

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLANNING COMMITTEE

TRPA/Zoom

November 15, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 12:08 a.m.

Members present: Ms. Aldean, Ms. Diss, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Mr. Settlemeyer

I. APPROVAL OF AGENDA

Mr. Hoenigman deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean provided her minor clerical edits to Ms. Ambler and moved approval of the September 27, 2023 minutes as amended.

III. Discussion and possible recommendation on the Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 1, Introduction; Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units

Mr. Hester said they've been working on this since 2020 and was when the Tahoe living Working Group was created, which has some Governing Board and Advisory Planning Commission members. We are now in phase 2 and Ms. Bettinger will go through what we have already approved in phase one. When we get through this phase 2 work, we've got phase 3 coming up. This only applies to 946 units and only in certain areas. So, what we can do to address housing at TRPA is limited. What staff heard from the Board 16 months ago at a Board retreat whatever you can do, go big and try to make a difference. TRPA hired a group who looked at this from the perspective of the market.

They have a good analysis which isn't always what's most popular, but it's what they think works and is the direction given by the Board. That's not to say that what came out of that and what's been proposed hasn't evolved because it has. What is probably most important in these introductory comments is there was a person who spoke at the Advisory Planning Commission who doesn't have time to come to these meetings who said she and her

husband both work in the public sector. They have a 400 square foot house in the North Shore, Tahoe City area. We want to have a family, aren't sure that they can find a place they can afford that's big enough for what they make. They want to stay here and raise their family here, but don't think they can. That hit some of us pretty hard. That's really what this is about. It's about trying to keep our communities working, and where everybody can live. What staff designed is proposed to meet the Governing Board's direction even though it may be viewed by some as significant change. They think it's necessary to address the housing issue.

TRPA staff Ms. Bettinger provided the presentation.

Ms. Bettinger said the proposed amendments focus on addressing the affordability crisis that we are facing in the Tahoe Basin. Over the past few decades, the cost per unit of housing in the basin has skyrocketed. We need more housing units at an affordable price, and the proposed amendments that you'll see today help us get there.

But this isn't just about housing. The environmental gain and affordable housing are very much linked, and that link is through compact development. Building compact development where people can actually walk or bike to the places that they need to go helps us reduce VMT. Development that is compact and in our town centers is more likely to use less coverage on a per unit basis. Also, building it in our town centers where already a lot of our coverage exists and there are opportunities to tie into area-wide stormwater treatments, helps us meet our water quality goals.

Lastly, building compact development along our main corridors provides a density that our transit needs in order for it to work. While this proposal was developed with housing in mind, it does benefit a lot of our other focus areas and Regional Plan goals.

They've been working on the Tahoe Living strategic priority for the past few years. It started with phase one where they worked on allowing accessory dwelling units on smaller lots as well as incentivizing conversions between old motels to long term residential housing. We are now in phase 2 and are focused on making it more financially feasible to build out our remaining bonus unit pool.

The Phase 3 process will look at some of the larger policies to make them more equitable and engage some of the community that they don't hear from very often. They'll be looking at some of our long-standing systems like the growth management and development rights system, fees and permitting systems.

For Phase 2 there's been eight publicly noticed meetings starting about two years ago with the Tahoe Living Working Group. The input was to look at these development standards as a priority. Staff went to the Governing Board in 2022 and held a workshop to hone in some of these development standards. At that point, the Governing Board recommended that staff go back and identify the development standards that were needed to make this type of housing to pencil.

TRPA sets growth caps for the basin and the most recent growth caps were set in 1987 and 2012. The proposal does not change these caps so they're not authorizing any new

development with this proposal. This proposal does, however, focus on just the 946 bonus units that remain in the pool. Residential bonus units are residential units that TRPA and the local jurisdictions hold that can be distributed to residential projects that are deed restricted.

There are three deed restriction levels. The first two levels of affordable and moderate are income based and these are in line with the state and federal requirements. Each county has their own income limits, but the household income has to be within, what is shown on slide 7. In 2018, they adopted a new deed restriction level called the achievable level and is focused on the local workforce and doesn't have an income cap, but it does have the requirement that at least one person in the household works at least 30 hours per week within the Tahoe Basin. And, must be their primary residence.

In addition to the bonus units being distributed to deed restricted residential units only, they also can only be distributed within the bonus unit boundary and is shown on slide 8 in green. The bonus unit boundary includes one half mile from transit and town centers and all areas that are already zoned for multi-family. They require that the bonus units are distributed within this boundary. This boundary is relatively large and have broken the proposal into two different areas. One is within town centers, and one is within areas that are already zoned for multi-family. The goal is to target these 946 bonus units into town centers and multi-family areas to get that compact development.

In order to provide those incentives, they are making changes to our development standards. When referring to development standards that is coverage, height, and density, as well as parking and setbacks. Parking and setbacks are typically set at the local jurisdiction level. Development standards influence what is built on the ground. Looking at development standards, they can look at incentivizing this development in town centers and multi-family areas.

They've been working with a third party consultant over the past couple of years to look at what changes they should make to the development standards and asking questions for example, if they updated the density standards, how does that reduce the cost to build multi-family units and the resulting affordability level. They've found that making changes to the development standards in some cases can reduce rents, up to 40 percent.

This proposal is broken out into two locations. The town centers were primarily drawn around the existing commercial development when they were established. But what's missing here is residential in order to support those commercial establishments such as the shops, restaurants, and transit.

Because these 946 bonus units are already authorized to be built, targeting these areas for higher density housing is in line with the California Attorney General guidelines on development in wildfire prone areas. Because this is already likely going to happen, it is better from a wildfire perspective to be built in these town centers, then dispersed, more broadly through the bonus unit boundary.

Within town centers, they are proposing to allow an additional nine feet of height. They currently allow 56 feet in town centers and would be going up to 65 feet. They'd be allowing coverage over 70 percent when the project is tying into an area wide stormwater treatment. Density is limited by other factors, primarily coverage, height, and setbacks. In this case, they are exempting deed restricted units from density requirements because right now the density standards encourage and sort of force larger units. By exempting these projects from density standards, they are encouraging smaller units that will be more affordable. The last change is to parking. Local jurisdictions currently require between one to two spaces per unit. The Regional Plan Implementation Committees direction in September, they asked to allow projects to go lower with a parking analysis. The proposed code amendments would allow projects to deviate from current local standards if they are showing a parking analysis and showing how that demand is being met either through parking or with other strategies like uncoupling parking from the unit or shared parking agreements.

Right now, they allow 70 percent coverage in town centers and would allow additional coverage only if the runoff from the project can be treated by an area wide stormwater system.

Another area that we have proposed changes to is areas that are already zoned for multi-family. These are areas where a lot of the de facto affordable housing already exists, but it was built oftentimes before TRPA and local jurisdictions had regulations around development standards so if they were to come in today oftentimes these projects of existing multi-family wouldn't be able to get built. These areas are also generally within walking distance to town centers. They're close to transit and services. Again, a prime area where they do want to incentivize compact development.

Within areas that are already zoned for multi-family, they are proposing to allow more flexibility with roof pitch. Currently allowed is up to 36 feet on a flat lot in these areas but do require a pretty steep roof pitch. So, they are not allowing any increased height, but are allowing for a shallower roof pitch. This allows more livable space. It also contributes to energy efficiency. Additional land coverage up to 70 percent in these areas they allow up to 50 percent coverage now. This would be a little bit higher and again would require either contribution to an area wide stormwater treatment or projects could do onsite BMPs as they would today, but the local jurisdiction would have to monitor and ensure that the BMPs are maintained over time in order for them to get up to 70 percent coverage in this case. Similar to the last or the town center proposal, they are proposing to exempt deed restricted units from density requirements. Again, to encourage smaller size units that are more affordable.

The parking proposal is similar to town centers, and this was also direction provided by the Regional Plan Implementation Committee in September, allowing the project to deviate from what the locals currently allow down to .75 parking spaces per unit on average. Again, they would need to do that parking analysis and show the demand and how that demand is being met.

Within the, the multi-family areas they are proposing an additional height allowance in order to create a transition between the height that is proposed in town centers. Going to

the height that is allowed in multi-family areas. They are proposing an additional 11 feet of height on parcels that are contiguous and adjacent to town centers and also within a 500 foot boundary.

They received some feedback that folks would like to see these incentives applied to mixed use projects. Because again, in the town centers, they would like to make them walkable with some commercial on the ground floor and residential above. The proposal would apply to mixed use projects that are building 100 percent deed restricted housing above. The requirement is that the commercial portion is no more than 50 percent of the total square footage in order to ensure that those incentives are still being applied to deed restricted housing. This proposal would also apply to accessory dwelling units, primarily the coverage. Depending on the location of where the ADU is being built, they can get either up to 1,200 square feet of coverage for a deed restricted ADU or 70 percent depending on whether they're in a town center or not.

They've been doing quite a bit of outreach, primarily in the last six months with eight publicly noticed hearings, pop up booths at Farmer's Markets, social services events, and at other community events throughout the summer. They got a lot of great input from the webinar that we held as well as the survey back in September. And they've also heard a lot of great ideas from the many one on one meetings that we've had with the community.

The following are some of the areas where the proposal has changed. They originally included a proposal to increase height in multi-family areas that have since been removed due to quite a bit of community concern. Originally, they were proposing density increases for market rate. That has been reeled that back apply to only deed restricted in this proposal. They were not planning to address parking requirements in the original proposal but have heard a lot of input about needing to reduce the amount or at least provide an option for developers to build less parking and is now included in the proposal.

Changes made since the committee last heard this item at the Regional Plan Implementation Committee meeting in September. There were a few committee members that were concerned that were concerned that taller buildings would lead to shade on adjacent roads and properties. They have included in the proposed code that projects would need to provide a shade analysis during the project review process and show that they are minimizing the amount of shade to adjacent roads and structures. The second change is to the coverage incentives and how they apply to parking. They received input that anytime a project is getting these coverage incentives that the additional coverage should not be going to parking. The proposed code language says that if you are receiving potentially above 70 percent in town centers in this case, you cannot have parking above what is currently required by the local jurisdictions. For example, if the local jurisdictions require two spaces per unit and the project is receiving coverage incentives in this proposal, they couldn't build more than two spaces per unit.

Right now, a local jurisdiction sets height, density, and parking standards in their area plans in most locations but are a few exceptions. The staff's recommendation is that some of these changes that are not included in area plans such as coverage would take effect within 60 days following the code change. Where standards are inconsistent, locals would update

their area plans per Chapter 13 of the TRPA Code of Ordinances. Local jurisdictions would have the option to opt out of these standards, but they would need to show that any reductions to height, density, or parking would be supplemented by other direct subsidies or other programs that would not result in net increase in the cost to build these deed restricted units.

Staff presented these proposed amendments to the Advisory Planning Commission on November 8 and received recommendation to the Governing Board. The APC recommended that they release a frequently asked questions list to with the Governing Board packet. There are already quite a few answers to frequently asked questions on the TRPA website at <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>.

Presentation: [RPIC-Agenda-Item-No-3-Phase-2-Housing-Amendments.pdf](#)

Committee Comments & Questions

Ms. Gustafson said there's a bit of a point between the local jurisdictions and the opt out program and which standard would apply. She thinks she understands TRPA's position. If they didn't choose to opt out from Placer County's perspective, they still have to issue a permit, go through design review and make sure it's compatible and addresses local community issues.

Mr. Marshall said let's step back a little bit and talk about two different processes. One is the area planning process and then the other one is local jurisdiction permitting. It's always been the case in TRPA or in the basin where you usually need two permits to proceed with any significant project. That's one from TRPA and one from local government. So, in general in the past there have been two separate sets of documents that control what you can do. TRPA's rules basically preempt any inconsistent local governments. With the area planning concept that they put in in 2012, a lot of local governments merged those two sets of applicable regulations. If they went ahead and did an area plan, they usually made that area plan also their state law general plan and implementing regulations whether you're in California or Nevada.

The area plan as we referred to it became two operative documents, one for TRPA and one for local government when they're issuing their local plans. That required two sets of approvals, both the local government, either the city council, board of supervisors, or the county commissioners would have to approve that document not only to bring it forward to TRPA but also because it served as the local government's own implementation regulations. It contained things, for example, they don't necessarily set setback and prior to this parking standards. Whereas, s TRPA's regulations tended to focus more on the kind of essential development requirements like coverage, height, and density. In some cases, there is overlap.

The question that they're addressing now is what happens in these areas of overlap when the Regional Plan changes, but the underlying local government hasn't taken action. When they made the 2012 amendments to create the area planning process, to some degree anticipated in the future there'll be changes to the Regional Plan that affect area plans and what do you do about those? Essentially that was kind of an opt in program where they gave

the local jurisdictions a year to bring their area plans up to snuff and if they didn't do it, TRPA would take over that job of essentially creating those standards within the area plan. What they're proposing here is an opt-out mode where the language that they're adopting in the Regional Plan is specifically to preempt those any inconsistent local jurisdiction regulations. And the local jurisdictions can opt out of those specific regulations if they show that their local programs are at least as effective as getting to the ultimate objective, which is affordable deed restricted units on the ground. That's the setup that we have now.

Remember that there's two documents, the local jurisdiction rules and TRPA rules. They're not set out differently, they're one document basically. For coverage, it's an easy discussion because in general local plans don't have coverage standards. Those are set by TRPA. Those rules will go into effect and when a TRPA permit is issued, that's what controls. Most local jurisdictions however have their own height rules, or they are the same as TRPA height rules. What happens when TRPA changes those height rules in the Regional Plan, two things have to follow; one the area plan is either expressly superseded as they are doing here, and the local government has got to make some change so it's at a minimum consistent with those new implementing regulations.

Height is a little bit of a strange issue and to the same degree density. Essentially saying we want to increase height here in these very limited circumstances in order to realize that environmental and social benefits that in basin housing brings. That change to some degree separates what's happening at the regional level What's happening on the regional level TRPA level and what's happening on the local jurisdictional level that the local jurisdiction hasn't changed what they consider be their rules to come in conformance with the Regional Plan rules. Our position is notwithstanding that divergence because TRPA rules preempt that's what would apply. In his conversations with some of our local county councils and city attorneys, they may take a little different view of that. They think, no, we have to change our state mandated rules first or they can issue not the TRPA permit, but they can issue their local jurisdiction permit which arises under state law, not under our Compact.

What we know is that it is not productive for development of these kind of low margin housing units is to have an area where there's not clarity. In the next implementing year, they're going to work with local jurisdictions to try to come up with a mutual understanding of what the applicable rules are and if there's not that opt out within a year, then we'll be taking a firm position that the Regional Plan clearly says that you had a year to bring your plan into conformance with either the development standards or the opt-out provisions saying that you need to come up with something if it's less height that is equally as effective as the greater height, for example.

Ms. Gustafson said the letters they've received have been a lot of that contextual issue of where this height might go, how prevalent it might be, and will it change the nature of our communities? There's a lot of dialogue along with that and want the public to know that they have heard that. They very consciously in Placer County adopted some area plan amendments recently that will be coming to this board where they took out height for commercial developments. This is a different matter with housing. She still thinks there's some areas where we can reach common ground with potentially some sites, but we may not and then they would have the choice to do the opt-out as long as they then, and it might

be that then county government has to make up that feasibility through a subsidy and is an opportunity.

Ms. Aldean said the requirement that you bring your area plan into conformance with the Regional Plan within one year is codified because it's in our current policies.

Mr. Marshall said yes, it's in Chapter 13.6.7.

Ms. Aldean said they've heard from at least one developer who is anxious to proceed. What if the local jurisdiction tells TRPA that they want to opt out, but it's going to take us time to prepare our area plan amendment. In the meantime, the developer has acquired a piece of property in that jurisdiction and is going to take advantage of these new rules and regulations. Is there a possibility that if they come to TRPA in some degree of formality wanting to amend their area plan with some specifics about how they're going to use alternative strategies to get to the same place, is there an opportunity to stay the implementation of these regulations in that area to allow them time to produce an area plan that comes up with a variety of options like inclusionary housing or getting donated land to facilitate the development of affordable housing. Will it even be worth our while to opt out if developers are going to make an immediate move after 60 days of adoption to move forward with their plans to develop these higher buildings with more density and coverage.

Mr. Marshall said that's a combination of legal and more housing policy stuff. Theoretically, yes, there is a way to do that, which he'd essentially say is the what the Regional Plan considers is essentially you have one year. You can essentially keep your area plan in place for that year, but you must upgrade within the year. This opt-out provision that they are proposing here is a little more aggressive than that. They would be taking the position that our height rules apply, and local governments state law height rule is preempted. They could choose to back off that as a board if that's their policy choice and have it go under the more standard process where you get one year to bring your plan into compliance and that the compliance would be that they'd have to come up with a program to either adopt those same rules, bring it into conformance or go through a process whereby your mix of factors generate the same social and environmental benefits.

Ms. Aldean said they'd have to go from a 60 day implementation to a one year implementation.

Mr. Marshall said basically, yes.

Ms. Aldean said a lot of hard work has gone into this, but based on what occurred at the Advisory Planning Commission meeting, is what the members of the public are asking for is more time to digest these changes and maybe give their local jurisdictions an opportunity to come up with a plan that is more with keeping with their vision what multiple options might look like in terms of providing affordable housing.

Mr. Hester said staff has been in active conversations each local government. He doesn't know that any two want to do it the same way. So, it's not going to be a one size fits all.

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Ms. Aldean said if you're one of the jurisdictions who wants to use a different approach and there's somebody who's acquired a piece of land in your jurisdiction and within 60 days they can submit their plans to TRPA for approval, that kind of negates your ability to look at other more creative solutions. It could maybe could what the people of that jurisdiction want in terms of maintaining character.

Mr. Hester said if a jurisdiction came to TRPA and had a height standard that says 56 feet and TRPA just about 65 feet, the local jurisdiction can decide whether they're going to stick with their 56 feet or go ahead with TRPA's height and do that within 60 days. The onus is really on them, or the local jurisdiction could come in and say we're going to buy the land and put in the stormwater system. And this going back to how we got to where we got with this pro forma and this analysis by Cascadia, they might be able to get the housing even cheaper.

Mr. Hoenigman said they couldn't propose a tall building, they could only propose more coverage.

Mr. Hester said if TRPA's code is the only code on the topic, it goes into effect in 60 days. If it's in conflict is when they have one year.

Ms. Aldean said that's an important distinction to make. Because most people think that once it's adopted in 60 days it's going to be a free for all.

Mr. Hester said he believes that at least one jurisdiction defers to TRPA's height and don't have to do anything.

Ms. Aldean said that's fine but just wants to give local jurisdictions more latitude. This needs to be clarified and be part of code amendment. People are confused about the difference between a 60 day enactment and 100 days to bring an area plan into compliance.

Mr. Marshall suggested that they move on because they're getting more into the discussion side of things as opposed to just answering questions, but there is more to be said on that.

Ms. Gustafson said the reason she was asking and wanted to have that discussion before public comment was because then public comment can be addressing those issues more correctly.

Public Comment:

Vinton Hawkins speaking from the hat of the Boat Works Mall and commercial condominium in Tahoe City. They 34 unit motel, 35 plus businesses and tenants in the mall, and tenants in their commercial condominiums. Everyone has done a great job in planning this and is in support of the amendments. The number one thing that they hear from their tenants for 5 years of operating this location is retaining employees and operating their businesses. Almost every single tenant that has failed there was a direct result because they cannot hire stable employees. This is critically important to them. These proposals are the first few layers of a 15 layer cake and have many more layers to go before they ever see anything come out of the ground. It's a rigorous process. The sooner you can push it through the

more you can support it and the sooner they'll be able to fix our problems, at least in Tahoe City by having some workforce housing there.

Randy Fleischer, Incline Village resident and a developer of the Nine 47 condominiums. He owns about a one acre site that he's deed restricting for hopefully, 40 to 60 workforce housing units. He's in support of the proposed amendments and will allow them to go up one floor and add 10 to 15 units. It's an important issue, they hear from the local employers that they're not able to retain employees and keep people there. They're hopeful that they'll be able to develop this site and deliver those units to the community. He hopes that Ms. Hill doesn't opt out and that she stays the course and allows us to continue with the development and design of their project.

Lew Feldman also supported the proposed amendments. He believes in 1987 they created 1,400 bonus units and 35 years later, they've 450 of them and that's not a track record to take pride in. The remaining 950 or so are not going to fly off the shelf. These projects are going to remain challenging, financially and otherwise but the sooner they can create more incentive, the sooner they can address this. A crisis doesn't do justice to the lack of housing for our workforce and the impacts on our employers and economy. Staff have done a courageous and far reaching step and encouraged them to adopt the staff recommendation.

Patrick Taylor, Alpine Corporation echoed everyone's comments that have spoken here. Staff has done a fantastic job and spent a lot of time working on these amendments and are what we developers need to provide the workforce housing that we're trying to provide all around the lake.

Chris King, Incline Village resident said he supported the need for workforce housing and anything we can do to increase the availability of workforce housing. The definition of achievable is not going to support the kind of workforce we're talking about. There are a lot of people like him working remote especially since COVID. The result of that is that you end up building luxury condominiums and selling them to people like him. We think we're helping with the workforce when we're not. There's been discussion of this before but is a really serious loophole within the plan that is not going to help achieve the goal. In fact, it will hurt because it allows for those luxury condominiums like we're seeing being built in Incline right now. He encouraged them to think about that one point and eliminate achievable or otherwise define it, so it has some real teeth in it.

Toby Tyler, Sierra Club Tahoe Group objects to TRPA's Phase 2 housing amendments to their Code of Ordinance as request the Regional Planning Committee to vote it down. This Sierra Club fully supports true affordable housing in the Tahoe Basin, which these amendments will not accomplish. The Sierra Club would wholeheartedly support more projects like the Sugar Pine Village, not this developer guided plan to provide for the missing middle or achievable housing, a category that the California Housing Code doesn't even recognize and has nothing to do with providing affordable or workforce housing for this tourist economy. The proposal is designed to only encourage or incentivize rather than mandate affordable housing and has no assurances or enforcement mechanisms. These amendments are a Trojan horse named economic sustainability and housing that is designed to incentivize developers and those eager to further exploit Tahoe's scenic beauty for profit. Allowing heights up to 65 feet is reckless and unnecessary.

TRPA was formed in part because of the high rise casinos at Stateline. What TRPA needs to develop is some backbone and political will and do the following to create more affordable housing. One, remove the achievable category or mandate that all the deed restricted housing is truly affordable. Two, require new developments, hotels, retail, etc, and large existing resort employers to provide workforce housing on site. Three, severely cap short term rentals throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance. Four, fund programs such as lease to locals. Five, provide incentives toward repurposing abandoned buildings or converting existing structures from empty commercial spaces to housing instead of focusing only on new building units. In addition, NPDS stormwater requirements would be violated by these code amendment changes by not requiring stormwater collection and treatment on site.

TRPA needs to slow down the approval of these massive changes to their code. The proposal hasn't evaluated capacity of existing stormwater facilities and ensured that all stormwater is collected and treated. Leaving the stormwater requirements and snow removal on walkways up to the developer and local jurisdiction is abdicating TRPA's responsibility. The Sierra Club also opposes the use of the Initial Environmental Checklist for these proposed changes as they do not come close to adequately evaluating the environmental impacts. Public safety will be severely impacted during an evacuation caused by climate change, induce wildfire risk in the basin since traffic is already at gridlock levels around the lake much of the year.

Cumulative impacts must be addressed and a new or supplemental Environmental Impact Statement/Environmental Impact Report to the 2012 Regional Plan with a 27 percent population increase and all the plan development in the works. If a full EIS is required for Phase 3, then a full EIS is required now.

Bill Chan, Tahoe Prosperity Center thanked staff for the work that's gone into considering this amendment and potential unintended consequences and the long-term ramifications. He supported moving quickly on these amended changes. He'd hate to see this process get bogged down looking for, perfect solution when one doesn't exist.

Ann Nichols, Tahoe Preservation Alliance said you really did go big with this plan and it's still not ready. On these bonus units, obviously you can change and add to this, maybe in Phase 3, you'll add to the pool. And how the pool is being allotted isn't by jurisdiction, it goes first come first serve chosen by John Hester and Karen Fink. Fifty-two percent of the units so far have been allotted to Placer County, only a couple to Washoe County, and doesn't see anything to Douglas County. That that isn't equitable. Bonus units are also created through conversions so it isn't just this amount and it can always change. Your expanding height, density, and coverage outside town centers into neighborhoods. This was not part of the plan, or the goals and policies never mentioned achievable housing. It was always affordable and is what the California laws say along with moderate. You've had all of these meetings, and the Tahoe Living Working Group is just the Advisory Planning Commission, Governing Board, and county. It's not the public and they weren't really included in all that. This is not ready and there is no clarity. There are things you could do, remove the two step process, manage short term rentals, and onsite development. Get rid of achievable. If you look at the number of bonus units that have been given out so far, they're for achievable. The Chalet Blanc that Placer County has given \$1.5 million to is going to be achievable. They won't say what they're going to charge for rent or sale. This is not hitting the mark.

Gavin Feiger, League to Save Lake Tahoe said over the last year, there's been a lot of changes to the original amendments that were proposed and were presented well in the presentation today. They do feel like these are starting to target just affordable housing and just those current remaining bonus units. They can support and are supportive of affordable housing and providing some incentives and concessions for that because it is a dire need. That said, as they've said since the beginning and 2012, they support concentrating the remaining development allowed in Tahoe into town centers. They don't want to see incentives given outside of town centers at this point. They know that affordable housing and dense housing is better in town centers where you can concentrate and address impacts and where it's more walkable, you don't need as much parking. They'd like to see it just start with the town centers see how we're doing and then in Phase 3, look at some tweaks and maybe expanding it outside of town centers.

Along with some other commenters, they don't want to see the parcels adjacent to town centers getting incentives. Those town center boundaries are thoughtfully drawn up and to change them could be a good thing but needs a much more detailed environmental review and just the overall process to see what the opportunities are. That would also be better in Phase 3. One of the main reasons that they don't want to see incentives outside town centers right now is especially through the Initial Environmental Checklist. And the reference to BMPs being an acceptable way to get additional coverage outside of town centers. They know the residential BMPs are not audited or monitored and don't know how well they're implemented if they're still effective. It's unlikely a local jurisdiction has the staffing, the resources, the money, and the programs in place to be able to do that. It's one of their main reasons for not wanting to see any of these incentives go outside of town centers.

The parking and coverage are something they've been hammering on for a couple of years now and are really happy with the changes that have been made since the Regional Plan Implementation Committee meeting last month and the Advisory Planning Commission last week. There's still an analysis needed but a little less strict to get those lower parking minimums. And then no additional coverage going to parking. That's been our big thing. They're willing to give up some coverage, but not for parking. The last thing is to make sure that this is very clear that this IEC only looks at these bonus units and after APC last week staff said that they were looking at that and they provided some specific recommendations in their comment letter.

Jean Diaz, Executive Director, St. Joseph Community Land Trust submitted written comments with more detail. They support the proposed amendments that reflect a move towards form based land use regulations which allow for more effective use of land and will help achieve the affordable housing goals. The one suggestion they have is to look at Section 52.3.1 dealing with the allocation of bonus units. Right now, moderate income is lumped together with achievable and thinks it's important as he indicated in the written material, the three categories have very different economic criteria. That each criteria have its own allocation of bonus units. They recommend creating a separate pool for low or affordable moderate and achievable and not having them compete with each other given the very different dynamics in each of those components.

Kristina Hill is amazed at how little environmental review went into these proposed changes. The TRPA Code of Ordinances says that you have to make written findings and all she sees

being made is references to other documents like the 2012 Regional Plan update and old outdated documents that say, oh, so there's no impact, environmental checklist. That's not making a finding. If she was to do that for a residential application, she'd get a letter back from TRPA for an incomplete application. She can't understand how these huge changes that are being proposed are getting away with doing just an environmental checklist. She knows you'll make findings in Phase 3, but by then it will be too late. She doesn't know why you're not making the findings that you're proposing these changes that will create this massive amount of development and not making the environmental findings which are required to maintain the threshold. As a former TRPA employee and a 43 year full-time Tahoe resident and a land use planning consultant feels that this is inadequate. Please delay or require that these findings be made prior to your approval.

Niobe Burden-Austere, North Shore resident said we do want affordable, achievable, not so much, but affordable and moderate housing and supported those people that are seeing the loopholes. There's been eight public meeting opportunities and the still public outcry about specifically the height more than anything and whether it's necessary. She's written about five different public comments. She just learned about the Hopkins Village in eastern Placer County and is a real mess with a private developer despite being granted all the land with infrastructure already in place. That's a good incentive. Buyers earning 180 percent of Area Median Income and can barely afford \$650,000 units. One of the owners says that her housing payment eats up 75 percent of her monthly spending. Is this affordable? No, affordable supposed to be cost no more than a third of a person's monthly expense. You have to agree that anything the private developer builds despite the concessions of these amendments will not be cost-effective enough with a profit to be developed to the developer for sale or for rent.

The only numbers she's seen have been \$2,450 for a single one bedroom studio and no sales price determined. Those sized units are not good for any families. How can we go forward with this without doing more work on the numbers that make sense and stipulating what those numbers should be. There's nothing about this. We can't go back once we build five story buildings. She knows it's limited, but it's still there, anything above the tree line. TRPA supersedes any local jurisdiction and then you leave it up to the county to prove otherwise that they can make it work with subsidies. That process in the meantime is going to be a loophole for developers sitting on the sidelines. Please consider doing the due diligence of what the numbers should be in order to address our affordable and moderate income housing needs. They are in dire need, more than any achievable is ever going to be.

Doug Flaherty, TahoeCleanAir.org has also provided written comments. TahoeCleanAir.org supports and endorses all comments made on this issue by the Sierra Club. As an individual, he is a lifetime member along with the Mountain Area Preservation, North Tahoe Preservation Alliance, and friends of the West shore. TRPA has not discussed alternatives to its proposal. You've given us a small cup of take it or leave it descriptions of what you're proposing. But you've failed to discuss reasonable alternatives, of which there are many. He's saddened that you're so aggressive on your social issues which in this case, are based on flawed data and flawed substantial information. You ignore the environmental and safety aspects of what you're about to do. You ram it down the community's throat with a sham environmental checklist, a desktop checklist. You didn't even propose an environmental assessment. What kind of environmental guardians are you?

Sophia Heidrich, Advocacy Director for Mountain Area Preservation submitted another comment letter yesterday. Today her comments are on questions that she feels still have not been answered and some of the great comments that were brought up by the Advisory Planning Commission last week. There have been some back and forth emails with staff and community members about the remaining bonus units. There are 946 bonus units remaining, but staff says that about half of those will likely go to projects that are already in the permitting process like Dollar Creek and 39 North in Boulder Bay. This broad proposal that would essentially expand town center boundaries is intended to incentivize the development of about 470 units. During the community planning process, some bonus units were allocated to the various jurisdictions but how were they allocated?

How can we ensure that the remaining units are equitably distributed among the various jurisdictions in a transparent process? The bonus unit's conversation has been very confusing. And if there are only 470 units left, wouldn't it make more sense to conduct a site analysis and identify specific parcels across the basin where the additional height, density, and coverage make the most sense. She thinks that folks could get on board with some of these incentives if a more thoughtful approach were taken and if they could see the sites and understand the context. There may be some places where this will work without adversely impacting the community or the environment, but more height, density, and coverage, especially outside of town centers, that's sprawl.

Another approach to consider is to implement these amendments in town centers only for now. If they work as intended, then think about expanding the program to other areas. At the APC meeting, staff stated that subsidies will still be needed to make projects pencil out even with these amendments. She's not convinced that this proposal will even result in the construction of workforce or affordable housing. If you're going to run this experiment, do where people are supportive of bigger developments in town centers, not in transition zones or multi-family zones. Another good question brought up by an APC member was what can we do to reduce barriers and incentivize smaller projects, four, six, or ten units. The flash vote survey results indicate that more folks are supportive of smaller multi-family projects than large ones. Let's respond to housing needs in a way that is supported by the community. Regarding the discussion earlier today about the applicability in local jurisdictions. What she thinks she heard is that if there is no local standard in place, then TRPA standards will apply in 60 days but if there is a standard, then local jurisdictions have one year to bring their area to plan into compliance. Please clarify that.

Her comment is that local jurisdictions need to have time to come up with a different plan if their constituents don't support these amendments. It feels like we're racing to respond to what's proposed rather than having the time to be proactive and come up with other ideas. You've got to come up the better ways to give the community a seat at this table earlier in the process. The new shade analysis requirement just illustrates that we really need an updated environmental analysis. We don't know the impacts of what building shading might be or whether this mitigation measure is appropriate because this hasn't been considered in an updated environmental review. These amendments aren't ready for prime time. Please vote no as proposed and consider an alternative approach with one that is supported by the community and better for the workforce and Tahoe.

Pamela Tsigdinos agreed with comments from Sophia Heidrich and Toby Tyler. What is really important to consider today is if there is this much confusion at the board level and among the public. This proposal and the amendments are far from ready for implementation. What is the rush to move forward here. There are a lot of moving parts. What is absolutely clear is that you have the public's attention. They have attended multiple meetings, webinars and provided extensive written comments. It was disappointing that all of the public comments from the Advisory Planning Commission and the public comments that were submitted over the last several days to the Governing Board and Regional Planning Committee are not on your website today. For those folks who are looking to try to see what the issues are, you're doing a really good job of obfuscating. It's important that this is a transparent discussion. At the highest level, this is a perfect example of fire, ready, aim. You are trying to answer some very difficult questions and at the same time it seems like the solutions you're presenting are not the correct answers.

We all want a place for people to live. What you seem to be prioritizing is lodging for visitors, not lodging for the workforce. There are many people who feel strongly TRPA can do something immediately by doing more about taking a look at the basin wide short term rental issue. They are not being nimby like here. They all care about the lake, the environment, and public safety. These are issues that should be tantamount to any discussion and any move to make big changes to land use. If you were to put this issue on a referendum across the Tahoe Basin, she feels fairly confident as it stands today this particular amendment and proposal would fail. That should tell you something. Your flash survey vote had lots of comments. That should give you an indication of the fact that this is not ready for implementation. Please pause, take a step back, and do some more work. We absolutely need to make sure that public safety and the environment are tantamount.

Leah Kaufman said there are so many topics, unanswered questions, and three minute comments are so ineffective for these complex issues. There are moving parts and it's been changing and that's fine, but as a 40 year planner, it's been difficult for her to follow. She supported the comments from the Mountain Air Preservation, the League to Save Lake Tahoe, Friends to the West Shore, North Tahoe Preservation Alliance, and Kristina Hill. She and Kristina started planning at TRPA at the same time. She's also submitted written comments. It's based on reading code, environmental documents, staff summaries, public comments, talking to her community, and listening to board presentations. She still has a lot of unanswered questions that have not been addressed. For example, employee housing in hotels. Palisades has 50 employees in hotels and that was currently zoned for tourist accommodation units. Do they come out of the 940 bonus units which she guesses is now really 467 because Placer County has a huge percentage with Dollar Hill Crossing, and Chalet Blanc. There's a conversion in Tahoe City.

There's a lot of different TAU conversions that she doesn't know if TRPA is tracking. She has questions about conversions and the inequity between the states. Douglas County has 84 feet of height already and they didn't propose any affordable housing in a 40 unit luxury condominium. Washoe County's done very little. Most of it has been in Placer County and the City of South Lake Tahoe. Our environmental community has thousands of members, and the public is glossed over. They are intelligent, knowledgeable people and public perception is at an all-time low. Bifurcate outside town centers and transition areas and keep what was intended in every code ordinance, every plan, and in the Regional Plan that concentration of

development goes into town centers. If you work with the public, you'll find that you have more support than you really think but not the way it's going now.

Jim Tollens, Labor Lodge said he supported TRPA for taking this issue seriously in the face of all this adversity. Keep doing what you're doing, and they're excited to see these bold moves happening.

Alex Tsigdinos urged TRPA to table the proposed plan area amendments pending an environmental impact assessment to gauge the cumulative impact of the proposed dramatic and town character altering height and density changes to the basin's town centers. Please consider these points: First, the Tahoe Basin does not have a dire shortage of housing units. What it does have is a shortage of housing units available to residents who seek to live and work here. For example, a family of four considering a brief vacation in Tahoe, whether they live in the San Francisco Bay Area, Los Angeles, Europe, or Asia can choose from more than 5,000 licensed short term rental listings, likely another 1,000 unlicensed, on STR platforms such as Airbnb and VRBO. A family of four looking for long-term rental in the basin might be lucky to find a few listings and likely not affordable. It doesn't make sense. Capping or restricting STRs to commercial or mixed use zones makes an immediate improvement to housing availability. The experience in South Lake Tahoe with Measure T is at 10 to 15 percent of STRs converted back to long term rentals. The math tells us that a similar measure basin wide would yield 500 to 1,000 long-term units from 5,000 STRs. And this in a matter of months, not in years, without moving any dirt, or tearing down or altering town centers.

Providing tax incentives or public subsidies requires costly changes to infrastructure. This is low hanging fruit. If you are serious about workforce housing, you have to take this action regardless of any other initiatives you pursue. The vast majority of basin residents and constituents, particularly those not associated with commercial development, real estate business, lobbyists or attorneys oppose the proposed plan amendments. If TRPA held a public referendum of Tahoe registered voters, this would fail. That's nimbyism, our legitimate concern is that the Tahoe Basin's infrastructure, fragile environment, public safety particularly related to wildfire risk and evacuation will be overwhelmed by increased population density. Please get back to the first principles and protect the lake and basin. Kathy Julian said she is supportive of incentives to encourage workforce housing but suggests that there's a need for more focus on rental housing and doesn't see that coming out of these amendments.

Two, the points made by the League to Save Lake Tahoe, Sierra Club, Mountain Area Preservation are all very good. Especially the point of we have 460 some bonus units out there, why aren't we not looking at some pilot projects with incentives that can demonstrate that these incentives do work and calibrate it better if it doesn't work. But start more modestly and work from things that are proven. There are developers out there who want to do things. Start more modestly rather than a basin wide second phase housing amendment strategy. Also, make more clear the implementation language under HS 3.1. Make clear if a local jurisdiction could suggest development standards that would avail height, density, or coverage increases while introducing inclusionary requirements of less than 100 percent deed restricted units. She agreed with the comments on the need to revise the achievable housing definition. Suggest introducing some sort of income cap that still addresses the need of our missing middle, our teachers, firefighters, and non-profit head, whatever. But doesn't

allow for remote workers who happen to work for someone with a business license here in in the basin but actually make \$300,000 to \$500,000 and can afford housing without such incentives. Finally, she questions some of the underlying assumptions that underlie these amendments including that affluent local workers won't want a deed restrict property. She doesn't see where there's evidence of that. Also, that TRPA has the capacity to monitor and enforce deed restrictions. That is not clear or is not even clear if they're the appropriate body to be managing the monitoring and enforcement of deed restrictions. Frankly, they their specialty is environmental and they should stay focused on that.

Jennifer Vadenais grew up in North Lake Tahoe and lived there until she went off to college. Her husband also grew up locally in Gardnerville and has been working as an engineer in Truckee for the past 14 years. They would have given anything to remain within the Tahoe area, they were looking to purchase a home and raise their family but couldn't find anything affordable or had a yard for kids. They ended up moving to Sierra Valley and the commute has been hard between working and juggling kids. While she's in support of workforce and affordable housing which is a worthy goal, but from what she's read about the achievable housing, it's not going to be affordable even for two working professionals. Their mortgage now is under \$2,000 a month and still struggle with all the other bills. She doesn't think it's going to be desirable. Families don't want to live in high rise small apartments with children in the middle of town centers. It's impossible to rent up at Lake Tahoe, they seem to be now for short term rentals or sit vacant as second homes. She hopes that the county and TRPA are doing something about that for other individuals like them. Please do not allow the character of the North Shore to be changed with these dense and tall buildings in the areas outside of town that have this unlimited density. These changes will never service the needs of her family or other families like hers, yet they can change the look and feel of our beautiful area forever.

Sandy Sobas, Alpine Corporation said they are developing achievable housing in the Tahoe Basin and support the code amendment that will fix the shortage of housing for the local workforce. They want the workforce to live here and will make sure that the rents are affordable for them. They don't want to build apartments that are too expensive for the workforce to afford.

Tony Karwowski, North Tahoe Community Alliance acknowledged TRPA staff for the brave and bold work of bringing these amendments forward for the basin. They are critical to counteract the workforce housing issues we're experiencing region wide. Jennifer, who commented earlier, summed up her experiences of being brought up in the area and then having the unfortunate situation where she could not afford to keep living here. Personally, he's experienced this with friends in his 22 years of living here. Also, family members having to move away and it's very discouraging. We can do better as a leadership community to bring forward more amendments like these to create the workforce housing we need to attract and retain our critical workforce. One thing he hears from their members at the Tourism Business and Improvement District is how significantly they need additional workforce. There are restaurants and retailers that are closed down midweek in peak periods still who just can't attract the staffing they need regionally to be open. This is ultimately going to reduce the amount of revenues those businesses make. These are small businesses, and they operate on smaller margins and if those margins start to erode, we as a community are

going to be in a very bad situation. Vinton Hawkins made a great analysis on a layer cake and that this these amendments are a very important part of the layer cake of the solutions that are being undertaken by many different organizations in many different parties around the lake.

Earlier today TRPA heard a presentation on the Destination Stewardship Plan which is a great example of a lot of different organizations around the lake coming together to cumulatively, collectively, and collaboratively problem solve the biggest issues in our community. These amendments are part of the solution. There are greater movements going on to help support that will interact with these amendments with things like ensuring and enhancing transit in our region and making it more convenient. Utilizing microtransit as well. They at the NTCA have also funded things like Placemate through Placer County to provide rental opportunity and subsidies to convert second homes and short term rentals into longer term rentals. They provided funding for the workforce housing preservation program for down payment assistance to create a secondary market of deed restricted residences in the region. They've given additional funding to support the Dollar Creek development for additional workforce housing the region. Don't be short-sighted in what these amendments do, they are very important part of the layer cake of solutions that are being brought to the region.

Judith Tornese, President of Friends of the West Shore have also submitted written comments. Friends of the West Shore strongly supports the goal of affordable and workforce housing. But it seems that increased height and density will impact the area plans. She appreciated the earlier committee comments on that. There is still concern and much confusion about how TRPA and area plans will interact. The public doesn't know now which rules will apply. It's not fair to the public. The opt-out feature for Placer County in particular may or may not be used. Otherwise, area plans must comply with the TRPA density and height. The public doesn't know how their neighborhoods will be impacted, especially for height, density, traffic, and emergency evacuation. They're all related. More time is needed to clarify and simplify this feature.

Also, they have concerns about the insufficient parking and the impacts of that. They agree with the previous comment to keep affordable housing in town centers only and not outside town centers, at least for now. They agree with the previous comment to eliminate achievable housing because it will not be affordable enough for most workers. They need assurance that the units will be affordable only and no achievable or luxury units. Other alternatives for affordable workforce housing should be analyzed to determine the most efficient way to provide such housing. Such as better regulation of and a reduction of short term rentals to provide more workforce and local housing. Providing subsidized housing, again only for affordable housing, not for luxury condominiums. Utilizing land trust, providing incentives to encourage home rentals to locals, etc. Other deed restricted housing solutions should be explored that are consistent with the current zoning. In conclusion, there needs to be more environmental review to analyze these many impacts and need an EIS. Please vote no until we get more information, preferably from an EIS.

Timothy Kellogg lives and works in Tahoe and supports the code amendments for the Tahoe workforce. Anything that's going to create more workforce housing is going to be a boom for our area for people like himself that have often struggled to find a place to live.

November 15, 2023

Suzanne Pecci said she's owned a property in Tahoe Vista for over 50 years at a time when the homes in her area were summer homes only. She's lived there in the best of times and was encouraged when TRPA was formed when there was the concern for maintaining the absolute beauty of Lake Tahoe, the clarity, the clean air, and everything about it that made it like Tahoe. She's saddened with the casualness that she's hearing with these same local agencies that had been so supportive of the environment and the importance of maintaining everything about Lake Tahoe that made it like Tahoe.

A personal experience with scenic views was that she decided to put a four foot fence across the front of their property on North Lake Boulevard. It's an uphill lot and in an area that required a three-foot fence because of scenic concerns. It took a lawyer, a consultant, and all of her uphill neighbors that wrote letters for her. All of the hoops they had to jump through in order to have TRPA and a local planning agency approve a four-foot fence when she's surrounded by people that had six foot fences. She doesn't see that developers have to jump through any hoops for this. She's worked for the Department of Housing; she's worked in a trouble project unit where a developer owned projects for low income was her job. Developers got very tired of not making the money they felt they needed to make, and her job was to try to keep low-income units on the market for those that needed housing. She's active in politics in my area and a public member and understands the public not saying they haven't been involved, it is a problem in all areas where the public should be involved. The people that live there are certainly capable of helping and making some of these very important monumental decisions that you're trying to make today. She stands with everyone that says, let's look at this a little further and consider what the public concerns are.

Staff response:

Ms. Bettinger said there were a couple questions about whether conversions of like tourist units or commercial floor areas would be eligible for bonus units, the answer is no, you can't convert a tourist unit to a bonus unit. The 946 bonus units that we're talking about today that stays.

Ms. Gustafson said the other point that was made there was some of the older motels that have been purchased and converted from tourist accommodation units, residential units, and those are not using bonus units either. That's just a conversion from a TAU to a residential unit.

Ms. Fink said if they are deed restricting it, then they can get bonus units from the bonus unit pool, but it draws down the pool. It depends on whether they've used their existing TAU or whether they've gotten a bonus unit.

Ms. Bettinger said there was also a question about the implementation process and Mr. Hester covered quite a bit of that, but in code that is before you today it would allow local jurisdictions to set their own standards that are different from what we're proposing in this package if they do have an approved inclusionary ordinance.

Mr. Marshall said they don't have to have an inclusionary zoning ordinance to do an opt out system. It's an alternative.

Ms. Fink said but if you want to allow any of these incentives for market rate, you have to have inclusionary. If you want to go bigger, basically you have to have inclusionary. If you want to go smaller, you just have to show that you're providing something that's equally financially feasible to what we're proposing.

Ms. Bettinger said on the bonus units they break this down into bonus units that are that were allocated into the local jurisdiction pools during the community planning process. Then there are a number of units that are already reserved for projects that are in the permitting process. The number that is in the local jurisdiction pools also includes some projects that are in the permitting process. The 460 number that was being discussed does include projects that are going through the permitting process and have either reserved bonus units or are hoping to reserve bonus units from TRPA soon.

Ms. Fink said there were some concerns that all of these units would go towards achievable, and our bonus unit pool is split half and half. So, half of the units have to be reserved for affordable, the other half can be used for moderate achievable. If they start to run out of affordable, they will pull from the achievable pool, but they can't go from affordable into the achievable pool. Most of the projects that they have permitted or reserved units for so far are deed restricted affordable. There are 366 for deed restricted affordable, and 209 have been reserved for achievable so far.

There was a comment that these projects could go above the tree line and that is not allowed. They have a finding that prevents that. There was also a comment that public comments are not on the website, they are on the website with the meeting materials.

Mr. Hester said it was mentioned that having stormwater systems would not be compatible with the NPDES permits or Memorandums of Understanding on the Nevada side. On page 230 and 234 of the packet, in both cases a public entity has to take responsibility for it and has to meet TRPA requirements and has to be approved by either Lahontan and or NDEP depending on which state it is in.

Mr. Marshall said some people have asked for alternatives analysis that doesn't attach to an Initial Environmental Checklist, it's only when you get to an Environmental Assessment or an Environmental Impact Statement that you need to do alternative analysis. Although there has been a lot of alternative analysis, it's just not in that kind of form because what they're doing here is essentially taking some low hanging fruit and moving on to other options as they go to Phase 3.

Talking about the adequacy of the environmental rule and all of our findings. Remember what the scope of what they're talking about is very limited. First, this only applies to the bonus units that are left. Right now, those bonus units can be utilized in these areas. So, it's not that these are new units to these areas that are new, it's just how those units are going to be distributed within that already existing approved area. As mentioned earlier, these will incentivize units to be moved into town centers. They can be used outside of centers but they it will be more difficult to satisfy the requirements. Also, each individual project will need to go through project level findings that will address site specific items like if there are any conformity findings that need to be found with local heights of buildings. There are individual

project level scenic standards that have to be made so you can't block views of the lake or ridge lines. You can't be above the tree canopy, etc.

When you look at all those restrictions, that's what the IEC looks at is, are there any remaining impacts that are significant and that's the analysis that they went through. Essentially, they're finding for example, if you connect into an area wide treatment center, it will mitigate the additional coverage that you can place in those limited instances. That's the kind of analysis that we went through. They made all the regular findings that they make all the time with code amendments and are in the packet and there are not any missing findings. His recommendation is that you can rely on the IEC. They are going to add some additional language that addresses some of the concerns identified by the League regarding the applicability of this analysis to other potential efforts in the future. They feel that they have a solid IEC.

Committee Comments & Questions

Ms. Hill said she was just looking through the Washoe Tahoe Housing Needs Assessment and when they did their study in 2001 in order to catch up with housing, they needed 790 units. In order to keep up they needed an additional 415 and through 2026 it was recommended that they need 1,205 units. There are not enough units to build those in Incline Village but this is a start to support this type of housing. You heard from a developer who is in a multi-family zone that would benefit greatly from these housing changes. After they did the study, the County Commission adopted the Washoe Tahoe housing roadmap this year and are looking forward to making changes to their area plan. This does help with some elements such as coverage where TRPA already has the jurisdiction over Washoe County to support this type of housing that is so badly needed in the community.

On the short term rental issue, she brought to her board a cap on short term rentals in August, and it did not pass by the County Commission. In the study they did even though caps were recommended it was very clear it would only help with about 15 percent of the housing shortage that they're having because these are families who are buying these homes as second homes, vacation homes who still want to use these them. They are also enacting things such as Placemate at Washoe County and have funded that program and are looking to move forward with it. This had a great discussion at their board meeting yesterday on workforce housing initiatives in the full board came forward with, yes, they want to see these happen countywide. They want to see the County bring back these recommendations and see that their area plan will probably be adopted in about a year.

She applauded the staff and knows the team has been working very hard to do outreach with the community and is an admirable effort and certainly something that needs to be undertaken and probably undertaken a long time ago.

Ms. Gustafson asked what the achievable definition is and what are those restrictions. Placer County used Vail, Colorado's definition for that. It's not just that you work in the local community, you can't work for an out of basin employer remotely in the basin and get a qualification as a needed local worker.

Ms. Fink said to qualify for the achievable, at least one member of the household has to work

at least 30 hours a week or more for an employer who has a business or tax address in the Tahoe Truckee region.

Ms. Gustafson said Placer County was very intentional on that when they looked at it because they knew that many of their teachers, firefighters, and other young professionals who are dual-income families make too much to qualify for what is truly called affordable housing. One of their public commenters spoke to the Hopkins Village issue which is a for sale product and ownership model outside the Tahoe Basin. Even then given the supply chain and cost of construction the developer is saying they can't sell them for as little as they need to and make them truly affordable for the local workforce. She urged staff to look at the Mountain Housing Council definitions because a lot of thought from a lot of leaders went into that discussion. Various pockets in our basin have more employees at service level, other pockets in the community have people in more what they would call middle class and that's where they've lost so much of their North Shore population far in excess of what South Shore is lost as far as percentages of lost income. What's been the driver of that is the housing values. Any employee coming into the basin could not buy her house today on an income that she was able to purchase her home.

Town center boundaries are very different from community to community. If you look at the entire West Shore from Emerald Bay north, there's a very narrow and small strip in Tahoe City that is their town center boundary. It is basically one property wide, straddling the highway. They don't have depth and not much, if any vacant parcels in that area of their town center. It is going to take tearing down existing structures and building new structures. They've looked at every way to incentivize housing and are funding lease to locals and putting more money into their workforce housing preservation program purchasing homes and everything they can to try to change that market or offer alternatives because they can't tell people who they can sell their house to. Having lived and worked here for 40 years, she's seen that transition. Because there's no new development in the Tahoe Basin or very limited new development, housing prices have skyrocketed. We're not good as a government at trying to develop houses, but trying to find incentives to incentivize those who can build homes cheaply and make it economical. Placer County's numbers in the Mountain Housing Council study were something like 2,000 units that were needed. This includes the valleys and the Martis Valley area as well. The going rate to deliver an affordable housing unit is over half a million dollars. We're not going to get near to the numbers they need by anything they're doing and that's already been shown. These bonus units have been out there, she wasn't aware that we've only used 500 of the units that have been available since 1987 to move the needle on this on this issue.

With 900 left divided out around the basin, that's not much and yet it is being portrayed as if it's going to dramatically change our communities. She hears that fear and is concerned about it. She's supportive of the opt-out program because then it lets the local jurisdiction determine where and how much and coming up with what they're willing to do and what the community wants to do to subsidize to make it feasible. If we can't allow that next story, then are you the local community willing to help fund? The local taxpayers that she represents make those decisions. So, there are balances there that we then can incentivize on.

Glancing at some of the comment letters as the commenters were speaking and reiterating their points of their letters. She feels the confusion can be clarified by making phone calls, ask

our staff. Our staff have been more than willing to meet with anyone and discuss this. We are building for local workers, that's the whole intent. The whole spectrum of those local workers and let the tax credit financing projects move forward. They won't need as much subsidy because they get the tax credits. But for those middle income earners, how can we help young people get their foot in the door and start toward home ownership. We have that breadth of programs by many of the local jurisdictions.

In 1989 there was a group come to the Tahoe Basin called the Rudat Group who did a transportation study for the resort triangle. At that time, Placer County had over 3,000 Transient Occupancy Tax certificates. Today, they have 3,200 short term rentals. It feels people are more impacted potentially they're used more, maybe they know more people, but the number has not changed dramatically. That's important for us to remember that tourism has always been a part of our area. People came to Tahoe to recreate from the very start of Ehrman Mansion and Valhalla and the summer homes that crept up around the lake. She also wants the community she moved to and hopes that these efforts will help. She supports this as long as there is that opt-out option for a year to address these issues and craft it to the local jurisdictions.

Ms. Aldean said as long as you can clarify the opt-out provision and include it in the list of amendments to the Code of Ordinances. Referring to page 230, HS-3.1, looking at the original language, is there any reason why we used "low" instead of "affordable" and neglected to include "achievable" because the new language that follows doesn't use that terminology except for moderate. It uses affordable, moderate, and achievable, not low, and moderate, and not achievable.

Ms. Bettinger said this is in line with the way that the terminology for the rest of the Goals & Policies in the housing element.

Referring to Sub Paragraph B, we allude to alternative standards, but we don't define what local jurisdictions might do as an option to opting out. There's quite a bit of detail on page 131. She suggested that they incorporate some of the "for instances" in the code. For example, zoning additional areas for multi-family, acquiring donated land, public subsidies, and installation of area wide stormwater systems. Specificity is important in terms of defining what some of those alternative standards might be and need to be embedded in the code.

Ms. Bettinger asked if Ms. Aldean would like to see that in a Code language or in the Regional Plan language.

Ms. Aldean said wherever is fine. The staff report was very detailed and appreciated that detail. Referring to page 232, under Section 13.5.3.1, said in the second line, where it says the maximum height shall be no greater than 65 feet, provided the additional height is stepped back one foot for each additional foot of height above 56 feet is what we're doing and because we have no standard against which to measure that. You might want to insert above 56 feet. Under Subparagraph C, you allude to alternative standards that are effective, but we need to elaborate on what those standards are. On page 236, under Section 34.4.1, last sentence on that page it states the applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements or providing, is there something missing here? Is it providing car sharing or providing something

because then it just goes on to unbundling parking and rent or contributing to alternative transportation methods. That appears elsewhere in the Code on page 252, there's some duplicate language that's also missing something.

Ms. Diss thanked staff for all of their hard work for so many years. It's easy from the outside to forget that. She acknowledged that you all live and work in this area and interact with folks who may be vehemently opposed to what is being worked on. She doesn't diminish how challenging that can be and how much she appreciated the effort to get it right regardless of the noise. The noise is the friction where we are not finding common ground. She also appreciated at the beginning of the presentation how staff brought it back to why we are looking at what we're looking at. What the Agency's mission is, what our scope and authority is to do and how these changes do tie back to environmental improvements. That's important to keep at the forefront of our focus as we discuss it and what the data says about these kinds of changes. In her role on the Tahoe Transportation District Board, so much of what we spend time talking about is the feasibility of building out transit. If you build it, they will come but it's also a chicken and egg situation. If people can still find a reason to use their private vehicle, will they take transit? Bringing people into more densely populated areas is a benefit to the transit discussion, which is huge to what we're doing.

They spent this morning in the Governing Board meeting talking about issues of pollution and trash, but when we're talking about people picking up dog waste versus reducing thousands of miles of VMT every year, if not more, there's a big impact from some of these changes. That's a good reminder and is what she's carrying forward as we hopefully recommend these to the Governing Board. This is a long time coming, for more than ten years people have been getting pushed out of the basin, it's not a new problem, or just short term rentals, it's everything. It's someone who owns a home deciding that they want to live in that home now and is no longer a rental property. Or just not enough of the right kind of accommodation units, if there is a lot of housing but it's single-family homes and you have a lot of single individuals who only need an apartment sized home but there's not a lot of apartments. It's easy to get trapped in the larger national policy discussions of wages and housing costs in the last 50 years in America. What we can do is what we're doing here. We don't have control over whether employers bring wages up or who people sell their houses to. There's only so much we can do about telling people what to do with their own property outside of the bounds of the Code. These are some of the reasons she's supporting the measures and why they are so important and why they are hopefully going to be effective.

Mr. Hester said on behalf of staff, he thanked the committee and entire Board because it means a lot to staff that you, support what they're doing. The direction was to go big and it's good for staff to know that the Board wants them to do those things because sometimes it's not all that clear.

Mr. Settlemeyer asked if it were correct that if a decision is made by the TRPA and if for some reason if it were too successful, we would be able to adjust. We don't have to leave it in place for a lifetime. They could choose as body, to come back and say that we made a mistake, and we could change that.

Mr. Marshall said yes.

Ms. Leumer thanked everyone for the discussion along with the public for engaging in this. She's going to abstain from this one because as a new member there's been many discussions and a lot of background information that she hasn't participated in and cannot fully grasp all the implications and the process to date. It was mentioned earlier what went into the definition of achievable and it sounds like there was a lot of thought behind that but wants to be sure that we're able to verify and enforce whatever that definition is to ensure that it actually is going to the right people. She would be concerned if there were any loopholes that could be kind of exploited to get people into housing that we are not trying to prioritize. Trying to focus on the low and moderate income individuals as priority. There were comments from the League to Save Lake Tahoe about not creating additional coverage for parking and feels that's important as well. She would like to better understand when they wouldn't be limiting this to town centers and why that's important. There was another public comment about places like Tahoe City where the town center is really small and tight. She can understand when there'd be exceptions to the rule there but doesn't want that to be cast too widely in other contexts.

Mr. Hoenigman asked staff to address the multi-family zone.

Ms. Fink said the town center areas were mainly drawn around the commercial areas and there are already a lot of areas that are zoned multi-family. Throughout the multi-family zones and bonus unit boundary, which is actually even bigger than multi-family which is the area that's within walking distance to transit. That's where they've already decided that they want to incentivize bonus units and smaller units. Even if they don't adopt any changes to multi-family today, they could still build all 946 of these units as accessory dwelling units, such as 1,200 square foot accessory dwelling units throughout that area. What they're trying to do with these amendments is they are focused on actually getting smaller units and making the same amount of units, but just making them more financially feasible by allowing more flexibility at the parcel level. They're anticipating that if these are successful, each unit would have less coverage than it could today because they'll be incentivizing duplexes and triplexes. Another thing that came out of that flash vote survey and some of the commenters mentioned it is that the most preferred type of housing are duplexes through fourplexes or tenplexes and the most likely areas that we are going to get that is in the multi-family. In town centers, those are bigger parcels and are likely to get larger buildings there and they've heard that there needs to be a diversity of housing types. That's one reason why it's important to keep the multi-family piece in and with the elements that have been added about tying into a stormwater system. There are concerns about BMP maintenance and they've added elements that require that local jurisdictions would have to oversee the maintenance of those BMP's. Those are some of the things that they added to address those concerns.

Ms. Aldean said with respect to achievable, she's assuming this was based on an example, Ms. Gustafson alluded to the fact that it was based on what's being done elsewhere in the country. Is there a reason why we don't tie that to an income level?

Ms. Fink said they previously had it tied to an income level. Since they created it in 2018, it was tied to the income level that you needed to afford the median price home. As home prices started skyrocketing, they discovered that the percentage was getting as high as 540 percent in Washoe County, and there was no worker requirement. They found that it

incentivized remote or people taking advantage of the system. Summit County and Placer County had decided to move away from the income cap and instead go to just the workforce cap.

They've been hearing this concern that these could become developers' invitation to build really large units and attract workers from other areas that still make a lot of money. They've been talking about potentially having a requirement that an achievable project comes in for us a staff level review to ensure that the size of the units aligns with the actual needs that are shown in those regional needs assessment. The regional needs assessments clearly talks about what size of units are needed to meet the regional need. That would give staff the opportunity to, you know, early on reject a project that's trying to come in as a really large project.

Ms. Aldean asked if we need to bake that into the Code.

Ms. Fink said yes.

Ms. Aldean said in recent years, TRPA has done an exemplary job of cooperating with local jurisdictions. People who serve on these boards and commissions have a tough job. In California, local jurisdictions who don't comply within a certain length of time can be fined up to \$100,000 a month for noncompliance and they can lose their permanent authority. It could end up in court receivership, they could be sued by a myriad of people. They are in a tough spot. These are things that they may not have voluntarily implemented if it weren't for these state requirements, they probably would have eventually found a way of providing more affordable housing because I think they all embrace the importance of affordable housing in their communities and because they represent the people who are striving to make a living and find a decent place to live. She appreciated TRPA's willingness to continue to partner in good faith with local government.

Ms. Gustafson agreed that there could be some more clarification. There's always a way around every rule. What they did in Placer County with the 30 hour per week for a locally based employer was critical to trying to get to that next level of income that so many of our younger couples and families were exceeding subsidy levels that were there for others. By doing that though, she supposed you could have one of the partners is making a great living somewhere else and here's an individual working just than 30 hours per week just so they can qualify for this. Where they've seen that potentially questioned was where they were giving people \$150,000 down to buy a local house. Then they started to hear about some of the gamesmanship and that's not the intent. In these units, primarily they're talking and hopes they're seeing rentals because that is where they're so deficient. More than likely somebody in those upper brackets that people are talking about is not going to want to rent in a duplex, fourplex, or tenplex that is structured for local housing. Be thoughtful of that. She's not sure she can think here what those maximums might be or how we might look at those projects. She can see that is a fear and another workaround and you never know until you adopt something how many different workarounds people will come to you with.

She understands the League to Save Lake Tahoe's concern about monitoring BMPS. She's more familiar with having done public infrastructure in stormwater interceptors and mechanical treatments and those are very effective especially when the local government

can change out the cartridge and clean it out. Is that what we're looking at in these other areas or are we looking at truly just BMP trenches?

Mr. Hester said yes. In both cases, the first option is the stormwater infrastructure like Ms. Gustafson talked about and is most effective, it's a utility. But they know in some jurisdictions the way they're trying to meet their pollution load reduction clarity credits is through BMPs parcel by parcel. For Incline Village to do what we're talking about, they'd probably have to retrofit the whole area with another whole utility system. One of the options is can you create a public district that says every property in this district is going to get their BMPs maintained by paying an annual or monthly fee or whatever into this district. That's part of how they get their pollutant load reduction credits. That's an option they've left open. They had some comments at the Advisory Planning Commission saying yes, conceivably that could happen, but doubt if it will. But then they've had some of these local governments say, they're thinking about it.

Ms. Gustafson said not speaking for Nevada jurisdictions, but California, they are under these mandates to achieve housing. So, local governments are going to play a role, sometimes in land acquisition to help facilitate and even with that it's a very slow process. Others direct subsidies, so playing a role in stormwater management and in delivery of transit systems and all these other factors, that's certainly something we are obligated to do to make this work. Give that some thought as well as to how we might address some of the League's concerns. There are probably only one or two parcels in Tahoe City that they're even talking about being able to be used for any of this. In both of those circumstances, she thinks their community and county would want to participate in maintenance of that facility. One is outside of the current urban stormwater plan that's in the ground and one is within it. So, it could take a different form, but in either case, local government is going to be playing a role in addressing these needs.

Mr. Hester said one of the things that they are excited about across the Agency is the multiple benefits of this. Stormwater infrastructure on the edges of an outstanding national resource water is long overdue. Having the kind of density that we can start looking at different modes of transportation being feasible is important. And of course, housing, which is why we're here. In at least in three different areas, it's a benefit. They want to help our local government partners as much as we can. There may be times when we get a transportation or water quality grant or something like that, that also will help with housing and transit.

Mr. Hoenigman said these are related to things that that they've discussed with other people and read in the written comments that were submitted. People have been worried about this enforcement of the BMPs and staff have talked about it a little bit. In the document it lays out two years of enforcement funded and then in Phase 3 look at a permanent funding mechanism for enforcement of the BMPs.

Ms. Fink said that's funding for enforcement of deed restrictions. One of the things when they brought the amendment to the achievable definition forward in April of this year, the Board directed them to include a funding source for the enforcement. They have set aside \$20,000 for this year and for next year to bring on a third party consultant to certify and do

the monitoring of the deed restrictions, audit the other deed restrictions, and make recommendations on how to improve the program as a whole. That is in place for two years.

There has been conversation about making sure that they have a sustainable funding source, to ensure that there is ongoing funding for enforcement. They feel that these two years of funding will get them well into Phase 3 and that phase is designed to look at a sustainable source of funding that wouldn't just be attached to the deed restricted units themselves. They don't want to add more cost to the deed restricted units but want to make sure that they're assessing fees fairly. That would give them the time to develop that and work it into the system.

Mr. Marshall said also part of the responsibilities of the Legal Team will go up as they do more deed restrictions. That's part of the justification for adding another attorney to help out with that increased load.

Mr. Hester said the reason they didn't look at a fee was if the fee is tied to development for example, and they have a couple recession years, what happens to the program? So, they want to get something that's more like an operation and maintenance fee than a one shot development related fee.

Mr. Hoenigman asked if all of that can be clarified in the proposal before it goes to the Governing Board.

Mr. Hoenigman said regarding the BMPs for the multi-family. He believes we came to a conclusion that the incentives only should apply in areas where publicly owned stormwater management systems or areas where privately owned BMP construction and maintenance are enforced by public agency with an indefinite funding strategy to ensure future compliance. That could be TRPA or local jurisdiction. We need to clarify that language to make sure that's in there to give people confidence that the BMPs will do the work that we need them to.

They heard a lot of people talk about wildfire and evacuation planning. They know that staff have worked with the fire chiefs and safety professionals and consulted with them greatly on this. He suggested that a lot of that needs to be put into the document. Currently, there's nothing under that in the California Environmental Quality Act (CEQA) checklist on page 164. That was something that some people wanted to see in there. Part of that is that the fire marshals will be required to approve every project based on fire safety and evacuation among other things which is a rule in every project. He asked that they require jurisdictions to update their fire safety and evacuation plans when updating their area plans, especially when considering these amendments. Also paying extra attention to the evacuation of people who may not have cars since they are creating housing that might not require parking.

Mr. Hester said he doesn't know if the local governments necessarily deal with evacuation through their area plans. If you remember when the fire chiefs and law enforcement staff presented to the Governing Board, they do that typically through an incident command system which is modeled from the federal, state, regional, and local levels. That may be redundant for them to add it into their area plans.

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Mr. Hoenigman said he believes that they have to do it as part of their CEQA findings for updating their plans, possibly.

Mr. Marshall said it's through their general plans.

Mr. Hoenigman asked what a good mechanism would be then because they don't have authority over the fire or safety organizations in the basin.

Mr. Marshall said you've heard at the Governing Board from Ms. McIntyre talk about this and that's really the mechanism and her efforts to get fire planning within the basin. That would be the appropriate place for that kind of plan level response rather than in these amendments.

Mr. Hoenigman asked if they use the timing of when that's done that, they convene with those people to make sure that they've taken into consideration these changes and the potential for people without automobiles.

Ms. Regan said tomorrow there is a meeting of the Multi-Agency Coordinating (MAC) Council of Fire Chiefs and Ms. McIntyre will be representing TRPA. Staff can commit to working through those other channels with that group to get a better sense of how they can help support them. Support the grant funding that often is required to update those plans and there's already a lot of work going on in that space.

Mr. Hester said when the fire chiefs and sheriffs presented to the Governing Board, a board member asked what they can do to help. The response was to help them set up emergency communications for evacuation. Particularly, identify the people that need transportation assistance through an Intelligent Transportation System (ITS) and the other was to prioritize forest thinning projects along evacuation routes. Those types of things will be more meaningful in working through the MAC.

Mr. Hoenigman said he's been asked a lot about that for making sure that those people are considered and if we are going to allow this level of density perhaps in some of our core areas that it's at least reconsidered in those plans. That would be good to put in the proposal, he didn't know the proper levers to make that happen.

Mr. Hester said staff can address that in the staff report going to the Governing Board.

Mr. Hoenigman said regarding parking, staff already mentioned that you are changing the parking requirement to use the language that the League to Save Lake Tahoe had. He asked that the parking be unbundled for affordability. So, if people are providing parking, a renter could pay for an apartment and if you need a parking space you can pay for that. It allows people to self-select what they want and to go down to an even greater level of affordability because a parking spot has been estimated to cost about \$400 a month in rent.

Ms. Fink said currently, they have listed the unbundling of parking as an option that a developer could do as one of the things that they're doing to meet parking needs. Are you asking staff to codify that all of these projects need to require unbundled parking?

Mr. Hoenigman said most of the cities that he's read about changing their development ordinances to require a lot less parking or even have parking maximums have required it to be unbundled. He was assuming that would be preferable. He can't imagine why a developer would choose to have it tagged to specific units. Can you think of a positive reason?

Mr. Marshall said no, he can think of a negative reason. That's a level of detail that he's not certain that they want to get into in terms of trying to enforce that requirement for unbundling. It's good as an option to satisfy the parking analysis to get to lower parking ratios. He suggested keeping it as is, but staff can look at if there is some way to strengthen the incentive as opposed to mandating it.

Mr. Hoenigman said that's a fair point that it would just be something else they'd have to monitor and enforce. If they are allowed, he thinks developers would do that because it gives them more flexibility with doing their units.

Another item is to ask for TRPA staff review of projects to ensure that all unit sizes are compatible with affordable housing, so they aren't getting luxury units. That's not to say they won't get some three bedrooms because they do want to provide affordable units for families but that they don't get all four and five bedroom units. Also, that the building scale is compatible with surrounding areas which is especially critical in those multi-family transition areas. Third, that the architecture is appropriate to the area.

Lastly, a suggestion that came from Leah Kaufman on the definition for achievable housing. A lot of people have expressed concern about that. Someone will always find a way to get around it, but we want to tighten up those loopholes as much as possible. The definition that she shared from Colorado tightened it up so that you couldn't just have someone with a P.O. Box in the basin, a person would need to have a physical address and work in the basin.

Some people have expressed it that they aren't being heard or we're not listening to their ideas. He assured the public that they read and listened to everything. All these things have been considered. The big difference in what they're doing, which is very different from what most government agencies do, is they brought someone in to see if it would work. Most government agencies set a policy and they negotiate back and forth and sometimes it ends up making no economic sense. When the Board did the walking tour of Kings Beach, they were talking after the tour with one of the leaders and they said we have such a great plan but nothing's happened in years. That just means it doesn't make any economic sense. No one's going to do it if it doesn't make sense.

They think this plan makes sense economically and believe it will happen. They have given the jurisdictions the option of pursuing these other ideas like converting vacant buildings, lowering heights, and doing other things if they can show that it will work. They'll probably have to bring their money or their land into it to make those things work. They can do that, but TRPA can't and that is why they're structuring it this way. They're creating something that works and giving people the option to do something that works better for them. His position on this Board, as is the case with a few other members, is he represents the interest of the state of California, the people outside the basin. The state of California has not been shy about bludgeoning locations that don't take care of affordable housing. Their codes and their bludgeoning are way worse than what we're considering. He lives in San Francisco, and they

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are about to lose all local control over planning and it's going to be a free for all and it's going to be an unbelievable amount of change. But the city has dug its own hole, and the state has said, you've had your chance. We have to solve this problem and feel that they've taken a good first step and hopefully they can approve these in December and move on to Phase 3. Because this is a small slice of the pie that they have to address. This doesn't mean buildings are going to get bigger, this is just one level of affordability that they're addressing. They have to address truly affordable subsidized housing as well in other areas.

Ms. Regan thanked this committee and other members of the Board that have spent hours and hours and weeks and years working on this and the team has been amazing. She's proud of the staff that have delivered this terrific package. She wanted to ensure that the public knows that they care deeply about this community and the lake. They have listened and are doing their best to incorporate those suggestions when they can. As in most cases that come to you, people have different views, people won't agree and that's the hard decision that the committee has ahead of you with your recommendation and then with the vote in December.

She appreciated the vice chair's comments about the work of the staff and that they are embedded in this community. Our community is changing and will continue to change. When we just watch the change happen and do not act, we never love the outcome. She's proud of this organization to try to address things that market forces are bigger than us and we have an avenue that we can help nudge the market to achieve the policy objectives to make housing more affordable in Tahoe. Because they've also have learned over the years that housing affects the lake. The lake, the community, and the economy are intertwined. We used to think of these things in silos, they are embedded. Because we have a Total Maximum Daily Load with water quality restoration for lake clarity that ties land use decisions into that. Reducing pollutant loads is all connected to this work. People commuting into the basin affect our VMT than when they can't afford to live here, and air and water quality issues are resulting. She's surprised that they haven't heard a lot of comment today about our unhoused population in the basin. When she moved here, people didn't even talk about homelessness in Lake Tahoe. We have people living in the meadows freezing, starting fires and degrading natural resources that have been restored by public entities with wetlands restoration. They're living in terrible conditions not only outside unhoused, but in substandard housing right in our community and it's not acceptable and the status quo will get worse. They're already seeing it happen because the market is a powerful force. She's proud of the work that everyone's doing to take action and to move this forward.

Today, there was a celebration of the Tahoe Coalition for the Homeless in South Lake Tahoe of the opening of new units for permanent housing for unsheltered people at the Bear's Den property down at the Y. This Board took a big leap about two years ago to help facilitate grants from the state of California. The North Shore and Placer County participated in the operation turnkey or home key, and we have housed on the South Shore at least more than 50 folks in permanent functional, clean, safe housing and taken the veteran population reduced to a functional zero. There are a lot of reasons for homelessness and was very struck on her last trip to Washington. Any city in America today, seeing people living in tents is unacceptable and there are a lot of reasons for that, but housing is a factor. The research is clear with the cost of housing, it is a factor of more people living on the streets. All of these things connect up to our mission to protect the lake because we can't lose our communities.

They get very technical in these decisions, and they are working hard to do their due diligence with all of the requirements and the height, density, coverage, and water quality and standards, but there's a human dimension to this that's so important.

Mr. Hester summarized the committee suggestions with 12 different items; The language suggestions made by Ms. Aldean will be incorporated and not read into the record again by Mr. Hester. Suggestions by Mr. Hoenigman were to clarify the funding strategy for enforcement in the staff report; clarify the public agency responsibility for BMPs; add evacuation and safety into the checklist; add to the staff report the roles of the MAC and so forth that were discussed; include the League to Save Lake Tahoe's language on parking and even though it's in there, point out that we allow unbundling; add staff review for unit size, scale, and architecture; and use of Ms. Kaufman's suggested definition for achievable.

Mr. Hoenigman said we can look at Ms. Kaufman's definition for achievable to see if it's the perfect language, but it does close those loopholes. If there is something that is objectionable that can come back to us but that is a good start.

Ms. Fink said their requirement is the occupancy of for sale or rental units when authorized is restricted to persons who at all times during ownership or occupancy of the unit reside and are employed within the county year round, an average of at least 30 hours per week on an annual basis. Employed within the county shall mean that the person earns his or her living from a business or organization operating in and serving the county which requires his or her physical presence within the boundaries of Summit County in order to complete the task or furnish the service by working in the county at such business or organization and average of at least 30 hours per week on an annual basis.

Mr. Settelmeyer said if we are going to utilize that definition, we would be prudent to add a clause because on occasion people become unemployed.

Ms. Fink said they do have some language already in the deed restriction that addresses that.

Ms. Diss asked if that allowed for that they just have to meet the qualification for the entirety of the time that they're occupying the property. Seasonal workers, even if they're not year round, the entirety of the time that they are here and occupying a rental unit would qualify if they met the other requirements.

Ms. Fink said that's a good point, staff will review that to ensure that it does capture that.

Ms. Gustafson said instead of the committee wordsmithing this, staff have been working with the local jurisdictions and would like them to weigh in on the enforceability. She likes the language but wants to be thoughtful because we're very intentional if it were a for sale product that we could help you buy it and you could retire someday and stay there. Placer County was intentional on how many years that was.

Mr. Hoenigman said in that part of the language he was considering replacing just the work in the basin in 30 hours. Something that's a little more vague and tightening up that specific part but leaving in the unemployment protections and the retirement.

Ms. Gustafson said for the for sale product.

Mr. Hoenigman said correct.

Ms. Gustafson said she agreed with tightening it up.

Ms. Aldean said the opt-out provision also needs to be clarified.

Mr. Marshall said he would like to clarify the direction of the committee. Because right now they can either sharpen some language or add some language.

Ms. Aldean wanted to clarify the misconception. Her misconception was assuming the ordinance is approved and goes into effect in 60 days, she wasn't taking into account the fact that that if the county has the decides to opt out and come up with some acceptable alternatives, they have one year in which to amend their area plan. This just needs more specificity.

Mr. Marshall said that's the point that he wants to make certain that is understood by all when voting on this that the clarification you want is that local jurisdictions get one year to conform their area plan and the standard that might be at issue will not go into effect for one year, until that point.

Ms. Aldean said correct, which allows them time to come up with some reasonable alternatives that would achieve the same objective.

Mr. Marshall said but if there's not a conflict, then it goes into effect within 60 days.

Ms. Aldean said correct.

Mr. Marshall said then we're really talking about height, density, and perhaps parking.

Ms. Aldean said everything but coverage.

Mr. Marshall said staff can come up with the language about pre-application review by staff for projects. The language might be to require a pre-application review sure.

Mr. Hester mentioned a staff for unit size, scale, and architecture. They'll put that in as a requirement, but no fee and it's just administrative.

Mr. Marshall said on that last point about building compatibility with scale and style. That's usually when it's a special use. So, those are our special use findings as opposed to when it's an allowable use. The kind of neighborhood compatibility set of findings. What he wants to make clear is whether you're asking us if it's not a set of special use findings, is the direction that you want to apply that? From his understanding that may be a bigger bite than what was suggested.

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Mr. Hoenigman asked staff what they would recommend. He wants to make sure that it's a pre-check list but it's not a huge burden to staff.

Mr. Hester suggested that as part of the process for reserving bonus units, staff reviews for those three things. Those are subjective but they don't want somebody to come in and build a big box.

Mr. Marshall said maybe the direction to staff is that they take this concern and figure out a way to either codify it or come back with some options.

Ms. Aldean said she thought building designs were subject to review by local jurisdictions. So, what are we doing differently?

Mr. Marshall said they do not require anything additional on the local side. Each local government is going to have to issue its own local permit and whatever requirements they have. This would be in addition to that, and TRPA would look at these issues that usually come up when it's a special use finding as opposed to when it's just an allowed use. Most of these will be allowed uses. He asked staff if that is the distribution of the assignment of bonus units.

Ms. Gustafson said that their area plans have design review criteria and design themes that are already adopted by the local jurisdictions that are somewhat different from each other. It's her understanding is that would be a duplication.

Mr. Marshall said staff will look at those and the direction would be that staff comes back with either something that explains how building scale and style compatibility will be taken into account and if there is not, then how they might propose that it is.

Mr. Hoenigman said knowing whose regulations have priority in terms of height and scale if it's allowed by TRPA by right, you can't do anything about it once it gets the local jurisdiction.

Ms. Gustafson said that's where they would have to modify their area plan if they are going to change their design standards for those buildings from what they have.

Mr. Hoenigman said this was maybe for places that weren't getting around to that. It's another check to make sure we are protecting our communities as well as getting the housing.

Mr. Hester said he recalls the genesis of this was that people were worried that they would say it's an achievable unit, but when you looked at the plan, it would be clearly a short term rental or luxury condo. They were trying to figure out a way that when they reserve the bonus units that it is what they want. They can work on this, maybe they defer to the local government design standards, or something like that.

Mr. Hoenigman said there is a role for TRPA because we're the ones giving out those bonus units. It's our pot to share and need to make sure that we are getting what we want. They've talked about the transition zones and ramping up things in multi-family areas so, looking at

scale would be good. He's alright dropping the architecture part since it will go through a local review.

Mr. Marshall said just a clarification when Mr. Hester talked about adding to fire and evacuation to the check list, it's already there. What they are doing is just maybe adding some additional language addressing some of these concerns that have been raised.

Ms. Aldean asked if it were correct that the incentives would only apply to areas with permanent funding sources for the enforcement of BMPs. Wasn't that the League's concern?

Mr. Hester said they'll address the funding strategy in the staff report.

Ms. Aldean said specifically for BMPs or area wide stormwater systems.

Mr. Hester said public agencies required BMPs.

Ms. Diss made a motion to recommend approval of the required findings found in 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 including the changes and recommendations discussed herein.

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Diss, Mr. Hoenigman, Mr. Settelmeyer

Abstained: Ms. Leumer

Absent: Ms. Hill

Motion carried.

Ms. Diss made a motion to recommend approval and adoption Ordinance 2023-__ found in 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 including changes and recommendations herein.

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Diss, Mr. Hoenigman, Mr. Settelmeyer

Abstained: Ms. Leumer

Absent: Ms. Hill

Motion carried.

IV. UPCOMING TOPICS

Mr. Hester said this is not all inclusive but in 2024 staff was working on mixed use, climate smart amendments, amendments from the City of South Lake Tahoe. They are anticipating some amendments from Douglas County and Washoe County. There's also the possibility that Placer County may have some amendments also.

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V. COMMITTEE MEMBER COMMENTS

Ms. Gustafson said she appreciated her colleagues and how deliberate and thoughtful everyone was in what they are doing. Especially those not living it every day and hear just the brunt of it, how much thought and energy you put into it.

VI. PUBLIC INTEREST COMMENTS

Niobe Burden-Austere said the only question she still has is about the process and why it's still being pushed forward so quickly. We made some great strides today, 12 recommendations to the language, but she doesn't understand how this can be voted on by the Regional Planning Committee as is without seeing that actual language that will supposedly be changed to the way that everyone would agree without seeing it. She's disappointed that this is going so fast.

Doug Flaherty gave a shout out to Mr. Settelmeyer for trying to reinforce everyone state their name when speaking. There can be some improvement in that area. He also gave a shout out to Mr. Hoenigman for having the where with all to start to at least discuss evacuation. Whether you like it or not you're going to end up having to do a roadway by roadway evacuation evaluation. It's clear that the word evacuation is avoided at all costs. Staff tamps down any possibility that it should happen. It's dangerous to the community, you are over capacity in the Tahoe Basin. The roads are over capacity, your traffic counts are an error, they're dated but you're going to probably have to do this sooner or later. He wishes you'd provide the leadership to get it done and protect the residents and the visitors of this basin. It's unbelievable how you try to avoid this. It's dangerous and unsafe and wished you'd bite the bullet and just do the roadway evacuation and follow all of the Attorney General's guidelines, not just cherry picking one issue.

The fire departments are not required to do in any of their codes an evacuation plan or approve an evacuation on a building or project other than evacuation from the building itself. So that we are void of that requirement. And it's a misunderstanding to believe that the fire agencies are going to create evacuation plans for the neighborhoods or whatever. Anyway, whatever evacuation plan you have is totally deficient.

Pamela Tsigdinos said since there's been an exceptional amount of TRPA staff and board members sharing compliments and acknowledging each other's work. It's really significant to acknowledge the work on behalf of the public who are not paid, who are volunteering their time and are forced to go to multiple layers of meetings to try to figure out all the various committees, the various processes, the various individuals. If there were not more people on the call today, the reason is most people have run out of steam. They don't have the time, energy, and are not being paid to spend time on this issue. She would like to acknowledge Aaron Vanderpool who is a young man who lives here in an Incline Village who works very hard. He would very much like to see short term rentals universally taken out of residential units and put in commercial multi-family areas within the basin. On behalf of Aaron, she would like to tell you this was a missed opportunity. If you're addressing housing, you need to reopen the short term rental discussion basin wide. Mr. Hoenigman has led on a number of issues here, please address this STR issue basin wide. A lot of the community would rally to

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your side because that would allow families who want yards and other opportunities to enjoy living in the basin to have more opportunities available.

Ellie Waller said all the comments today have been reiterated numerous times. She thanked Pamela Tsigdinos, Doug Flaherty, and everyone who commented today. Pamela brought forward an important message that the public is out here. They are not the silent minority and do their best to bring factual comments. They are not confused; they just don't understand how some of the information is presented and most recently she has been getting comments and questions answered. She knows that staff are busy trying to craft these code amendments, but the public needs to have their questions answered so they are not asking questions that don't make sense.

Also, The Tahoe Basin Area Plan amendments are coming forward and hopes that you do take in consideration the people that are going to be most affected and have that last Governing Board approval meeting on the North shore to allow more of those people who are affected the most to participate in their hometowns.

Sue thanked everyone who has worked so hard on this along with the public as being on the original plan teams back in the early 2000 for the eastern Placer County planning team. The short term rentals are a threshold that we're not taking into account. We all know there are more people here intrinsically and yet the counts are based on past population and Census. With consideration to that and what you've heard so much from already from people. She was at a meeting yesterday for our water district and water and sewage flows are increased. We can tell that there's a lot more people up here. If that is ever counted towards the threshold to help with population control and evacuation control with traffic and such. Because she thinks we are all assuming that we can fit more people here. We want to help the workforce, maybe we just don't have the room for it. She still feels that aching her stomach with the decisions that are being made right now so quickly without considering changes in thresholds and such. Please consider what you know in your gut.

Ms. Gustafson moved to adjourn.

Motion carried.

Mr. Hoenigman adjourned the meeting at 3:45 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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.