided to housing developers under the Proposed Action (see Table 3).

The spatial distribution of potential multi-residential housing units is similar under both alternatives. However, as shown in the numbers below, the percentage of additional units by County would be greater in California under Proposed Action. Both El Dorado and Placer Counties would see an increase in the percentage of the total multi-residential housing units constructed under the Proposed Action.
If additional land coverage is awarded (up to 50% land coverage on Class 4 through 7 lands) for affordable or moderate multi-residential housing located within community plan boundaries, land coverage transfer would be required to offset the effects of the additional coverage transferred to the project site. The land coverage transfer would be consistent with Chapter 20 (Subsection 20.3.C) of the TRPA Code of Ordinances. The land coverage transfer required by the Code would offset the effects of the additional land coverage used to provide the maximum multi-residential housing densities (e.g., up to 15 units per acre) included in Basin Community Plans.

Chapter 35 Amendment
The proposed Chapter 35 Code amendment would not affect the amount of Basin land coverage because there would be no difference between “for rent” and “for sale” units in terms of land coverage.

Population and Housing Impacts

Chapter 20 Amendment
The potential increase in multi-residential units constructed as a result of the proposed Chapter 20 Code amendment is approximately 268. This is a small number of units compared to the existing development in the Basin (approximately 44,000 units), and based on available land, would be spread out amongst the numerous Community Plan areas throughout the Basin. The greater number of residential units under the Proposed Action could add approximately 652 new full-time residents to the Basin than under the No Action alternative.

Chapter 35 Amendment
Projects that involve the renovation of existing multi-residential housing rental units to for sale affordable or moderate income housing units, and the transfer of existing units of use to non-affordable market rate housing could reduce the number of housing units available to affordable and moderate income households. This may result because the renovated units could be placed for sale rather than rented at existing rents that may be affordable to low and very low income renters. The overall Lake Tahoe Basin vacancy rate for year-round rentals is less than 3%. As a practical matter, it is unlikely that any existing residential units available to very low income renters - 50% of Area Median Income (AMI) (e.g., $600 - $800 per month in rent) would be suitable for conversion to “for sale” housing, so displacement of this income group would not occur. For the 80% AMI affordable income category, (e.g., $800 - 1,200 per month in rent) there might be some displacement by housing renovation to “for sale” units, but with an existing 3%
vacancy rate, there would be units available for resident relocation. For the 120% AMI moderate income renter, available rents are at market rates (e.g., $1,400 to $1,800 per month in rent), so these households would be able to pay a similar rent in a similar unit. Therefore, the proposed Chapter 35 Code amendment would not result in a net loss of affordable housing or the displacement of population, because renovations allowable under the proposed Chapter 35 Code amendment must be deed restricted as affordable or moderate income units and the existing rental stock would be capable of absorbing renters that are displaced should existing rental units be converted to “for sale” housing units. Further, while the housing constructed using transferred units of use would not have to be deed restricted as affordable or moderate income housing, it would only be transferable to multiple family dwelling or multi-person dwelling projects.

**Transportation Impacts**

**Chapter 20 Amendment**

Based upon land use and Code restrictions (including the proposed Chapter 2 definition for multi-residential facilities), new multi-residential units are generally found in urban areas where they result in less potential transportation effects than they would if they were located in more undeveloped or remote areas of the Basin. The proposed definition for multi-residential facilities would require the residential units to meet transit oriented development (TOD) standards provided in Subsection 13.7.D(3). The proposed Code amendment would only apply to parcels located in Community Plan boundaries, each considered to be consistent with TOD standards. However, new multi-residential units would increase population in the Basin and therefore, traffic volumes and vehicle miles traveled. As such, the increased traffic volumes and vehicle miles traveled would need to be offset by reductions in total trips by increasing the use of non-auto transportation modes and reducing trip length by increasing density in the urban core areas. Based upon traffic data for the last 10 years, traffic volumes have declined in some south shore locations along U.S. Highway 50 (e.g., the intersection of Park Avenue and U.S. Highway 50 has seen a 20% reduction in traffic volumes), even while redevelopment projects and other development have taken place. Recent reductions in VMT, vehicle trips and traffic volumes may also be attributable to changes in home ownership, gaming economics, and employment characteristics. Therefore, it is anticipated that with continued implementation of the trip reduction recommendations found within Section 5: Action Plan of the Lake Tahoe Basin Regional Transportation Plan 2004 - 2027 (e.g. Regional Public Mobility and Express Public Transit), a greater number of potential multi-residential units would not result in adverse transportation effects.

The increased number of affordable and/or moderate income housing units (e.g., approximately 268 more units) that would be possible because of the proposed Chapter Code amendment would result in the generation of 100 or more new DVTE and corresponding increases in existing traffic volumes, concentrated in locales where the development is located. The generation of 100 or more new DVTE could also occur with individual projects where parcels are greater than 3 acres and additional land coverage up to 50% would allow projects to reach maximum residential densities (up to 15 units per acre), thereby creating at least 10 more housing units than would otherwise have been
built. However, based on the Housing Market Analysis (Attachment A), there is only one parcel larger than 3 acres that is considered to be available for multi-residential development within the Stateline-Ski Run Community Plan boundary. Under current TRPA regulatory processes, potential transportation-system capacity issues of these localized increases can be mitigated through project design that provides access to public transportation, onsite circulation patterns that minimize VMT, and offsite transportation system improvements where warranted. Through these means, and considering the limited number of multi-residential allocations anticipated, substantial traffic impacts will be avoided.

Basin-wide vehicle trips and VMT are expected to decline as a result of the continued implementation of trip reduction measures included in TRPA Transportation Plans, which are targeted at reducing the number of trips made by the private automobile. Recent reductions in VMT, vehicle trips and traffic volumes are also attributable to changes in home ownership, gaming economics, employment and redevelopment projects. Assuming that basin-wide VMT, vehicle trip and traffic volumes continue to decline, the site-specific increases in traffic from new development made possible by the proposed Chapter Code amendment would not be considered significant.

Chapter 35 Amendment
The proposed Chapter 35 Code amendment would not affect the amount of Basin traffic because there would be no difference between “for rent” and “for sale” units in terms of trip generation.

Scenic Quality Impacts

Chapter 20 Amendment
The proposed Chapter 20 Code amendment would result in up to 268 more multi-residential housing units spread out amongst the Community Plan boundaries. Based upon land use and Code restrictions (including the proposed Chapter 2 definition for multi-residential facilities), new multi-residential units would be found in urban areas where they do not have adverse scenic effects. The last two TRPA Threshold Evaluation Reports (2001 and 2006) have shown quantified improvements to scenic quality in the Basin’s urban areas as a result of redevelopment and the application of community design standards. Therefore, the location of new multi-residential units is more important to meeting scenic quality thresholds and standards than the number of such units. With the use of proper community design standards and guidelines and the placement of multi-residential units in urban sites identified in Basin land use plans, the potential for a greater number of multi-residential units would not result in adverse scenic effects.

Chapter 35 Amendment
The proposed Chapter 35 Code amendment would not affect views from Lake Tahoe or scenic roadways because there would be no difference between “for rent” and “for sale” units in terms of scenic quality.
Recreation Impacts

Chapter 20 Amendment

Development of additional multi-residential units that may occur as a result of the proposed Chapter 20 code amendment would create a greater demand for recreation opportunities. This increased demand may lead to resource degradation because of facility overuse or insufficient facility infrastructure. Effects on the quality of the recreational experience are mitigated by land managers’ operational efforts to improve or expand existing recreational facilities, and by the efforts of land managers to provide new recreational opportunities. Under the existing and proposed Regional Plan, additional recreational PAOT allocations are available for properly planned facilities to serve the increased demand. Therefore, no adverse effects to recreational thresholds are anticipated.

Chapter 35 Amendment

The proposed Chapter 35 Code amendment would not create more demand for recreational facilities because there would be no difference between “for rent” and “for sale” units in terms of recreational needs.

TRPA INITIAL ENVIRONMENTAL CHECKLIST

The following Checklist documents the issue areas where no environmental impacts are expected, and issue areas where impacts are considered less than significant based upon the requirement to implement existing regulations or mitigation programs.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>No, with Mitigation</th>
<th>Data Insufficient</th>
<th>Comments</th>
</tr>
</thead>
</table>

1. Land

Will the proposal result in:

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

X

The proposed Code amendments may increase land coverage for affordable and moderate income housing by encouraging the development of more affordable and moderate income housing that can be subdivided and sold to individual owners. Multi-residential housing projects must comply with land coverage limits. Based upon allowable densities of the existing Community Plans (maximum multi-residential density is 15 units/acre), even high capability sites could not always accommodate the maximum allowable housing densities using a 30% allowable land coverage limit. Table 1 shows that a typical multi-residential housing unit would require approximately 1,075 square feet, which would only permit up to 12 units at the 30 percent...
The proposed Code amendment would allow for additional land coverage (increasing the maximum allowable coverage from 30 percent to up to 50 percent) for affordable or moderate income multi-residential housing projects (located in Community Plan boundaries) that could not be constructed using the base allowable land coverage. The Code Amendment would make additional land coverage concessions previously provided only for “rental” units also available for “for sale” subdivided units. However, the Code Amendment would not make additional land coverage available to projects on smaller parcels where fewer than 5 units could be constructed (e.g., parcels smaller than approximately 0.33 acres).

If additional land coverage is awarded (up to 50% land coverage on Class 4 through 7 lands) for affordable or moderate multi-residential housing located within community plan boundaries, land coverage transfer would be required to offset the effects of the additional coverage transferred to the project site. The land coverage transfer would be consistent with Chapter 20 (Subsection 20.3.C) of the TRPA Code of Ordinances. The land coverage transfer required by the Code would offset the effects of the additional land coverage used to meet maximum multi-residential housing densities included in Basin Community Plans.

Multi-residential housing projects subject to the proposed Code amendment would be located within Community Plan boundaries which are generally located on gently sloping lands. TRPA permit requirements do not allow excessive grading on sites with steeper topography (e.g., retaining walls are required to avoid creating overstep slopes).

<table>
<thead>
<tr>
<th>Yes</th>
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<th>Data Insufficient</th>
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<tbody>
<tr>
<td>b.</td>
<td>X</td>
<td></td>
<td></td>
<td>Maximum land coverage limit.</td>
</tr>
<tr>
<td>c.</td>
<td>X</td>
<td></td>
<td></td>
<td>If additional land coverage is awarded (up to 50% land coverage on Class 4 through 7 lands) for affordable or moderate multi-residential housing located within community plan boundaries, land coverage transfer would be required to offset the effects of the additional coverage transferred to the project site. The land coverage transfer would be consistent with Chapter 20 (Subsection 20.3.C) of the TRPA Code of Ordinances. The land coverage transfer required by the Code would offset the effects of the additional land coverage used to meet maximum multi-residential housing densities included in Basin Community Plans.</td>
</tr>
<tr>
<td>d.</td>
<td>X</td>
<td></td>
<td></td>
<td>Multi-residential housing projects subject to the proposed Code amendment would be located within Community Plan boundaries which are generally located on gently sloping lands. TRPA permit requirements do not allow excessive grading on sites with steeper topography (e.g., retaining walls are required to avoid creating overstep slopes).</td>
</tr>
<tr>
<td>e.</td>
<td>X</td>
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<tr>
<td>f.</td>
<td>X</td>
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<tr>
<td>g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?</td>
<td>No</td>
<td>Mitigation</td>
<td>Comments</td>
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<td>X</td>
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</tbody>
</table>

### 2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?  
   TRPA collects air quality mitigation fees for new vehicle trips associated with new multi-residential housing projects. These fees are not necessarily commensurate with the cost of the actual mitigation. Large projects would be analyzed for potential air quality effects beyond those mitigated by the collection of mitigation fees. If fees are not considered to be adequate, additional mitigation measures could be imposed. Mitigation fees go to Lake Tahoe Basin counties who use the money for projects like bike trails and street sweepers.
   
   TRPA collects air quality mitigation fees for new vehicle trips associated with new multi-residential housing projects. These fees are not necessarily commensurate with the cost of the actual mitigation. Large projects would be analyzed for potential air quality effects beyond those mitigated by the collection of mitigation fees. If fees are not considered to be adequate, additional mitigation measures could be imposed. Mitigation fees go to Lake Tahoe Basin counties who use the money for projects like bike trails and street sweepers.

b. Deterioration of ambient (existing) air quality?  
   See 2.a.

c. The creation of objectionable odors?  
   X

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

e. Increased use of diesel fuel?  
   X

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?  
   TRPA collects water quality mitigation fees for new land coverage associated with new multi-residential housing projects. Each project would also require design and construction of facilities to contain surface water runoff to mitigate effects beyond those mitigated by the collection of mitigation fees. BMPs required to offset increased runoff are treated in Chapter 28 of the Code of Ordinances.

   TRPA collects water quality mitigation fees for new land coverage associated with new multi-residential housing projects. Each project would also require design and construction of facilities to contain surface water runoff to mitigate effects beyond those mitigated by the collection of mitigation fees. BMPs required to offset increased runoff are treated in Chapter 28 of the Code of Ordinances.

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?  
   X

c. Alterations to the course or flow of 100-year flood waters?  
   X

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

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

f. Alteration of the direction or rate of flow of groundwater?  
   X
4. Vegetation

Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No with Mitigation</th>
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</tr>
</thead>
<tbody>
<tr>
<td>g.</td>
<td>Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?</td>
<td>X</td>
<td></td>
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<tr>
<td>h.</td>
<td>Substantial reduction in the amount of water otherwise available for public water supplies?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>i.</td>
<td>Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?</td>
<td>X</td>
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<tr>
<td>j.</td>
<td>The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?</td>
<td>X</td>
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<tr>
<td>k.</td>
<td>Is the project located within 600 feet of a drinking water source?</td>
<td>X</td>
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</table>

5. Wildlife

Will the proposal result in:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Change in the diversity or distribution of species, or numbers of</td>
<td>X</td>
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</table>
### 6. Noise

Will the proposal result in:

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<tr>
<th></th>
<th>Yes</th>
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<th>No with Mitigation</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?</td>
<td>X</td>
<td></td>
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<tr>
<td>b. Exposure of people to severe noise levels?</td>
<td>X</td>
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<tr>
<td>c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?</td>
<td>X</td>
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</table>

### 7. Light and Glare

Will the proposal:

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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Include new or modified sources of exterior lighting?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?</td>
<td>X</td>
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<tr>
<td>c. Cause light from exterior sources to be cast off -site or onto public lands?</td>
<td>X</td>
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<tr>
<td>d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?</td>
<td>X</td>
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</table>

### 8. Land Use

Will the proposal:

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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?</td>
<td>X</td>
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</tbody>
</table>

The proposed Code amendments may increase the number of affordable and/or moderate income multi-residential housing units on parcels within Community Plan boundaries. However, these housing units would be located on lands designated for multi-residential housing and therefore would be consistent with...
b. Expand or intensify an existing non-conforming use?  X

9. Natural Resources
Will the proposal result in:

| a. A substantial increase in the rate of use of any natural resources? | X |
| b. Substantial depletion of any non-renewable natural resource? | X |

10. Risk of Upset
Will the proposal:

| a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions? | X |
| b. Involve possible interference with an emergency evacuation plan? | X |

11. Population
Will the proposal:

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

The proposed Code amendments may increase the number of affordable and moderate income multi-residential units and the housing density on parcels located in the Community Plan boundaries. While the allowable densities of multi-residential housing would remain unchanged, the additional housing units constructed because of the proposed Code amendments could increase population planned for the Region by approximately 652 full-time residents (e.g., less than 1 percent increase in population). An increase in the Region’s population of less than 1 percent is not considered to be a significant impact.

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

The proposed Code amendments may increase the number of affordable and moderate income multi-residential units constructed on undeveloped parcels located within Community Plan boundaries. These new units would not displace existing residents.

If developers are willing to place a permanent deed restriction on existing residential units that are converted to affordable or moderate income housing, it is possible that existing residents could be displaced from “for rent” units that are converted to affordable or moderate income “for sale” units. Under the proposed Chapter 35 Code amendment, existing multi-residential units could be...
The overall Lake Tahoe Basin vacancy rate for year-round rentals is less than 3%. As a practical matter, it is unlikely that any existing residential units available to very low income renters - 50% of Area Median Income (AMI) (e.g., $600 - $800 per month in rent) would be suitable for conversion to “for sale” housing, so displacement of this income group would not occur. For the 80% AMI affordable income category, (e.g., $800 - 1,200 per month in rent) there might be some displacement by housing renovation to “for sale” units, but with an existing 3% vacancy rate, there would be units available for resident relocation. For the 120% AMI moderate income renter, available rents are at market rates (e.g., $1,400 to $1,800 per month in rent), so these households would be able to pay a similar rent in a similar unit. Therefore, the proposed Chapter 35 Code amendment would not result in a net loss of affordable housing or the displacement of population, because renovations allowable under the proposed Chapter 35 Code amendment must be deed restricted as affordable or moderate income units and the existing rental stock would be capable of absorbing renters that are displaced should existing rental units be converted to “for sale” housing units. Further, while the housing constructed using transferred units of use would not have to be deed restricted as affordable or moderate income housing, it would only be transferable to multiple family dwelling or multi-person dwelling projects.

**12. Housing**

Will the proposal:

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<tbody>
<tr>
<td>subdivided and sold as affordable or moderate income units, using substituted bonus units from TRPA’s pool of allocations. The existing units associated with the existing multi-residential property could then be transferred to a new “market rate” multi-residential housing project. If existing renters are unable to purchase their existing “for rent” units, then it is possible that they could be displaced from the rental housing pool.</td>
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The overall Lake Tahoe Basin vacancy rate for year-round rentals is less than 3%. As a practical matter, it is unlikely that any existing residential units available to very low income renters - 50% of Area Median Income (AMI) (e.g., $600 - $800 per month in rent) would be suitable for conversion to “for sale” housing, so displacement of this income group would not occur. For the 80% AMI affordable income category, (e.g., $800 - 1,200 per month in rent) there might be some displacement by housing renovation to “for sale” units, but with an existing 3% vacancy rate, there would be units available for resident relocation. For the 120% AMI moderate income renter, available rents are at market rates (e.g., $1,400 to $1,800 per month in rent), so these households would be able to pay a similar rent in a similar unit. Therefore, the proposed Chapter 35 Code amendment would not result in a net loss of affordable housing or the displacement of population, because renovations allowable under the proposed Chapter 35 Code amendment must be deed restricted as affordable or moderate income units and the existing rental stock would be capable of absorbing renters that are displaced should existing rental units be converted to “for sale” housing units. Further, while the housing constructed using transferred units of use would not have to be deed restricted as affordable or moderate income housing, it would only be transferable to multiple family dwelling or multi-person dwelling projects.

**12. Housing**

**Will the proposal:**

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

1. Will the proposal decrease the amount of housing in the Tahoe Region?

   **Yes**

2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being

   **Yes**

   See 11.b.
13. Transportation/ Circulation

Will the proposal result in:

a. Generation of 100 or more new daily vehicle trip ends (DVTE)?
   
   X

   The proposed Code amendments would not generate new vehicle trips by itself, as the amendment would only change the rules governing subdivision of affordable or moderate income housing and would not include the approval of new housing units. However, it is possible that new “for sale” multi-residential affordable or moderate income housing projects would be constructed as a result of the Code amendment that would not have otherwise been constructed as “for rent” units. Table 3 shows that approximately 268 additional multi-residential housing units could be built because of the proposed Code amendment. As a result, the cumulative increase in multi-residential units constructed following the proposed Code amendment has the potential to generate 100 or more new daily vehicle trip ends that would not have been generated without the proposed Code amendment. Table 3 also demonstrates that the increased number of multi-residential units could increase VMT by 10,720 compared to the development anticipated under the No Action alternative.

However, the generation of new vehicle trips and the resultant increase in VMT would be partially offset by the location of the multi-residential housing within community plan areas, where services are located nearby to encourage non-auto transportation and by air quality mitigation fees collected for new daily vehicle trip ends. Multi-residential housing units developed under the Proposed Code amendments would be required to be consistent with the definition proposed for Chapter 2, and as a result, would have to be consistent with TOD standards. Further, large-scale multi-residential housing projects (e.g., parcels of sufficient size that could generate over 100 DVTE) would require transportation analysis to identify mitigation measures necessary to offset increased trips and VMT. Therefore, the potential increase in DVTE related to the proposed Code amendments is considered less than significant.

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

   New parking would be required for affordable or moderate income housing developments. Parking for new multi-residential units would be included within each multi-residential housing

Table: Affordable Housing Code Amendment EA

<table>
<thead>
<tr>
<th>Yes</th>
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<tr>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>See 11.b.</td>
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</table>

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

X   See 11.b.
<table>
<thead>
<tr>
<th>14. Public Services</th>
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</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
</tr>
<tr>
<td>a. Fire protection?</td>
<td>X</td>
</tr>
<tr>
<td>b. Police protection?</td>
<td>X</td>
</tr>
<tr>
<td>c. Schools?</td>
<td>X</td>
</tr>
<tr>
<td>d. Parks or other recreational facilities?</td>
<td>X</td>
</tr>
<tr>
<td>e. Maintenance of public facilities, including roads?</td>
<td>X</td>
</tr>
<tr>
<td>f. Other governmental services?</td>
<td>X</td>
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</tbody>
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<tr>
<th>15. Energy</th>
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<tbody>
<tr>
<td>Will the proposal result in:</td>
<td></td>
</tr>
<tr>
<td>a. Use of substantial amounts of fuel or energy?</td>
<td>X</td>
</tr>
<tr>
<td>b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?</td>
<td>X</td>
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<thead>
<tr>
<th>16. Utilities</th>
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<tbody>
<tr>
<td>Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:</td>
<td></td>
</tr>
<tr>
<td>a. Power or natural gas?</td>
<td>X</td>
</tr>
<tr>
<td>b. Communication systems?</td>
<td>X</td>
</tr>
<tr>
<td>c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
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<td>---</td>
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**17. Human Health**

Will the proposal result in:

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<tbody>
<tr>
<td>a.</td>
<td>Creation of any health hazard or potential health hazard (excluding mental health)?</td>
<td>X</td>
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<tr>
<td>b.</td>
<td>Exposure of people to potential health hazards?</td>
<td>X</td>
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**18. Scenic Resources/Community Design**

Will the proposal:

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<tr>
<td>a.</td>
<td>Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?</td>
<td>X</td>
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<td>b.</td>
<td>Be visible from any public recreation area or TRPA designated bicycle trail?</td>
<td>X</td>
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<td>c.</td>
<td>Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?</td>
<td>X</td>
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<td>d.</td>
<td>Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?</td>
<td>X</td>
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<tr>
<td>e.</td>
<td>Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?</td>
<td>X</td>
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</table>

As documented in Table 3, the amount of affordable or moderate income housing constructed under the proposed Code amendments may be greater than without the proposed amendments based upon the potential increase in allowable land coverage and the financial benefits of building "for sale" versus "for rent" units. New buildings constructed for affordable or moderate income housing within Community Plan areas would be visible from state highways and possibly visible from Lake Tahoe because of the location of Community Plan boundaries. However, these buildings would be indistinguishable from multi-residential housing that could be constructed under the existing Code of Ordinances. The principal difference would be the ownership of the units (e.g., for sale versus for rent) and the potential for slightly higher densities that would be possible based upon the ability to qualify for 50% land coverage. As such, the visibility of the housing units alone is not considered to be a significant impact.
19. Recreation

Does the proposal:

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No with Mitigation</th>
<th>Data Insufficient</th>
<th>Comments</th>
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<tbody>
<tr>
<td>a. Create additional demand for recreation facilities?</td>
<td></td>
<td>X</td>
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<td>The amount of affordable or moderate income housing constructed under the proposed Code amendments may be greater than without the proposed amendments based upon the financial benefits of building “for sale” versus “for rent” units. New buildings constructed for affordable or moderate income housing within Community Plan areas could increase the Basin’s population by up to 652 compared to past affordable housing development trends (e.g., the No Action alternative) and could therefore create some additional demand for recreation facilities. However, because the proposed Code amendments would only increase Basin population by approximately 652 persons compared to the No Action alternative, and the units would be spread out amongst the Region’s Community Plan areas, the increased recreational demand is not anticipated to substantially impact any specific recreational facilities.</td>
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<td>b. Create additional recreation capacity?</td>
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<td>X</td>
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<td>c. Have the potential to create conflicts between recreation uses, either existing or proposed?</td>
<td></td>
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<td>X</td>
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<td>d. Result in a decrease or loss of public access to any lake, waterway, or public lands?</td>
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<td>X</td>
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20. Archaeological/ Historical

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<th>Yes</th>
<th>No</th>
<th>No with Mitigation</th>
<th>Data Insufficient</th>
<th>Comments</th>
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<tr>
<td>a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?</td>
<td>X</td>
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<td>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?</td>
<td>X</td>
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<td>c. Is the property associated with any historically significant events and/or sites or persons?</td>
<td>X</td>
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<td>d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?</td>
<td>X</td>
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<td>e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?</td>
<td>X</td>
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</table>

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

   X

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.]

   X

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?)

   X

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

   X

AGENCIES AND PERSONS CONSULTED

The following agencies and groups were solicited for input on the proposed action and the potential environmental impacts of the proposed Regional Plan amendments. Responses were received from Placer County and the City of South Lake Tahoe and are included in Attachment B.

- Teri Jamin, City of South Lake Tahoe
- Hillary Hodges, City of South Lake Tahoe
- John Thiel, STPUD
- Roger Trout, El Dorado County
- Bob Green, El Dorado County
- Steve Buelna, Placer County
• Jennifer Merchant, Placer County
• Mimi Moss, Douglas County
• Planning Department, Washoe County
• Carl Young, League to Save Lake Tahoe
• Michael Donahoe, Sierra Club
• Workforce Housing Association of Truckee-Tahoe
• Sloan Gordon, Lake Tahoe Development
• Gary Midkiff, Midkiff & Associates
• Andrea Clark, Pacific West Communities
Attachment A
Attachment B
Agency input on the proposed Regional Plan amendments.