

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

November 8, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:35 a.m.

Members present: Mr. Alling, Mr. Kuchnicki (for Ms. Carr, zoom), Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Sullivan (for Ms. Ferris, zoom), Mr. Ferry, Ms. Setzer (for Ms. Jacobsen, zoom), Mr. Letton, Ms. Moroles-O'Neil, Mr. Hitchcock (for Ms. Roverud), Ms. Simon, Ms. Stahler, Mr. Stephen (zoom), Mr. Teshara, Mr. Young

Members absent: Mr. Hill, Mr. Smokey

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

Ms. Ellie Waller said she had last been before the Commission in 2017 when the Placer County Tahoe Basin Area Plan was approved. Fast forward, she has been to several meetings at Placer County, Douglas County, and Tahoe Transportation District.

She tries to remind people about acrimony. Even at the Governing Board and other committees she has been totally dumbfounded how, in her opinion, the agencies have run amok on decorum and process. Referring to the 54-minute webinar recently posted, she believes public participation was stunted. It wasn't a comfortable meeting, and she is hoping that the public will get more respect.

Changing subject to the Barton Hospital site, Ms. Waller said the Douglas County Area Plan has not been updated to allow the hospital to come forward without that zoning change. She knows an Area Plan is in the works, but it looks like work has gone forward before it should have.

Mr. John Messina said he has lived here a long time and agrees with Ms. Waller. These meetings are like a secret society. Nobody in town knows they are happening. Nobody gets to put input into them, and you guys make decisions that are not in the best interests of the City.

ADVISORY PLANNING COMMISSION

November 8, 2023

Chair Ferry advised that meeting agendas are posted one week in advance on the TRPA website and that has happened for many, many years.

Ms. Ann Nicols said she hoped this webinar would not be like recent ones. She said that at the last webinar on this subject, the people speaking were edited and they weren't able to see the online questions from other people. No one could really learn from everyone else. She added that as far as noticing for these meetings, this is really significant. These are major changes to our housing amendments, and Placer County amendments are going at the same time. In fact, we just had a meeting where public comment wasn't allowed at a meeting, which she believes is a Brown Act problem. She said 18 pages of new information was submitted at the TRPA Operations and Governance Committee, and John Hester and Cindy Gustafson were saying well maybe we don't need public participation if we've heard what they have to say before, which is awkward because a lot of the same people are on all these different committees. But then there's new people, so the public feels like they have to make their point. She said you can see how complicated this is getting - everything is a little bit different, but it's all about housing.

Mr. Tim Delaney said he grew up in Incline Village and he agrees with Ms. Nicols. He feels the way these meetings are being conducted is a horrible, strong-arm tactic against old money and local people that own property all around the Tahoe Basin. He said it's just overwhelming to deal with, every single day we're being worked over and pressured into accepting all these code changes and new development in our region. The thing is, low, middle, high income, Native Americans, Reno Sparks, the extreme athletic community all around the Tahoe Basin, there's no way extreme athletic individuals are going to approve of all this. We're the type of folks that are one with nature, and building gigantic 65-foot-tall buildings, and shoving more people in our community is just wholly unacceptable.

He said he feels overwhelmed by the way the meetings are being conducted. It's a pressure tactic and he feels a lot of times he's cut out of public comment. All these slide shows are going down and all these buzzwords. We're just being steamrolled and it's highly inappropriate. He said for the folks at TRPA, he held jobs too and it's tough. You're a young man and you have a child, a mouth to feed. Sometimes in life, when you have a job you have to speak up. He said some jobs he just gave up just wouldn't do. So he said he just has to wonder about folks at TRPA. Mind, body, and spirit here it just seems that there's something wrong when you're using these type of tactics against an older community who's being overwhelmed with all these meetings and everything. It's ridiculous, he doesn't want to waste his life going to meetings defending his property interests. It's absurd and it's vile, and it needs to stop.

Mr. Doug Flaherty said he wants to know which of you today will have the leadership to speak up for the most wonderful Tahoe Basin, its clean waters, clean air, and public safety, rather than rubber stamping the TRPA's self-preservation process that has been in place since the 2012 Regional Plan. He asked the Commission to please ask questions and not continue to rubber stamp TRPA's leadership ideology of overcapacity, and degradation of the lake and public safety. He said he thinks we're past the tipping point here at the lake, and doesn't think any of you are envisioning at what point we stop this. He said you can keep saying there are growth limits, but TRPA always finds a way of round these things – what will your Phase 3 Housing Amendments be? It's a huge, wonderful lake, but has a very small capacity. He is wondering why you're not thinking for yourselves. You have a very important role, and you can make a big difference, but who within your group is going to supply the leadership to get this done? He

ADVISORY PLANNING COMMISSION

November 8, 2023

thinks it's time that we start thinking about a change in leadership at the TRPA. When you add up all the cumulative impacts, and all the negatives since the 2012 Regional Plan, it's been a failure. You may not think so, but sooner or later, it's going to be demonstrated somewhere that your self-preservation process at the TRPA is not working.

Mr. Flaherty continued that we're not a bunch of nimbys out here, we're reasonable people, we love our homes, this is about our homes. This is not about destination, it's about public safety. It's about adhering to the laws and regulations of the state of California, Nevada, and the federal laws. Your Counsel can manipulate it all he or she wants, but I ask you to use your own brains.

Ms. Kathy Julian said on the issue of process, she appreciates that the agendas are posted, and that TRPA have a very good website that talks about a lot of issues. But she doesn't think people know about the agendas list or the website. She thinks TRPA needs to do a much better job of outreach to inform the citizens of the basin on what is going on, and the decisions that are being made. She added that she is especially interested in having more transparency on these advisory working groups like the Tahoe Living Housing Council. She has a list of everybody who's on it, but thinks if you were to do a survey of people in the Tahoe Basin on knowledge of TRPA and what it is and knowledge of these advisory groups that you oftentimes draw from the relatives, the developers, the not-for-profit community, few environmental groups, they would draw a blank and absolutely be clueless. And that's a problem because all of these groups are contributing to decisions that affect our lives. The lack of voice that people are feeling in the basin is palpable, and this is one of the things TRPA needs to address. One simple thing you could do when you have these webinars is to share who else in our community is attending. If we were doing this in person we could see who is attending and hear their comments. In these webinars it's this black box and it's like you're isolated. This is not community. Can we have something where we see the list of participants? This makes a community, and it helps us connect with one another on issues that matters to us. If you're not acknowledging that, I'm afraid it suggests to me you don't want us talking to each other, and that would not be good.

Ms. Alexis Oller, Executive Director of Mountain Area Preservation (MAP) said the MAP are a 36-year-old environmental advocacy organization focused on Truckee-Tahoe, and wanted to bring just two items to the APC's attention. I know today you're mostly going to hear about Phase 2 housing amendments and the concerns with the fast-paced process along with a number of other outstanding concerns. I want to talk about process, and I want to talk about regional growth because I think it's very important for the APC to consider these items. The process that has come forward with these housing amendments is absolutely egregious. I'm tying this to the Placer County TBAP (Tahoe Basin Area Plan) process, and I think it's important for the APC to understand how confusing this process has been when Placer County also put forward their economic amendments that also included housing. I think it's important for this commission to understand that it has been woven together.

Ms. Oller said your planners, your TRPA staff has admitted that it has been a confusing and inappropriate process to many of us as stakeholders, who have said this doesn't make sense. There's charts and data that are just not even updated on the TRPA website and we're being asked to follow along. So when you hear about process concerns, I hope you all are listening today, because it is not transparent, and it is not building community trust in TRPA nor Placer County for those of us on the north shore. Additionally, regional growth is something that we

seem to not even be considering. The landscape is nowhere near the same as it was in 2012 when the Regional Plan Update was approved.

Ms. Oller said we have the town of Truckee who has put forward a twenty-year general plan with the hopes of having a 50,000-person population. You've got Reno, Sparks, Carson City, all of these communities are planning major growth, and we're not even taking that into consideration with this, and how it's impacted the Regional Plan Update. So please, today, think about what happens outside and inside the basin because Tahoe is not isolated. We are not a bubble, and we deserve better than one size fits all planning.

Ms. Pamela Tsigdinos thanked everybody for taking the time to read all the comments that were submitted. She said she wanted to set a real understanding of the importance of the discussion/decision today. Ms. Tsigdinos said she was very powerfully moved back in August at the Lake Tahoe Summit when one of the leaders of the Tahoe Basin, Herman Fillmore of the Washoe Tribe, reminded everybody who was there about the destruction and degradation of the Tahoe Basin over generations. He talked about the fact that the land was dug up, that the waters are no longer clean. To quote him directly, he said they're sick. Today our land is no longer good. We owe it to ourselves and to future generations to make sure that anything that we do in the Tahoe Basin honors the land, takes care of the environment, the wildlife habitat.

Ms. Tsigdinos said she just cannot underscore enough the powerful words that we heard, and the importance of setting that as a high bar for today's discussion.

IV. DISPOSITION OF MINUTES

Mr. Teshara moved approval of the October 11, 2023 meeting minutes, as amended.
Mr. Alling seconded the motion

Motion passed.

V. PUBLIC HEARINGS

[Agenda Item No. V.A. Phase 2 Housing Amendments](#)

Ms. Karen Fink, TRPA Principal Planner, introduced the item. She said she wanted to talk about how these amendments fit into the work of the Tahoe Living Working Group and TRPA's Tahoe Living Strategic Priority. This is phase 2 of 3 phases of work that we've been bringing forward with the Tahoe Living Working Group - that working group is an APC Committee, chaired by the APC Chair Mr. Ferry.

What you're seeing today is the work of that group coming to fruition in this phase. The purpose of the Tahoe Living Strategic Priority is to look at TRPA's role in addressing the shortage of affordable and workforce housing, and how through that effort we can also achieve the environmental and sustainability goals that are called out in the regional plan. Having sufficient affordable and workforce housing, in places that are walkable and close to transit and existing stormwater infrastructure, is very tied to meeting environmental goals.

When we first introduced this phase to the Tahoe Living Working Group in October, staff initially proposed just focusing on density. What we later heard from the Working Group, and then from the Governing Board, was that we should look at density, height, coverage, and parking together, because when builders are trying to build affordable and workforce housing projects, all of those development standards work together as a package.

The Governing Board also wanted us to take this opportunity to do some analysis to understand what are the full range of development standard changes that would be needed to allow workforce housing to be built, without a public subsidy. We have included as many of those recommendations as possible in this proposal. But in order to keep this phase moving, staff committed early on to keeping the scope to within a level that could be analyzed under an Initial Environmental Checklist (IEC). So the scope is very narrow, it's focused only on the remaining bonus units, which we have already analyzed and planned, would be distributed throughout the existing bonus unit boundary. That's the area where we have our town centers, multi-family zones, and are walkable - close to transit and services. The changes also don't go beyond what can be mitigated through our existing regional code. All the changes need to use existing findings, or existing programs, like our existing coverage and transfer program. Ms. Fink said, we do believe that these amendments are critical for reducing the cost to provide affordable and workforce housing for both the private market, and for publicly subsidized projects.

Alyssa Bettinger, TRPA Senior Planner presented the item. She said that amendments will focus on addressing the affordability crisis that we're facing here in Tahoe today. Over the past few decades, the cost per unit of housing has skyrocketed. We need more housing units at an affordable price. She noted that over the past few decades, the cost per unit of housing has significantly increased, emphasizing the need for more affordable housing units.

Smaller units inherently tend to be more affordable, and the proposed changes to development standards are aimed at achieving more affordable housing.

Ms. Bettinger emphasized that the discussion is not limited to housing alone. Environmental gain and affordable housing are interconnected, especially when affordable housing is developed as compact development near town centers. This development allows people to walk or bike to their destinations, reducing Vehicle Miles Traveled (VMT). Compact development is more likely to use less coverage on a per-unit basis and can integrate with stormwater treatment systems in and around town centers. Also, compact development along corridors provides the necessary density for effective transit systems, aligning with various regional plan goals.

The Tahoe Living Strategic Priority, initiated in 2020, started with changes to accessory dwelling units and incentives to convert old motels to residential areas. We are currently in Phase 2 of the Tahoe Living initiative, which focuses on development standards. The plan aims to kick off Phase 3 to address larger changes to growth management systems, development rights, and policies for improved equity, including a review of fees and permitting.

Ms. Bettinger clarified that development is capped by the 1987 and 2012 regional plans, and there are no proposals for changes or new growth beyond these caps. The specified number of remaining bonus units in the TRPA pool is 946. Bonus units are given to projects that are building deed restricted housing.

Regardless of the approval of these amendments, the 946 bonus units specified can be built today, so there is no change in the development capacity under the proposed amendments. The focus is on expediting the utilization of bonus units in and around town centers through the proposed changes. Ms. Bettinger said development standards, including coverage, height, and density, play a crucial role in influencing what gets built on the ground. These standards are typically set at the regional level through local area plans. TRPA defers decisions on parking and setbacks to the local authorities, and these development standards directly influence what gets built on the ground (see slide 6).

The pink area on the graphic (slide 6) represents lost square footage due to parking requirements on the ground floor. Significant space is allocated to parking and the garage, and the roof pitch requirements on the top floor result in a loss of living space. A single-family home can work within this building envelope, but when you add in more than one unit, the units become so small that it is financially unfeasible. The constraints imposed by current standards contribute to the construction of large single-family homes, often catering to the second home and vacation home rental market.

Over the past couple of years, TRPA has collaborated with a third-party consultant to assess development standards and explore changes to enhance housing affordability. The analysis revealed that modifications to all development standards, not just density, could lead to a potential reduction in rents by nearly 40%, showing the potential for cost-effective housing without extensive subsidies.

Building on this baseline analysis, TRPA conducted extensive outreach and received community input on the proposal, evolving it over the past couple of years, particularly intensifying outreach efforts in the last 6 months. Slide 8 shows a list of groups with whom TRPA engaged during the outreach process. Acknowledging the diverse opinions on the proposal, TRPA views it as a middle ground that aligns with housing goals and broader regional plan objectives.

Ms. Bettinger repeated that the proposal presented applies exclusively to deed-restricted bonus units. TRPA has 946 bonus units available for projects that commit to deed restrictions for housing. There are three deed restriction levels: affordable, and moderate (income-based), and achievable (targeted at the local workforce, no income limit but requires at least one person in the household to work at least 30 hours per week within the Tahoe Basin).

The proposal varies by location. Two specific areas are targeted: town centers and corridors. Town centers, often concentrated around existing commercial zones, lack residential support. The proposal aims to encourage higher-density housing in these areas to support shops, restaurants, and transit.

The first area is the town centers, such as those on the South Shore, where the proposal suggests allowing an additional 9 feet of height, increasing the maximum height from 56 feet to 65 feet. It is emphasized that additional findings will need to be made when proposing additional height. Ms. Bettinger noted that projects exceeding 56 feet in height are required to step back one foot for every one additional foot of height, resulting in a steeper roof pitch. The proposal also suggests allowing coverage over 70%, as opposed to the current limit of 70% in town centers. However, this would require stormwater runoff treatment through area-wide

ADVISORY PLANNING COMMISSION

November 8, 2023

treatments, which is currently available only in specific areas like State Line, Harrison Avenue, and Tahoe City. Coverage over 70% is subject to the availability of area-wide stormwater systems, and the hope is for more systems to be built over time, expanding opportunities for additional coverage tie-ins.

The proposal aims to remove density maximums, enabling more units to fit within buildings without forcing developers to build larger units. Density at the parcel scale is presently limited by factors such as lot size, building coverage, and height.

The final change proposed for town centers pertains to parking. Currently, local jurisdictions mandate between one to two parking spaces per unit. The proposed changes to parking standards would allow developers to go lower than the current requirements. However, developers would need to provide a parking analysis demonstrating how parking demand is being met, either through parking spaces or potentially via shared parking agreements with adjacent landowners.

Ms. Bettinger acknowledged the diverse opinions on parking and said that this was the direction received from the Regional Plan Implementation Committee.

Ms. Stahler asked for clarification on whether in a town center, a development could only take advantage of additional coverage allowances if they could contribute their stormwater flow to an existing area-wide treatment facility, and that existing facility had capacity to treat that stormwater. Ms. Bettinger said yes, but the one caveat would be for developers to work with Public Works to build a new area-wide system, but that is a lengthy process.

Ms. Setzer asked about the distinction between "constructed" and "active" regarding area-wide stormwater treatment facilities. Ms. Bettinger explained that "constructed" means the facility has been built but is not yet registered with the TMDL system, indicating it's in the final construction process.

Ms. Simon sought clarification about the term "bonus pools" and understanding the 946 bonus units that remain. Ms. Bettinger said that during the community planning phase they allocated bonus units to each jurisdiction, who each have their own "bonus pool", all of which make up the 946 total bonus units.

Ms. Bettinger continued that they are also proposing changes to in areas zoned for multi-family. Maps are shown on slide 13/14. Within these areas TRPA are proposing to allow:

- Additional flexibility/height for shallower roof pitch
- Additional land coverage up to 70%
- Exempt deed restricted units from density requirements to encourage smaller sized units
- Allow project to provide alternative parking strategies to meet parking demand, with parking analysis, .75 parking spaces per unit on average

In order to create a transition between the town center locations and the multi-family areas, the proposal includes an additional height allowance for parcels adjacent and contiguous to town centers.

This would be an additional 11 feet of height (slides 16/17) over what is allowed right now - that additional high would be subject to the same findings, so any additional height would have to be stepped back.

Ms. Bettinger said the proposal would apply to mixed-use and ADU's. The proposal aims to encourage walkable development with ground floor commercial and residential above. It applies to mixed-use developments with 100% deed-restricted residential units above. The commercial portion cannot exceed 50% of the total square footage.

ADUs in town centers and multi-family areas are eligible for additional coverage incentives based on property location, with size limits up to 1,200 square feet. The proposed mixed-use definition involves 100% deed-restricted affordable units, with no more than 50% of the total square footage allocated to commercial space. The proposal has evolved based on input since the packet was posted, the changes include:

- Shade: a provision for shade has been included at the project level through a shade analysis
- Parking and Coverage: projects utilizing coverage incentives cannot exceed local jurisdiction parking minimums, ensuring a balance between building and parking space allocation

TRPA has historically delegated height and density standards to locals when they are developing area plans. Because of the need for affordable housing, the proposed changes supersede local area plans' height and density standards. Local jurisdictions have the option to opt-out but would need to go through an area plan amendment process. Any reduction in height, density, or changes to parking must be supplemented by strategies reducing the cost of deed-restricted housing.

Local jurisdictions can set their own standards through an area plan amendment process. The process requires an analysis, similar to the performer analysis in the proposed changes, demonstrating that alternative standards provide the same level of affordability.

Ms. Bettinger said TRPA did complete an Initial Environmental Checklist (IEC), and a round of revisions is expected in time for the Governing Board packet next month. The staff report will include a list of comments received and how the document was changed based on those comments.

APC Comments/Questions

Mr. Young expressed concern in the disconnect or misinformation in how we are able to communicate the importance of workforce and lower income housing to the environmental quality of the basin. He knows it's in every presentation, but some point we haven't been able to make that connection. The fact that we have a maximum amount of development is well known, but doesn't seem to be communicated well enough. He understands the value of bringing in workforce housing, and how that in turn, helps us accomplish some of our other missions.

Mr. Young questioned the 50-50 split for mixed-use developments, suggesting a higher allocation (e.g., 55-60%) for residential use might be more incentivizing for property owners.

Mr. Young sought clarification on whether local jurisdictions with area plans would be required to amend those plans to reflect the proposed changes, or if the superseding concept would be perpetual. Mr. Marshall responded that the concept of area plans was to allow local jurisdictions to deviate from TRPA's basic standards, assuming they can make appropriate findings. Area plans provide a mechanism for folding local planning into the regional plan, allowing deviations from regional standards based on local needs and conditions.

TRPA is now enacting new standards (e.g., height requirements) to promote both environmental and housing objectives. The proposed changes are seen as the minimum necessary to achieve environmental and housing goals, preventing local jurisdictions from imposing lower height requirements. TRPA's new standards will supersede local rules in areas where there is a deviation. Local jurisdictions are preempted from imposing lower height requirements until they adopt area plan amendments justifying the deviation.

For example, if a local jurisdiction hasn't updated its area plan to reflect TRPA's new standards, TRPA's rules would supersede local rules. TRPA would control the process until the local jurisdiction adopts an area plan amendment reflecting the changes.

Mr. Ferry asked for clarification on a hypothetical scenario where a project is proposed under TRPA rules before the local area plan is amended - would the TRPA rules control the project until the area plan is updated? Mr. Marshall said the TRPA rules would be effective 60 days after Governing Board adoption. At that point, those sections inconsistent with any area plan provisions will have control, until the local jurisdiction adopts, and TRPA approves, an area plan amendment that meets the same housing requirements.

Mr. Young advised that when Washoe County adopted its area plan, they included the entire portion of Washoe County in the Tahoe basin. One of the reasons we wanted to do that was to get as far away from two sets of codes and two sets of rules as possible, because we had lived for many years trying to explain to customers whose rules applied when. One of the things we have benefited from since the adoption of the area plan is much better customer relations and customer engagement because there aren't so many different places that you have to look. So I understand this opt out process and I'm not against it, but I am going to ask for help in customer engagement, and in explaining that this does supersede our rules. We have made significant progress lately and this is a bit of a step backwards in terms of process.

Mr. Marshall replied that if local jurisdictions wanted to deviate from the standards he would strongly encourage them to adopt an area plan that would do so. He added that the TRPA Local Government Coordinator has been working with local jurisdictions on education around ADU permitting, and that could be an example of how they could work together to educate customers on these new amendments.

Ms. Simon asked for clarification on coverage vs parking. Ms. Bettinger replied that the coverage proposal allows projects to use the minimum amount of parking required by the local jurisdictions. For example, if someone is building 4 units, and the local jurisdiction currently requires one parking space per housing unit, the developer would need to build 4 parking spaces, but they couldn't build more than 4, and receive the additional coverage. If they provide more parking than the parking minimums of the local jurisdiction, they will no longer qualify for the additional coverage incentive.

Ms. Chandler commended the Tahoe Living Working Group's work but expressed concerns about misinformation in the community. She emphasized the need for more transparency and community awareness, highlighting the importance of proper communication about development locations, transit centers, traffic reduction, and the population decrease in the basin. She suggested responding to misinformation, clarifying points, and ensuring the community understands the plan's benefits, including reduced traffic congestion and housing near transit centers.

Ms. Moroles O'Neil inquired about deed restrictions, the number of units, and whether lenders have assessed the plan's viability, especially given the current market conditions. Ms. Fink explained the split (50:50) of bonus units into pools for deed-restricted affordable units and moderate/achievable units. TRPA also recently brought changes to the achievable definition, and worked with a lender on those changes to ensure lenders could finance properties with the deed restrictions. She reiterated that the plan's intention is to benefit affordable, moderate, and achievable housing. Affordable and moderate will still probably need help from local jurisdictions, but the plan will also make that easier by lowering overall construction costs.

Mr. Kuchnicki asked for clarification on the requirements for connecting to area-wide treatment systems. Ms. Bettinger replied that it depends on the location. Within town centers, we are requiring that the projects tie into area wide stormwater treatments. Outside of town centers, within multi-family areas, there are less opportunity for area wide systems, so we have included the option to do onsite BMPs. That includes a requirement that the local jurisdiction monitor to ensure those BMPs are being maintained over time.

Mr. Kuchnicki asked if project owners will be required to pay into a maintenance fund for the respective jurisdictions. Do these local jurisdictions have the mechanisms in place to accept this funding. Ms. Bettinger responded that area wide projects typically do pay an annual maintenance fee, depending on the location is. For onsite BMPs they will be setting up a process with the Public Works Department, and she assumes there will be a fee associated with the annual monitoring of the BMPs. Mr. Marshall added that it would be between the developer and the local jurisdiction or the operator of the area wide. They have to demonstrate that they are a participant of that area wide. Mr. Kuchnicki said he thinks that is a great concept. Mr. Hester added that they want the local entity, city, county, or district utility to take responsibility for that, and for the local government taking responsibility to include that in their clarity credits to meet their TMDL requirements.

Mr. Kuchnicki pointed out the need for snow removal on pedestrian paths during the winter in Tahoe to ensure walkability. He inquired about outreach to jurisdictions regarding keeping paths clear during snowy periods. Mr. Hester said they were having ongoing discussions with local jurisdictions regarding snow removal and funding for specific pedestrian corridors. He acknowledged efforts to clear bike paths and multi-use paths, emphasizing the importance of keeping paths open.

Mr. Hitchcock raised concerns about the responsibility of local jurisdictions for on-site BMPs (Best Management Practices). He suggested considering a deed restriction requiring the developer to complete a BMP maintenance log, providing a mechanism for enforcement.

ADVISORY PLANNING COMMISSION

November 8, 2023

Mr. Hitchcock asked for clarification on the additional 11 feet in height outside centers. He sought details on how the one-to-one stair-step requirement would work, especially regarding the starting point of the slope for the step-back. Ms. Bettinger said the way it is written now is that any height above 11 feet would have to be stepped back. Mr. Marshall proposed further collaboration to refine the language. Ms. Bettinger suggested sitting down with Mr. Hitchcock to discuss and fine-tune the wording.

Mr. Alling expressed concern about the feasibility of having BMPs maintained by a public entity in multi-family areas with increased coverage. He also raised the issue of potential water quality impacts due to decreased parking in these areas, leading to on-street parking and questioned if the plan addressed BMPs along streets where cars may park. Ms. Fink said that the developer would need to conduct a parking analysis to justify reduced parking. The parking plan must be legal and could include strategies such as car-sharing or aggressive transit plans. She clarified that on-street parking would need to be legal and not on dirt, with the plan addressing it as part of the project approval.

Mr. Alling said he was concerned about potential disconnection between the plan and people's willingness to park where they want. He acknowledged the need for decreased vehicles but worried about pushing parking into areas without full BMPs, potentially causing impacts.

Mr. Alling raised concerns about Phase 1, specifically addressing the process and analysis for accessory dwelling units and motel residential conversion (slide 4). He sought clarification on how the overall environmental process was considered, ensuring that the analysis was not piecemeal but considered the holistic impact of the entire process. Ms. Fink responded that for Phase 1 (allowing Accessory Dwelling Units) and Phase 2, they conducted an Initial Environmental Checklist (IEC). For Phase 3, they have funding to conduct an EIS, and anticipate that may be needed. The Phase 3 kick off meeting with the Tahoe Living Working Group is currently scheduled for January 31, 2024. A grant has been received from the State of California to partially fund the process, and they are currently soliciting for a consultant to assist with the process. Mr. Alling expressed the importance of the revised Initial Environmental Checklist (IEC) coming back to the Advisory Planning Commission (APC) before going to the Governing Board, considering the role of the APC as a technical advisory committee.

Mr. Drew mentioned concerns expressed by the community regarding transparency and the pace of the project. He asked staff if they could speak to those concerns so he could better understand the process.

Ms. Fink replied that the process started in October 2021 with the Tahoe Living Working Group. Those meetings are publicly noticed and open to the public. They then went to the Governing Board in July 2022, to workshop and vet the work, and then back to the Tahoe Living Working Group in April 2023 with a more fleshed out proposal. After that began intensive outreach program throughout the summer, including farmers' markets and meetings with various community groups, website, webinars, surveys, articles, and ads in the Tribune. She said we do feel we have done quite a bit of outreach and gotten feedback, but we understand that people are seeing this could affect their community, and are willing to consider additional outreach.

Mr. Drew asked if staff could walk through the process to the end. Ms. Bettinger said that they would be going before the Regional Planning Implementation Committee (RPIC) the following

ADVISORY PLANNING COMMISSION

November 8, 2023

week, and then on to the TRPA Governing Board meeting on December 13, 2023, giving at least two more opportunities for public comment on this item.

Building on Mr. Alling's comments, Mr. Drew acknowledged that many of the public comments received so far expressed concern about the adequacy of the environmental review, particularly regarding potential cumulative impacts. He asked for more details on the depth of the environmental review to date and future steps.

Mr. Marshall reminded the group of the scope of the project, amendments that apply to relatively restricted, both in number and location. So that is the project that was analyzed in the Initial Environmental Checklist (IEC). Mr. Marshall offered clarification that the revisions to the IEC are mainly language clarifications and not substantial additions to the analysis. Ms. Fink added that feedback received led to clarifications in how the proposal aligns with strategies related to wildfire and evacuation.

Mr. Drew also referenced concerns and questions from the community about potential undesirable density overwhelming town centers. He is struggling with community members feeling like town centers will be overwhelmed, when the number of units is capped. These units can, and likely will happen, at one time or another, so really what is changing is the potential increase in density within town centers.

Ms. Fink acknowledged concerns and emphasizes that the proposed changes don't increase the overall number of units but allow more flexibility by parcel. Basically, although this encourages already allowed density to be further concentrated in town centers, the only place it's moving from is within the bonus unit boundary. This amendment would just allow individual parcels to have higher parcel density than before.

Mr. Drew said the concept makes sense to him and he guesses it will make sense to a lot of people, but what's hard is when you own the property next door to a parcel that will have increased density. He expressed the need for the community to decide the importance of the issue because it has to go somewhere. The whole point of town centers was to create a situation where some of these issues could be dealt with in the town centers. He recognized the importance of addressing concerns related to parking, water quality, and other impacts during the implementation phase, and the importance of sensitivity in addressing the challenges associated with increased density within town centers.

Mr. Drew said concerns were also raised regarding the potential for luxury developments taking advantage of the proposed changes. He's looking for where and how that can happen and asked for clarification. Ms. Fink said that one of the things that has come up is that people fear the term "achievable" is a euphemism for luxury development. Ms. Fink said that achievable deed restrictions limit the resale or rental of units to a certain income group, reducing the likelihood of luxury development. Anyone who can afford to buy at market rate will do so.

Mr. Drew acknowledged the complex, emotional nature of the issue, and mentioned comments from both community members and developers, who felt these changes didn't go far enough, highlighting the need for a balanced solution. He believes there are limitations on what can be addressed at the policy level and stressed the importance of local jurisdiction partners

addressing certain concerns during permitting. But the status quo is not acceptable, we need to move forward with something.

Mr. Ferry also raised a question on the luxury development topic. He mentioned a recent approval for the 947 Tahoe project, that took advantage of the two-step subdivision process, leading to luxury condominium projects. He believes we learned from that, and it has led to some further changes. He asked about the possibility of a similar scenario occurring with the proposed changes. Ms. Fink said no, the proposed changes include requirements for affordable deed restrictions on units resulting from a two-step subdivision, if the current residents are low/moderate income. A monitoring and reporting program is also in place to ensure compliance with those deed restrictions.

Mr. Drake agreed with Mr. Drew's point that we are still taking about the same number of units, but the configuration has changed. We have a very serious problem, and we need action, and the reality is that changing height and density changes a community's character – we need to decide what is most important - expediently solving the problem, or preserving long-term community character. Regarding the proposed change to height, Mr. Drake asked if there has been any analysis of how many properties that would potentially unlock. Ms. Fink said we don't know which parcels will take advantage, but we have about 180 vacant developable parcels in our town centers, and about 4 times that in multi-family areas. Again, there's only 946 bonus units left, and around half of those are already reserved for projects like Dollar Creek and Lake Tahoe Community College dorms. So we're really only talking about 446 units that will be distributed among these areas and those parcels.

Mr. Drake said the height issue is a hot button issue and it's not going away. He is personally less concerned about it, but through conversations with his community he has come to understand where people are coming from, and feels it's a very site-specific question to answer. He is pretty uncomfortable with proceeding with a basin wide solution and believes there are opportunities to do a zoning text amendment to allow for increased height on a particular parcel. Is that accurate that there is a process today to make a project work on a couple of key parcels where it makes sense. Mr. Marshall said the short answer is no. That would be a type of variance, and what they want to create is areas in which those individual projects can occur. That is why you see a general zoning approach to density, height, and coverage. The parcels would still have to meet all the project level findings, including height shading provisions.

Mr. Drake observed the challenges faced by larger projects in terms of capital, public resources, discounted land, and lengthy CEQA processes. He sees smaller neighborhood-scale projects with fewer units and quicker turnaround times as potential opportunities. What can we do to reduce barriers for smaller projects, where it is more about density and less about height. This may meet less resistance and have a faster turnaround time. Ms. Fink said they had heard comments that they shouldn't allow additional height, density, or changes to parking, but instead communities should focus on generating subsidies to offset the cost. That is the reasoning behind allowing local jurisdictions to opt out with alternative strategies, including the potential for local funding sources to subsidize projects. Another way to get at some of these projects will be addressed in Phase 3, which aims to assess TRPA's regulations, growth management system, and coverage transfers for equitable application based on project size. The expectation is that Phase 3 will make it easier for smaller projects.

ADVISORY PLANNING COMMISSION

November 8, 2023

Mr. Hitchcock expressed concerns about a one-size-fits-all approach, especially outside town centers. He suggested they consider an opt-in approach for local jurisdictions, allowing time for community discussions, particularly regarding the additional 11 feet in height.

Ms. Setzer highlighted the unique housing situation in North Lake Tahoe and Placer County, where they have a majority (80%) of second homes. Given that, some changes are necessary for them to have workforce housing projects. They aren't seeing these projects on the private side, and don't have enough funding for subsidizing beyond tax credit-affordable projects. She added that she had recently participated in the Moving Mountain Summit, focused on workforce housing in western mountain towns. She can safely say we are behind compared to other mountain towns and there is an urgency to catch up. No one solution will be the answer, and we can find flaws in every approach. We're hearing that from the public, but we don't have a choice if we want our workers to live here. The upcoming Phase 3 will be very important in this toolkit of solutions. She clarified that the Placer County Tahoe Basin Area plan Amendments that we are bringing forward to TRPA in the next couple months are a completely separate process. I know there has been a lot of confusion from members of the public and I think it's because we are all playing catch up right now.

Mr. Young reminded the group of APC members' involvement in the Tahoe Living Working Group, and encouraged others to check the group's members and attend their meetings in the new year. He said the group is thoughtful, focused, and dedicated to solving issues. He emphasized the diverse backgrounds of group members, contributing valuable viewpoints and asking challenging questions. The meetings are public and extremely transparent. He also gave recognition to the extensive research conducted by staff in response to questions raised by the working group.

Mr. Young reflected on the adoption of the town center concept in the regional plan update, and said they had anticipated challenges and compromises. He emphasized the importance of not giving up on the concept despite the initial challenges. We really have just begun the work on implementing the town center concept.

Mr. Ferry, in response to some comments that members are pro-developers and/or don't care about the lake, gave clarification. He said they all care deeply for the lake and the community's environmental protection. Many live at the lake, and work every day to better the lake and ensure the protection of the basin. They are only pro-developer in the context of supporting affordable housing projects, and gave recognition of the need for developers to make a reasonable profit to incentivize affordable housing construction. He acknowledged the critical need for affordable housing units and the urgency to address the issue. He further clarified that these types of housing projects will involve a discretionary process involving public hearings and environmental analysis. So there will be additional analysis conducted at the project scale, with public comment and approval.

Public Comment

Mr. Stephen Prescott, co-owner of the Kings Beach Mountain Town Center, asked if the watershed improvement program would count as a stormwater treatment system for the additional coverage.

Ms. Bettinger responded that she would defer to Placer County to answer, but if it is certified area wide, recognized by the local jurisdiction, it would count.

Ms. Ellie Waller said she thinks is bad timing - since we're in a financial paradigm shift in the world. She said localized impacts are really what we're talking about. She doesn't believe that any of us want to live next door to something that we didn't buy into originally. Yes, we need more affordable housing. The terminology is confusing to everybody. It's not about luxury. Sometimes there are reasons people don't want to rent or they have an unrealistic expectation of what their first homes are going to be. All of this comes into play. She noticed that Glenbrook was not shown as a multi-family area, but said it's very unlikely some developers would want to come in there.

She said Placer County got ahead of the game and are trying to keep the height down, and would like to believe they won't come back with another amendment for increased height.

Ms. Waller said we are not addressing the lower-income issues, a lot of our workers won't be able to afford this. We call our community nurses, teachers, doctors, we don't call them bartenders, or restaurant workers. Phase 3, the equity, I just don't even know where to start after hearing all your comments today, some very thoughtful. With the Initial Environmental Checklist (IEC) coming out December 13th, why did the meeting not get postponed until then?

Ms. Peggy Borland said she has been a resident of South Lake Tahoe since 1972. She thinks some of TRPA's policy of our past is worth reviewing. For decades, going back to the 1970's, the TRPA allowed only one residential unit to be built on a parcel. No, duplexes, triplexes, or apartments were allowed to be built. Any multi-unit construction would have, according to the TRPA, been growth-inducing. New homes were being built no matter how large were only allowed to have two bathrooms, again because the TRPA considered that to be growth inducing. Also in the 1970's the TRPA's warnings to be severely limiting any building going forward in the basin backfired and set off a building frenzy. El Dorado County, where I worked as a property appraiser at that time, was issuing 1,200 single family building permits a year in Tahoe. That happened two years in a row, a classic example of unintended consequences. Later during the redevelopment era in the 1990s, mobile home parks and apartment buildings were being torn down to make room for the tourism industry, and none of those workforce type housing were allowed to be replaced.

Ms. Borland said these TRPA policies may have seemed like a good idea at the time, but they have created more problems than they ultimately solved. Fast forward, and today, using questionable Prosperity Center data, we're told that thousands of residential units are needed for workforce housing. In response the TRPA is proposing sweeping policy changes under a deceptive banner of housing and community by revitalization, that would promote the urbanization of parts of the Tahoe Basin. The new plan defies environmental protection. For decades building sprawl was forced on the basin by the TRPA's policy of one lot and only one unit to be put on it, with no option to build multi-units for workforce housing. Now the TRPA is proposing to fix the problems they created, by allowing five-story buildings, higher density, and almost no parking requirements - all this with no environmental impact study.

Before new regulations are approved to allow more and more development, we need to first revisit the short-term rental issue. There are more than 5,000 permitted short-term rentals left

November 8, 2023

in the basin, and estimates of hundreds and hundreds more operating illegally. Contrary to what you might think, the vast majority of short-term rentals are what you would call workforce housing, 2- and 3-bedroom modest homes - not the multi mansions you hear about. This is existing housing that has been allowed to be converted to commercial use lodging. And because we have a housing crisis and not a tourist accommodation crisis, this is where the TRPA needs to turn their focus. Five years ago, in the City of South Lake Tahoe, the citizens took it upon themselves to find a remedy to what they identified as lack of housing. It took the form of a citizen's initiative that ended up being called Measure T. That passed and today there is additional housing in that jurisdiction. And right this minute, residents of Douglas County are gathering signatures to do the same thing in their jurisdiction. It's time for the TRPA to start doing what the residents have taken the initiative to start the process of.

Ms. Linda Witters said she attended the Meyers meeting on October 4, 2024, and some of what was said there has been left out today. Part of it is that the goals under this proposal include equity and climate change, which isn't even proper English. She said nobody talked today about the HIT grant. You took 2.5 million dollars to cause these new proposals to happen. And to not mention it, even when on your own website, Julie Reagan is quoted as saying, and I paraphrase, that TRPA has completely screwed up and incentivized luxury development over the years. No kidding, we know that. And then you're going to come out to Meyers, which isn't a walking town. Last year, the snow removal on the bike path couldn't be done. We got 60 feet of snow on South Upper Truckee Road

When something like this came before the Douglas County commissioners last month, they said there's no such thing as no parking. There's not even such a thing as limited parking. You know what there is? There's parking in other people's neighborhoods. And that was vocalized by one of the Meyers advisory committee member who was there at the meeting on October 4th, and he said when they did this in Oregon, the effects were not contained in the area which was addressed. The effects went to the neighboring neighborhoods. And when you talk about, well maybe they'll park on the road and if we have curb and gutter that'd be okay. What about snow removal conditions? This presentation has not been transparent, and you didn't have your ducks in a row before you started this meeting, or the process. And then you think that because you've been out at farmers markets that people know? Are you not listening to people saying they have jobs and families? After the October 4th meeting, I tried to get on TRPA's website and look at the maps. I could not pull up the map of the town centers. Why? And you're saying we're all perfectly informed and this is transparent, I disagree.

Ms. Witters said that anybody on the Advisory Planning Commission, which does not have an ombudsman, the person who represents the public. That position needs to be filled for this committee right here. And if you are a person who needs this housing in order to live in Tahoe, then you need to recuse yourself, whether you're on the Governing Board or you're on this advisory committee, because that is a conflict of interest. That's just the least of what I could say.

Mr. John Messina said he liked what Linda had to say. There's an elephant in the room. I moved into a quiet little neighborhood, which you've now designated as a town center. There is now over 1,000 affordable housing and workforce housing units within a mile of my house. You know how many units are within a mile of the TRPA building here? Zero workforce or affordable housing. This is all what we call nimbyism. Let's build it over there. What are you doing in

realistic stuff? You're dumping everybody in our neighborhoods getting us higher densities, lower value properties. This is not the way to improve things. If you have more people that can live in a city, take some of this land over here and create a new city. Don't squeeze it until the quality of life here sucks. Because your job is supposed to be to preserve the quality of life in the Tahoe Basin. Just adding more people to it dilutes the quality of life. There's so many things that came up in this 3-hour meeting, I can't address in 3 minutes, but you're talking about setbacks. One of the worst things in this whole area is a 20-foot setback from the street is not sufficient. Cars are 20 feet long, then you add a 10-foot snowbank for snow removal, it's not enough space. They just built a whole roll of duplexes with one parking space per unit, and in the winter, they're shoveling their snow out in the street because they have no place to dump it. Your job is supposed to be making sure people have places to dispose of their snow. You're talking about the quality of life for people who don't live here, you should be worrying about the quality of life for those of us who have lived here for 20 or 30 years.

Mr. Patrick Taylor, with Alpine Corporation, said they specialize in developing achievable housing in the Lake Tahoe basin. He said he would address some of the questions and comments heard in this meeting. Most of the changes he's heard for the new code are definitely needed, and some could go a little further. Particularly, what we need around the basin wide is a stormwater drain system. If there was a stormwater drain system, then we wouldn't have this problem. Now how do we implement that? That's the real challenge because that costs money.

The next thing, the parking issue is easily done because when you build these buildings, they all should have parking underneath. That's where the height thing comes in. I sat down with my architect looking at these new code amendments on designing a new project. One of the questions that I heard today was, how many more units can you get with these code changes? With these new code changes, we were able to double the number of units, from 70 units to 150.

Mr. Taylor said what he hears from the public comments has no solutions. I haven't heard anybody talk about how we are going to solve the workforce housing issue. We all know it's a huge issue, and it doesn't help the environment.

The next thing we're talking about is the lenders. I deal with lenders all the time because I have to finance these projects, and they cost an enormous amount of money. Basically our returns are so small, lenders ask me all the time, "why are you even doing this?". I have no investors in our projects because I couldn't attract an investor, we make less than 3% of our return. So if I wasn't fortunate enough to have my own cash and capital put into these projects it wouldn't get done. We really have to recognize all these facts and how difficult it is to build these achievable housing projects. The only other way you can do these affordable housing projects is to get money to come in like they did for Sugar Pine Village, which that's very hard to get because the basin is not really qualified to get most of that money. So you have to really look at all of this. These changes are desperately needed, and all of these changes help address this.

Ms. Stacey Ballard, a 30-year resident in South Lake Tahoe, said she falls under extremely low income because I am on security disability. I was not disabled when I moved to South Lake Tahoe and just like most people, we will all get sick as we grow old. Many of us who are low income need our cars because we cannot rely on public transportation to get us to the places we need. My biggest issue is that I am now walking down streets I've walked down for the last

30 years and I'm seeing 10,000 square foot homes going in with 4 and 5 car garages, and yet you all want to shove us into a smaller places and take away our cars. I know this has to be done, but I think there has to be a middle ground found as far as coverage and heights that you are demanding the whole basin follow your rulings on. It's not coverage just because we need more parking, it's coverage because we want bears walking through our neighborhoods. A lot of the drawings that you guys' show are so deceptive because there's large trees around these huge buildings going in but that's not realistic. Also, I think the height is going to be a huge problem you are going to deal with. Again, I'm low income and I don't want 5 story buildings in here. I think we have to find some middle ground so I'm asking that you don't decide anything today. I think the public is confused because you haven't educated the community enough. This needs to be done. I think there needs to be more transparency. I'm wondering what input you've gotten from our different city councils and our elected members, that really care individually about each of our cities. Also be sure to build accessibility into all this please.

Mr. Bill Chan, Tahoe Prosperity Center, said I'm commenting to thank TRPA for its efforts to increase workforce housing the basin, and to support the proposed housing amendment package. There are no perfect solutions to this incredibly complex housing challenge in Tahoe. However, these proposed changes will help increase the supply of the types of housing we need here, while preserving the environmental and community characteristics of the basin that we all cherish.

Mr. Bob Poet said he agreed with Mr. Young on the mixed-use zoning ratio. The 60% might even have to be boosted to something like 70%. On your slide you show a picture of Alpine Coffee and that's on Highway 89. I'm familiar with the property and the upstairs portion is by no means 50% of the total square footage unless you were to say that that upstairs would have access to the downstairs kitchen area. He likes the idea of having mixed use because you can alleviate the problem one at a time, dispersed over a wide area. That wouldn't add to the density, which is one of his main concerns. If we have an emergency evacuation it could be a problem, especially if people don't have cars. He advocated the need for taking baby steps in addressing housing challenges rather than trying to solve the complex housing problem in one swift move. Mr. Poet added that he presumes the presented amendments comply with federal housing laws.

Ms. Ann Nichols, North Tahoe Preservation alliance, said it was an exaggeration to say these amendments were middle ground. She referred to a table she had distributed to the APC and staff, detailing the amendments' impact on the transition area. Ms. Nichols expressed disappointment in the complexity of the TRPA code, and highlighted the need for additional findings and a schedule for compliance measures. Ms. Nichols raised concerns about enforcement and income policing, and about increased density leading to potential traffic issues. Referring to the Boulder Bay project she questioned the claim of reduced traffic despite significant growth in square footage, and said that the studies always work for the project. She said these amendments are not ready and called for more time spent on environmental review and impact analysis.

Ms. Kristina Hill, long term resident and ex-TRPA staff, said that a TRPA application for garage addition must make findings to show it won't exceed the thresholds. She is really disappointed in the TRPA not being able to make those findings. There is a section in the staff report that says the findings were made in the 2012 Regional Plan Update – citing old, outdated documents as having done your homework for you. That is really troubling, and on that basis alone, the

process should be delayed to make the required findings. It also says in the staff report that amendments for additional height were not analyzed, leaving the developer to make the scenic research findings. If TRPA can't make them, how can the developer? She is flabbergasted at the lack of environmental review for the proposed, monumental changes to the code.

Ms. Helen Neff, Incline Village resident, highlighted safety concerns for residents and visitors due to proposed amendments. She called attention to the lack of clarity on achieving transportation goals, especially in areas where walking and biking are not safe. She shared a personal experience of being hit and severely injured while legally crossing State Route 28 in a crosswalk in 2021. Ms. Neff described Incline Village as not safe or comfortable for walking or biking due to safety concerns on State Route 28, and questioned how these amendments promote safety for pedestrians, cyclists, and transit users. Housing code amendments should address safety improvements and a crash rate far above the national average, and public transit options need to be provided before parking requirements are relaxed, not afterwards. Land use must also provide safe fire evacuation for all residents. She asked that they do not pass the buck on safety to other agencies or local jurisdictions – safety is part of equitable, comprehensive planning .

Mr. Doug Flaherty, Tahoe Clean Air, said, as substantiated in my written comments, per the bi-state compact, TRPA regulations and CEQA, the TRPA must prepare a new or supplemental EIS/EIR to the 2012 Regional Plan EIS/EIR before deciding to approve the proposed amendments. Failure to do so represents a prejudicial abuse of discretion on the part of the TRPA. The new or subsequent EIR must address the identification of wildfire evacuation routes and their capacity, safety and viability, and evacuation locations under a range of emergency scenarios, in line with California Government code 65302.15 A & B. Further, the new EIS/EIR must discuss significant new, important, life safety planning information contained in the CEQA 2020 California Attorney General guidance best practices for analyzing and mitigating wildfire impacts of development projects. Failure to do so represents a prejudicial abuse of discretion on the part of the TRPA. He asked the APC to please read his written documents, and said finally, here we go again.

We just learned that the Wednesday before the Governing Board meeting, we're going to get to see a brand new, revised Initial Environmental Checklist (IEC). Why do we keep doing this? You say on the one hand you're concerned about transparency and public trust, and we hear today on this very important item that you're going to roll out a revised environmental checklist. This is really egregious, it's shameful, it's outrageous. Why do you keep doing this? Just to use an IEC for this item, which is significant, is egregious shameful and outrageous. One of your members finally boldly spoke up. Please, let us see that environmental checklist long before it goes to the next committee or commission, and please bring it back to the APC before allowing this to go forward on your part.

Ms. Pamela Tsigdinos said she like to really underscore this question of timeline and process and how difficult it has been for the public, those of us who do not understand acronyms, jargon, developer speak, to be able to parse exactly what is being proposed here. She wants to really underscore that the fact that there is no ombudsman means the public has no person to contact to really ensure that the public's perceptions, as well as issues are being adequately addressed.

ADVISORY PLANNING COMMISSION

November 8, 2023

Ms. Tsigdinos added, there's also no dedicated media, and I say this as someone who's a columnist. It is remarkable to me that an agency this large, that has this much scope of power has nobody monitoring, tracking, and giving the public a really clear understanding of what's happening. Without this media scrutiny, I believe there have been many decisions made that have never had the level of transparency that the public deserves.

Ms. Tsigdinos said, I'd also like to talk about the timeline, in relation to how this is being laid out. The fact that we are not getting all the data up front, but it's coming close to when the Governing Board is going to make a decision. I want to double down on what Doug Flaherty said, we need more than two weeks to review an Environmental Impact Checklist. It really needs to be much more substantive - frankly, we need a much bigger environmental impact overview, by virtue of the fact that in 11 years much has changed, not only in the basin, not only in the climate, not only in the local populations. We have a very different world today than we did 11 years ago.

Ms. Tsigdinos added, I'd like to also point out that in 2022, Stanford University put out a study published in Nature Magazine, about the very real hazards of building in double hazard zones. This is exactly what TRPA is proposing. It sounds like you are creating a potential disaster by virtue of trying to put more building, more construction, into a very densely wooded area. Just imagine, we had one lane available to use this summer because of roadwork. If all of this construction goes on, and the green light goes, we are going to have some significant problems not only just going about our daily lives, but getting out of the basin in the event of an emergency. I'd also like to really underscore the importance of going slow. What is the rush? You could do a proof of concept in one area. If it's so wonderful, it will wow everybody, and we will understand how this will happen in other parts of the basin.

Mr. Gavin Feiger, League to Save Lake Tahoe (LTSLT), expressed his appreciation for the work of the staff and commissioners. He highlighted concerns, which have been the same since the start, related to coverage, transportation impacts, and the need to protect the environment. The League to Save Lake Tahoe (LTSLT), want to support deed-restricted housing, and see the dire need for local housing, but emphasize the importance of balancing housing needs with environmental preservation. They very much support concentrating the remaining allowed development only to town centers initially, until they see they are working, and are opposed to expanding incentives to adjacent parcels. They would much prefer to see that in Phase 3, alongside a more detailed environmental review.

Mr. Feiger said the two issues for League in these amendments are coverage and parking. These are inextricably linked – coverage may be the strongest protection for the lake in terms of land use development, and cars are bad for the environment. We need to change our car-centric planning. We need to ensure that the proposed coverage amendments only apply to the current 946 bonus units, and the commercial needed to support those units (mixed-used definition). What it cannot do is condone additional coverage, above the base allowable, for any other development. For parking, they are unwilling to accept any additional coverage, over the base allowable. We need places for people not cars. As proposed, these amendments don't require less parking, but they do allow it for renters that don't need a parking space – and there are many of them out there.

ADVISORY PLANNING COMMISSION

November 8, 2023

Sophia Heidrich, Advocacy Director for Mountain Area Preservation (MAP), voiced concerns about the proposed amendments, particularly the potential for sprawl outside town centers. Sprawl goes against everything the TRPA stands for. Town center boundaries were thoughtfully developed – let's respect them. Secondly, the proposed height, density, and coverage are out of character with the area. These amendments have the potential to drastically impact Tahoe. Some sites may be able to accommodate, but not 100's across the basin. The TRPA needs to be more thoughtful about this process. Ms. Heidrich said she supported Mr. Drake's comments, and urged TRPA to conduct a site analysis to identify specific parcels suitable for affordable and workforce housing. Third, she emphasized the need for thorough environmental review, pointing out flaws in relying on outdated analyses. Finally, she stressed the importance of enforcing restrictions on affordable and workforce housing. Without enforcement, this simply won't work.

Mr. Rob Olsen, full-time resident/employer for over 17 years, architect/builder, said there are major pitfalls in the current codes that hinder the number of workforce housing units that could be built today. He is working on his own workforce housing unit in Tahoe City, aiming for at least 16 units. He expressed support for the proposed amendments, emphasizing potential benefits for both local and external developers. He advocated for keeping the momentum and pushing for approval from TRPA and local jurisdictions. He highlighted the positive environmental impact of having local workers living closer to their workplace, and urged action, arguing that inaction could further jeopardize the housing situation. Pushing these amendments down the road is a stall tactic, we need these updates.

Ms. Tobi Tyler, Sierra Club - Tahoe Group, said they object to the proposed amendments, and requests APC members to vote against them. She expresses concerns about the lack of assurances and enforcement mechanisms for ensuring truly affordable housing. The proposal is a giveaway to developers, accusing it of incentivizing/encouraging, rather than mandating affordable housing. The TRPA sanctioned Tahoe Prosperity Center have devised this charade to increase development by masking it as affordable housing. The Sierra Club also opposes the use of the Initial Environmental Checklist (IEC) for inadequate environmental evaluation, which will severely impact public safety during evacuations and stresses existing environmental issues in the Tahoe Basin.

Ms. Leah Kaufman, retired 40-year land use planner in the Tahoe Basin, expressed concerns about impacts on transition areas and multifamily units not adequately discussed. She highlighted the need for notification of affected parties and suggested improvements (in a letter to the APC) to the achievable housing definition - land use planners and attorneys are always looking for loopholes. She said she criticizes the transparency of exhibits presented to the public, emphasizing the importance of clear information, and advocates for the bifurcation of outside town centers and references specific language in the Tahoe Area Plan for concentrating development and preserving SEZ (Stream Environment Zone) restoration.

Ms. Emily Blackmer, Tahoe City resident, said she strongly supports measures to address the housing crisis. She wanted to share a voice/story to the people these amendments will support. Some are commuting from Reno, and some, like her, are already in the basin and living in unsuitable conditions. As a professional public servant, an involved community member, and lifetime resident of the basin, she and her cohorts are in a similar position – priced out of ever buying a home, while being worried about being kicked out of their rentals. Her family lives in a

ADVISORY PLANNING COMMISSION

November 8, 2023

400 sq. ft. apartment in Tahoe City, it's small but provides a high quality of life in a denser, walkable community, per the proposed amendments. As two public servants, they would like to start a family, but can't find anywhere affordable. When you're talking about community character, and housing, you're talking about me and my husband, and our future children, and whether we can live in this community I call home.

Ms. Niobe Austere said she had sent three separate comments for the attention of the APC. Firstly, she asked why Phase 3 had not been considered before Phase 2. She emphasized the importance of addressing existing multi-family units and transition zones first. She expressed concerns about building heights and density, which takes a longer time to get through the public process.

Ms. Austere questioned the accuracy of renderings presented to the public and highlights the need for transparency. She raised concerns about the 'Achievable Housing' definition, and suggests addressing loopholes related to business licenses, and opposed developments exceeding three-four stories, emphasizing the impact on community character. She supported the idea of identifying specific lots for multi-family development around the lake rather than implementing an overall zoning change.

Mr. Jackson Rialo thanked TRPA staff, and all involved in bringing forward the proposed amendments, acknowledging the extensive research and effort. He said he agrees with comments made by Emily, Rob Wilson, and Patrick Taylor, emphasizing the need for amendments to incentivize desired housing types.

Mr. Rialo highlighted the need to bring amendments that support affordable housing. Many of the people that would benefit from these amendments are unable to show up these meetings. As a professional South Lake Tahoe resident, and as a land use planning consultant, he said current code standards incentivize luxury housing that everyone complains about. These amendments offer a step forward to incentivize the housing we need to see in our communities. Looking to Phase 3, he encouraged TRPA to evaluate whether including condominiums, or creating a separate use category for specific subdivisions could address equity concerns.

Ms. Kathy Julian expressed agreement with Emily's comments on the need for workforce housing. As a resident of Incline Village, she understands the need to incentivize that. But 946 units are precious, and she is concerned that the amendment language is not ensuring that units go to local workers. She suggested a focus on rental housing and consideration of income caps. Ms. Julian recommends dropping changes to non-town centers, and making amendments to language to address suggestions made during the meeting accordingly.

Ms. Rebecca Bryson said she had been working on housing issues for 5-6 years. She fully supports no parking minimums and is glad to see that highlighted, she also strongly advocates for the density amendments – small, environmentally-friendly housing, she also supports coverage as mitigate by stormwater requirements.

Mr. Alex Tsigdinos said he would like to add his skepticism around this plan, with the objective of more workforce housing, that include dramatic changes to town centers. If you move forward with this an easy way to get there is limiting or capping STR's (short term rentals). We have 5,000 STR's units in the basin, 1,000 here in Incline Village, and it's wrong that young families

living might be lucky to find 1-2 rental options. Secondly, I'm skeptical of deed restrictions. I understand we have 50+ deed restricted units that have not been enforced – which may also apply to new buildings that would become STR's. The 947 project is a potential example. Regarding, the 'walkable downtown', it's a great thought, maybe for San Diego, but it's a challenge in the basin, where we get snow by the foot.

APC Comments/Questions

Chair Ferry invited additional clarification from staff. Ms. Karen Fink replied to comments around enforcement on deed restrictions, and the issue related to that part of the definition of 'achievable' relies on the occupants of the household having a business license or tax address in the Tahoe-Truckee region, and concerns that it may be too easy to get a business license in Truckee. She said that Ms. Kaufman had submitted language from Summit County that tightened down that requirement, to require that, if a household is self-employed, they need to demonstrate that at least 30 hours of their average week work, requires them to be in the region. We did not specifically include that when we brought this forward because we feel like we have a lot of people (contractors etc.) who may some years have more work outside of the basin. So those are the people that we want to capture. But if the APC wants to discuss that I want to put that out as something we would like to hear from local government, in terms of what workers you want to make sure we capture, and who you're not as concerned about.

Ms. Fink said she also wanted to speak to the enforcement of deed restrictions. We have embarked on a pretty robust enforcement system this year per the requirements in the code, and also based on some violations that we saw in Incline Village, we started reaching out to all of the Incline Village homeowners, who have deed restrictions, and that has been successful. So we are enforcing these units, and we plan to continue that with funding to continue the enforcement.

Ms. Bettinger added that these amendments do not propose changing any setbacks with this proposal. She added that the bonus unit boundary right now encompasses both town centers and the areas that are zoned for multi-family.

Mr. Steve Teshara asked Mr. Marshall if TRPA code amendments had to apply region wide. Mr. Marshall agreed that was generally accurate, but said we also have the ability to provide zoning to smaller or special areas. Mr. Teshara said he learned two basic things this morning. One was that because you have to have an existing registered area wide storm drain, the areas of the basin where this could apply if it went forward are pretty limited. Mr. Marshall confirmed that was correct for the increased coverage incentives. Mr. Teshara said that the practical reality is that it's pretty limited opportunities that we're talking about. He thinks a lot of people are concerned that this is a broad swath of new opportunities, or a gift to developers, although he is pretty certain that people are not in the affordable housing business to make a huge profit.

Mr. Teshara said he is concerned about the whole issue of who goes first, whether it's the TRPA or local governments, and whether you opt in or opt out. He questioned whether by doing this we are creating additional challenges and work for the local governments. Mr. Marshall said he does not think so. Code amendments become effective 60 days after Governing Board approval. If local governments agree with these provisions, they don't need to do anything. If they want to do something different, then they need to opt out and say, we want a different mix of criteria

ADVISORY PLANNING COMMISSION

November 8, 2023

here. We're going to get the same result, but we think we can do that by utilizing inclusionary zoning, plus this or that technique. There is no requirement for the local jurisdictions to do a plan amendment to have these go into effect. But if they wanted to do something different there would be. Mr. Hester said they (TRPA) have spoken with the City Manager, Assistant City Manager, and New Development Services Director, and they asked for the option to create their own version, so that's part of the reason it is the way it is.

Mr. Teshara said some local governments have more capacity to process things than others, and that's a concern. He added that the fundamental principle of the Regional Plan of 2012 was that TRPA would partner with local governments to implement the Plan. He wants to make sure we're not unduly burdening some of the local governments that may not have the capacity to keep up with their end of the deal.

Mr. Teshara added that he does not recall any time that the APC has received so many comments. To him that means we're probably not ready to move forward today, we have some things to address. He'd like to see the revised IEC come back to APC before moving onto the Regional Plan Implementation Committee (RPIC) and Governing Board. He also expressed concern around the timing and complexity of many different meetings at this time of year, and said that it is hard for the public to follow.

Then there's the APC and the RPC and the Governing Board and it's hard to follow, if I didn't just do this full time it would be hard to follow, and so I appreciate the public having some struggles with trying to understand where we're going and what we're doing. He thinks it would be important for us to not stop the process, but to slow it down to give it a little bit more thought.

Mr. Marshall said that the APC can recommend the IEC come back to them if that is their direction of choice. Mr. Ferry said his thought on it is that if the changes are non-substantial, (say, just some context, and adding reference to the Attorney Generals' memo on wildfire evacuation), he does not need to see that again for a technical review. If the changes are substantial (changes to the analysis or conclusion for example) then yes, I think we should see it.

Ms. Simon said I would like to associate with Mr. Teshara's comments and added that I'm concerned that we seem to be dependent on 2012 data to base decisions that will affect us for years to come. While the scope of the universe that we're discussing here might be small, the decisions that we make will have implications for the basin as a whole. One thing that really bothers me is the transportation and parking issues. In most areas of the basin we do not have reliable transportation, so one car per unit seems to be a reasonable amount, not 0 or a 0.75. And I'm not sure how increased height will result in more achievable or affordable housing. I don't think I can support the amendments as they're presented today.

Mr. Young agreed with Mr. Ferry that he does not need to see the revised IEC unless something really remarkable comes of it, which he does not expect. I think that we've had a very good review and discussion today, and it's time to try something. It's time to get started and keep moving, there are no disasters here. If the new checklist turns out to show us something significant, the TRPA as a whole will surely act on that. I am ready for a motion and ready to move forward on this item.

ADVISORY PLANNING COMMISSION

November 8, 2023

Mr. Drake said STRs (short term rental) and VHRs (vacation home rental), and how they have wildly distorted our market, came up several times. How much discussion of STR reform has there been as part of the housing working group? Mr. Hester said the Local Government Committee of the Governing Board spent two years on it. Their direction was to have each local government address it. While that sounds like a nice solution, where those units are, and the types of people who need affordable housing, are not the same – it's different locations and different types of units. Ms. Fink said that the numbers show that even if restrictions were applied it would only add 500-900 units, which is not enough to address the problem. She added that vacant second homes are really causing the vast majority of the inequities that we face.

Mr. Drake said another comment that came up was about considering adding an income cap to the definition of achievable. He believes that could eliminate the concern about any these deed restricted units becoming high end or luxury units. Ms. Fink said we previously had an income cap that was tied to the income needed to afford the median priced home. We got a lot of feedback that the income cap was not very useful. For instance, in Washoe County it was 540% of AMI, because that's the level of income you need to be able to afford the median price home in Washoe County. Then in Placer County we heard that it was too low - even people who are making two professional incomes still could not afford the median price home under those caps. So, we looked to other areas like Summit County, Eagle County and Vale, who have just a workforce restriction, not an income restriction, and we made that change in April of 2023. So we did take that specific change to the Governing Board. If it's a big enough issue we can revisit it, but we have vetted that and brought it forward for consideration already.

Mr. Drake said the height piece is the most contentious for obvious reasons, it's the most sensitive to our community. Has there been any analysis on what gains we could see with just density and parking improvements. Ms. Bettinger said the affordability level would be higher because you can fit more units in a taller building. Mr. Hester said the amendments all work together, without each piece the costs can't be pushed down to moderate/low levels, and subsidies would be required.

Mr. Drew said a more cautious approach could be to focus on the town centers first. That could also support the concept of deed restrictions enforcement because I know that was also an issue. I think it is pretty unrealistic to relax the parking standards completely. It is the Tahoe Basin and people are going to need automobiles to get to services off the hill. So he would suggest that one parking space per unit is probably more realistic. Mr. Drake said I think the idea is to decouple parking from the building itself, and let the market, the developer decide what they want to provide. That would allow some of these units to be even less expensive for people who don't own cars. For those who do, and value that, they can choose to rent a unit that has a parking spot with it and pay a little more for it. While they may be the minority, there are quite a few low-income people who do not own cars, and would love to have a more affordable unit and not be paying for somebody else's parking space. To me, that's the bigger piece of this equation, and I strongly support the parking reforms - if we do one thing today I want to see that pass.

Ms. Chandler said I'm just not comfortable with going ahead and approving all of these at this point. It almost seems like it would have made more sense to go through each chapter individually because it's too much of a bundle for us to go forward. I really agree with Mr. Teshara that we need to think a little bit more about this.

November 8, 2023

Mr. Ferry said it's bundled because these things all work together, and that's why we see a complicated motion. Mr. Ferry said he is comfortable moving forward, with the addition of a motion to say that if the IEC changes substantially it will come back to the APC for consideration. To him, these amendments are very narrow and targeted, and these 946 units are already ready to be used, in basically the same areas. I understand height is a big issue and I think locals need to take that on and change that if it's a local concern.

Ms. Setzer said she was ready to move forward with approval of the entire package. She agrees these amendments are very targeted and don't apply to a blanket area of zone districts or parcels. They still have to meet scenic standards, and will still need County environmental review. So there are many steps before major change actually happens.

Mr. Teshara said if somebody wanted to propose a motion that was narrower in scope than the whole package, he could be okay with that. He added that Placer County did a pretty good job in responding to the public comments they received on the Tahoe Basin Area Plan amendments, with a detailed comprehensive response to comments. He suggested the staff consider creating a similar document for these amendments.

Mr. Young made a motion to recommend approval of the required findings (Attachment A), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapters 1, 13, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units

Ms. Stahler seconded the motion.

Ayes: Ms. Moroles O'Neil, Ms. Chandler, Mr. Drake, Mr. Kuchnicki, Mr. Drew, Ms. Setzer, Mr. Hitchcock, Ms. Stahler, Mr. Young, Mr. Ferry

Nays: Ms. Simon, Mr. Teshara

Mr. Teshara quantified that the only reason he voted no is because he believes we should do a little bit more work on responding to the public comments.

Motion Passed.

Mr. Young made a motion to recommend approval and adoption of Ordinance 2023-___ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 1, 13, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board.

Ms. Stahler seconded the motion.

Ayes: Ms. Moroles O'Neil, Ms. Chandler, Mr. Drake, Mr. Kuchnicki, Mr. Drew, Ms. Setzer, Mr. Hitchcock, Ms. Stahler, Mr. Young, Mr. Ferry

Nays: Ms. Simon, Mr. Teshara

Mr. Teshara quantified that the only reason he voted no is because he believes we should do a little bit more work on responding to the public comments.

Motion Passed.

Mr. Ferry made a motion to recommend that in the event the Initial Environmental Checklist (IEC) is substantially amended, the proposed amendments return to the Advisory Planning Commission for review and recommendation, before proceeding to the Regional Planning Implementation Committee

Mr. Drew seconded the motion.

Ayes: Ms. Moroles O'Neil, Ms. Chandler, Mr. Drake, Mr. Kuchnicki, Mr. Drew, Ms. Setzer, Ms. Simon, Mr. Hitchcock, Ms. Stahler, Mr. Young, Mr. Teshara, Mr. Ferry

Motion Passed.

VI.A. [Agenda Item No. VI.A. 2020 US Census Demographics for the Tahoe Region](#)

This item was continued to the December APC Meeting.

VII. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester provided an update on what Governing Board actions have been taken on recent APC recommendations. Threshold Standards have been referred to a meeting of the TUISWG (Threshold Update Initiative Strategic Working Group), tentatively scheduled for December 19, 2023.

As far as upcoming topics, Placer County will be bringing Tahoe Basin Area Plan amendments before the APC in December 2023, and in the Spring we will see mixed-use amendments, climate smart amendments, possible area plan amendments for the City of South Lake Tahoe, Washoe County and Douglas County

B. General Counsel

Mr. Marshall said we got a positive recommendation out of the magistrate overhearing the Miller versus TRPA case which challenged the Ski Run cell tower. This was a very limited case to the increased depth of excavation required by a different type of foundation. The court recommended to the district court that TRPA prevail against all the claims of Mr. Miller.

ADVISORY PLANNING COMMISSION

November 8, 2023

C. APC Member Reports

Mr. Hitchcock advised that the City council held the first reading of the City's inclusion housing ordinance this week. The second reading is scheduled for December.

VII. PUBLIC COMMENT

None.

VIII. ADJOURNMENT

Ms. Simon moved to adjourn

Chair Ferry adjourned the meeting at 2:07 p.m.

Respectfully Submitted,



Tracy Campbell
Clerk to the Advisory Planning Commission

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