

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

December 13, 2023

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 1:01 p.m.

Members present: Mr. Aguilar, Ms. Bagwell (for Ms. Aldean), Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

II. PLEDGE OF ALLEGIANCE

Mr. Hoenigman led the Pledge of Allegiance

III. APPROVAL OF AGENDA

Ms. Gustafson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Mr. Settelmeyer moved approval of the November 15, 2023 minutes as presented.

**Motion carried.**

V. TRPA CONSENT CALENDAR

1. November Financials  
(Staff: Chris Keillor)
2. Fiscal Year 2023 Audited Financial Statements  
(Staff: Chris Keillor)
3. Resolution of Enforcement Action: Greenleaf Ventures Ca LLC; Unauthorized Disturbance to SEZ, Failure to Install and Maintain Construction BMPs, and Material Damage to Trees, 1650 Iroquois Circle, El Dorado County, CA, Assessor's Parcel Numbers 034-171-003 and 1654 Iroquois Circle, El Dorado County, CA, Assessor's Parcel Numbers 034-171-002  
(Staff: Steve Sweet)
4. 2024 Regional Transportation Improvement Program (RTIP)  
(Staff: Judy Weber)
5. Authorize approval of the FY 2023-2024 State of Good Repair project lists for the Tahoe project lists for the Tahoe Transportation District (TTD) and Tahoe Truckee Area Regional Transit (TART) and authorize the allocation of FY 2023-2024 Transportation Development Act

## GOVERNING BOARD

December 13, 2023

funding for TTD, TART, and TRPA

*(Staff: Kira Smith)*

6. Allocate Fiscal Year 2023/24 California Transit and Intercity Rail Capital Program and Zero Emission Transit Capital Program Funding  
*(Staff: Nick Haven)*
7. Annual Local Government Coordination Report and Action on Recertification of City of South Lake Tahoe's, El Dorado County's, and Placer County's Permit Delegation Memoranda of Understanding  
*(Staff: Brandy McMahan)*

Ms. Laine said the Operations and Governance Committee recommended items one and two for approval. There was a robust presentation on the audit, and the committee is pleased to report an outstanding audit, with only a minor issue related to El Dorado County, which is considered minor (a point 5 on a scale of 1 to 10). Congratulations were extended to the Finance Department for the clean and positive audit report.

November Financials appear normal, although the payroll for November affected the expenses slightly due to its processing on December 1st. It was mentioned that the state of California is projecting a significant deficit of about \$58 billion, posing a long-term concern for the TRPA. Staff is already working on strategies to navigate these financial challenges.

Ms. Williamson said the Legal Committee recommend approval of item number three without any objections.

Ms. Gustafson said the Annual Local Government Coordination Report was not heard by any committee.

### Board Comments & Questions:

None.

### Public Comments:

Tim Delaney, property owner in the Tahoe Basin expressed his dissatisfaction with not being allowed to speak in previous meetings. There are more of us than all of you and the few developers that you folks represent in developing around the Tahoe Basin. There is a dirty lead cable in Lake Tahoe, and you could get the dirty cable out of Lake Tahoe before you do anything else to establish some goodwill in the Tahoe Basin and the general public. Regards to free speech, it's a tactic, all you do is talk, talk, and talk. Then the developers show up and show a huge slide show that is endless. Then you talk some more patting each other on the back and then approve it. That harms his interest, he's a lower income guy who owns his property outright and doesn't appreciate this garbage. This is the United States of America, this is a tactic that is employed in North Korea and China. "A good communist is a ruthless capitalist." This is what you do when you drum all of us in society out of the discussions. There's also the environment. Some the species are threatened and endangered, what about that? He's shocked and it's disgusting and appalling. He doesn't want Incline Village, or the East Shore beaches destroyed. This is sacred American land that are homes to bald eagles and golden eagles. He doesn't want a bike trail going through there. Go to bat for native Americans, the public, and the environment.

Ms. Hill moved approval of the consent calendar.

GOVERNING BOARD

December 13, 2023

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Mr. Aguilar

**Motion carried.**

VI. PUBLIC HEARINGS

- A. Phase 2 Housing Amendments, including proposed amendments 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 amendments to the Regional Plan, Goals and Policies, Land Use and Housing Sections  
(Staff: Alyssa Bettinger)

Ms. Gustafson said the Board received 200 plus comment letters.

Ms. Regan said today is the 11th-anniversary milestone of the Governing Board passing the Regional Plan Update for Lake Tahoe on December 12, 2012. There were years of extensive public engagement, and a lot of the same discussions, and controversies. The Compact gives us an opportunity to harmonize the Regional Plan and Environmental Threshold standards while allowing for orderly growth and development. The challenges faced by Lake Tahoe, including climate change, are heightened pressures in Lake Tahoe. The United States is facing a housing crunch of epic proportions. Publications are showing shortages anywhere from 2 to 5 million homes short at the same time all time high interest rates and are pricing people out of homes and creating rental emergencies nationwide. It's never been inexpensive to be in Tahoe but we went to bed as Tahoe before Covid and woke up as Aspen and Vail. Those communities have been facing as much to a greater degree to the point now that they have to have a commute bus system because the workers cannot live anywhere near those resort destinations. They recognize the team's deep connection to the community and the board's goal of protecting the lake while supporting communities and affordable housing. Today, let's be respectful and civil in our discourse because we all share a love of Lake Tahoe. We're all trying to get to the goal that protects the lake and supports our communities and makes it possible to live here and afford housing. Housing is an issue everywhere but in Tahoe we also have connections to land use transportation, water quality, and is about connecting these elements through this incredible compact that gives us a connection that other places don't have. They have that authority working in partnerships with local governments, the community, and the private sector to deliver updates to housing for the Regional Plan. Looking at reductions of vehicle miles traveled and greenhouse gases.

The presentation was provided by TRPA staff Ms. Bettinger.

Ms. Bettinger said the presentation is focused on a proposal developed over more than two years of work with the Tahoe Living Working Group to address the housing needs in the basin. The proposal is grounded in data and community needs. There have been three needs assessments done for the region that show a need for nearly 6,000 housing units across various deed restriction levels.

TRPA formed the Tahoe Living Working Group in 2020, initially focusing on changes to allow accessory dwelling units on smaller lots in California and policy modifications for converting older motels into long-term housing. The current phase, Phase 2, aims to analyze how TRPA regulations influence where

## GOVERNING BOARD

December 13, 2023

housing is built and how the regulations drive up the costs. They asked the working group how to reduce that cost to reduce reliance on significant public subsidies.

Phase 3, starting in 2024, will focus on larger systems like growth management, fee structures, and permitting, to make them more equitable and climate focused. The presentation outlines the overarching goal of reducing the cost to build desired housing types in specific locations, aligning with Regional Plan goals such as water quality, transportation, and housing.

The process involved public engagement, with nine publicly noticed meetings so far, shaping and refining the proposal. The goal of Phase 2 is to influence property owners and developers positively, facilitating the construction of housing units that meet the Regional Plan goals such as water quality, transportation, and housing. TRPA intends to achieve these goals by examining and potentially modifying development standards such as coverage, height, density, and parking. Coverage and height are the two standards that dictate the overall building envelope. There are a set number of parking spaces required for each development. Density is the number of units that can fit inside the building envelope after the space has been allocated to parking and other requirements in TRPA and local jurisdiction codes. Coverage and height allowances are the same for single and multi-family. Challenges with the current standards, particularly related to multi-family units, parking eats up a lot of the square footage on the ground floor and then roof pitch requirements also eat up square footage on the top floor and is difficult to build more than one unit and be profitable.

It has led to this trend of building larger single-family homes over the past 50 years because there are no incentives in terms of development standards to build more than one unit. Developers can build large luxury single-family homes to sell to the second homeowners or end up as short term rentals.

This has been a two-year effort to identify changes to development standards to incentivize multi-family housing. A consultant was hired to assess changes to coverage, height density, allowances, and reductions to parking requirements. The analysis indicated a potential 40 percent reduction in monthly rent, bringing it down to the achievable level of 150-170 percent of the area median income without public subsidies. While subsidies might still be required for affordable and moderate income levels, they are expected to be less.

This is not changes to all residential use, it's changing development standards for the 946 remaining bonus units under current growth caps. These units, awarded at no cost, are for projects constructing deed-restricted housing. The proposal does not increase the overall growth in the basin that has already been authorized.

Three deed restriction levels for affordable and moderate categories are income based on household income relative to the area median income. The achievable level, targeted at the local workforce, was adopted in 2018. Safeguards are in place to prevent an imbalance between achievable and affordable units. The achievable definition was subject to comments and concerns, leading to additional requirements, such as physical presence for employment and proof of permanent residence. The needs assessment showed that nearly 1,600 units were needed in this category.

In 2018, within the bonus unit pool they allocated half of the bonus units to affordable units and the other half would be reserved for moderate and achievable. The affordable pool can pull from the moderate and achievable pool, but it cannot go the other way. It's intended to ensure that they don't get 946 achievable units and no affordable.

## GOVERNING BOARD

December 13, 2023

The Regional Planning Committee directed staff to add a requirement that at least one member of the household has to be physically present to do their job to qualify for an achievable deed restricted unit. The achievable definition also requires that it has to be the permanent and primary residence of the households. On the permitting side it will be required that anyone who wants to reserve an achievable unit they'll need to submit the proposed unit sizes. Any new bonus unit awarded would be subject to the existing compliance program which requires annual reporting. Staff has a third party consultant to assist with auditing and will hire a staff position to help to oversee this compliance program.

The proposal applies to specific areas within the basin, including the bonus unit boundary, multi-family areas, and town centers. Incentives are aligned with the appropriateness of each area, with a focus on encouraging housing compatible with the community's needs. There is a proposal included for multi-family areas which already allow for multi-family. Because of the development standards, multi-family is extremely hard and unprofitable to build. It will help to encourage the missing middle achievable units.

The second proposal area is within the town centers and are where they want to see the highest intensity use. The town centers were originally drawn around commercial development and in these areas, they want to see mixed-use, higher density that's contributing to transit and creating walkable communities.

Areas zoned for multi-family development are areas where there is a lot of defacto affordable housing exists but was built before TRPA and local jurisdictions were in place. While this is outside of town centers these areas are adjacent to centers and open up opportunity to provide smaller scale multi-family that supports the missing middle.

They are allowing an expanded building envelope with greater height in town centers and more flexibility with roof pitch in multi-family areas. Additional coverage will be allowed depending on the location with requirements that coverage would have to be transferred in as well as a requirement that projects contribute to offsite stormwater treatment systems. It's also proposed that these projects be exempt from density requirements because higher density results in smaller units that are more affordable. Higher density in these areas also means that there is more of a demand for transit. Lastly, the one size fits all parking requirements will be removed and allowing developers to determine what the specific demand of their site is and potentially put in less parking than required by the local jurisdictions.

Parking concerns have been addressed, emphasizing that the proposed amendments do not prevent projects from including parking. Instead, they provide an option for residents who don't need a car to potentially pay less in rent. The amendments aim to balance housing costs and address community issues while allowing for more flexible development in multi-family and town center areas.

The proposal includes transition zones and is proposing an additional 11 feet of height to parcels adjacent and contiguous and within 500 feet of the boundary of a town center. It's creating a seamless transition between multi-family zones and town centers. The changes would apply to specific parcels shown in pink on the map.

Additionally, incentives for mixed-use developments and accessory dwelling units are proposed, with a focus on encouraging mixed-use buildings in town centers. These incentives would apply to mixed-use projects that are building commercial on the bottom with 100 percent deed restricted residential on the top. The commercial portion can be no more than 50 percent of the total square footage.

## GOVERNING BOARD

December 13, 2023

Accessory dwelling units can take advantage of the coverage incentives but would still have to transfer that coverage in and either tie into an area wide stormwater treatment or have their BMPs maintained by a local jurisdiction or public entity.

The proposal would go into effect as a package and the proposal would not supersede area plans as stated in previous meetings. The proposal gives local jurisdictions two options. The first is updating their area plans to be consistent with the standards in the proposal or if local jurisdictions want to opt out, they can do so but would need to show an alternative set of standards or subsidies with equal or better financial feasibility. If after one year, no action has been taken by the local jurisdictions, TRPA can take action to bring the area plans into conformity.

The presentation underscores the importance of public input in shaping the proposal. The presenter notes that the community has expressed diverse opinions, with some advocating for more extensive changes while others find the proposal too ambitious.

In response to public feedback, adjustments were made to the original proposal. Notably, the removal of additional height allowances in multi-family areas and the exclusion of higher density allowances for market-rate housing due to stakeholder concerns. The requirement to transfer in coverage still remains. They've tightened the requirements for public entities maintaining area-wide stormwater as well as BMPs. The original proposal didn't include any changes to parking and has added those back in. Lastly, requirements have been added to the achievable definition.

The Advisory Planning Commission recommended approval and asked staff to release answers to frequently asked questions which can be found in Attachment G. The Regional Plan Committee also recommended approval to the Governing Board with eight changes that were included in more detail in the staff report as well as how they were addressed.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VI-A-Phase-2-Housing-Amendments.pdf>

### Board Comments & Questions:

Ms. Diss said the presentation mentioned the need for housing units, it's been determined by studies and surveys. What we're talking about today doesn't equal that 6,000 number but rather is the 946 units.

Ms. Bettinger said that's correct.

Ms. Diss said on the achievable definition, please elaborate on the need for that workforce housing category and what are the income levels in a dollar amount. What kinds of jobs are we talking about?

Ms. Bettinger said TRPA used to have an income cap with achievable deed restrictions that were based on the income needed to afford the median priced home. In April 2023, the Board approved removing that because the income limit was high in certain counties. For example, in Washoe County it was 550 percent of the median income and in Placer County it was too low. The 290 is what they had for Placer County, and they've heard that this is too low. It's based on a two person household.

Ms. Diss said the upper limit for moderate is 120 percent of the area median income of the top row on slide 14.

GOVERNING BOARD

December 13, 2023

Ms. Bettinger said the top row is 100 percent.

Ms. Diss said 120 percent of that is when people are ineligible for moderate.

Ms. Laine said the presentation they had from the consultant earlier in the year showed a rendering of an apartment complex that replicated the types of changes that we are talking about. It took up the entire parcel, but the parcel size was 12,000 square feet. Sugar Pine is about 11.4 acres or 500,000 square feet. Would we build that big of a building on that amount of land? Do we contemplate a maximum land size?

Ms. Bettinger said there's no proposed maximum coverage cap. There are no changes to setbacks and open space requirements. It is unlikely that a project would come forward even with over 90 percent coverage.

Ms. Fink said there was concern with a larger parcel that wasn't what people were hoping for. This feedback was incorporated, and local jurisdictions have the ability to have up to one year to opt out to determine which standards work for them.

Mr. Hoenigman said even if the property is very large, with the geometry of housing a building can't be really huge. There can be multiple buildings and then the code requires a certain amount of space between those buildings for fire, life safety, etc. A project like Sugar Pine would look like several larger buildings with space in between.

Ms. Fink said there are also requirements for sufficient snow storage.

Ms. Hill said some of the public are concerned about the ten percent audit. Is there feasibility to look at increasing that? Would there need to be a public private partnership or what is the budget like to do that?

Ms. Fink said previously staff has said that they would monitor a minimum of ten percent and that can be changed by the Board at any time. This year they audited 25 percent of units focusing on Incline Village and it costs the same amount as they were expecting with ten percent. The housing consultant will provide an estimate on how much it will cost to audit 100 percent annually. The Board would need to make that recommendation in the motion for next year's audit.

Ms. Gustafson Placer County has been working with Tahoe Truckee and set up a workforce agency that spun out of the Mountain Housing Council and they are planning on auditing 100 percent. State and Federal tax credits have to be audited for low and affordable. The achievable is also subsidized for the workforce housing preservation program. There could be MOUs with the jurisdictions and TRPA to avoid redundancy in TRPA reauditing what the local jurisdictions did. TRPA could then just audit the local jurisdictions. If Placer uses any of their general funds to subsidize those units, they will ensure they are not misused.

Mr. Settelmeyer said what's the benefit of auditing 100 percent, how many violations are there? If you did 20 percent and proved there were no violations, doing 100 percent is a lot more work that doesn't necessarily generate more results.

GOVERNING BOARD

December 13, 2023

Mr. Hester said a slide from the housing study for Washoe County focused on three different categories of workers and their income versus housing costs. Housing costs more than these workers make, emphasizing the affordability challenge for individuals.

Ms. Hill said the slide specifically mentions annual incomes and corresponding job categories such as teachers, registered nurses, sheriff deputies, and hospitality workers. It emphasizes the affordability gap, where the housing costs exceed the income.

Ms. Leumer supported starting with a higher audit percentage for increased confidence. She wants to ensure she understands how those costs are absorbed and not being passed down to those seeking affordable housing.

Ms. Fink said funding for the next two years is set aside from the general fund. With Phase 3 they'll look at incorporating a fee that is not just on affordable housing.

Ms. Leumer asked if that could be limited to the market rate development.

Mr. Marshall said those are some of the issues that they'll explore in Phase 3 of where and who they can assess.

Ms. Leumer said having a high daily fine is a deterrent. Is it necessary to have this category? She would like to hear others thoughts. Given the need for affordable and low income and how few units are being distributed, why not just keep it to the low and moderate income.

Mr. Hester said there's been more moderate and affordable than achievable built. It didn't work for people to invest before with the existing development regulations. With this, they feel they'll get the market providing some achievable that they didn't before. There is a small amount of achievable, there's more moderate and affordable because they get other subsidies. This is still going to require subsidies to get to the affordable and moderate level because changing some of the regulations still doesn't get to the point that it is profitable.

Ms. Fink said one reason achievable resort communities have started going towards this work force category is different than other communities, for workforce, they just rent and buy homes on the market. In a resort community nearly every for sale home becomes a second home and the price is higher than normal. Workers that are normally able to buy homes are renting the homes that should be rented by the lower income individuals. By providing housing for this group, they are also providing housing for lower income groups because more housing will be freed up.

Mr. Hoenigman said there are so many different bands of housing needs, and this is just one where we don't have to put any public dollars to it for the achievable housing. It's about \$800,000 per unit, not total, for affordable housing and in addition to the free land. The amount of subsidies required would be billions of dollars to provide the housing needed if they're doing it all in a subsidized manner. They are trying to allow the private market to deliver one band of that housing need and then focus on the other two with public subsidies.

Ms. Gustafson said in Placer County, 42 percent of the need is above the moderate. Then taking the moderate, it's another 18 percent. The tax credits that come with the low and very low aren't there for the achievable but that is the missing middle.



## GOVERNING BOARD

December 13, 2023

Mr. Friedrich asked if commodity conversions eligible for bonus units from tourist accommodation units to a residential use, etc.

Ms. Fink said no they are not.

Mr. Friedrich asked if there is data of how many residents have been built of the type, we're talking about today using bonus units versus market rate. And of the market rate, a sense of the average size and type of those market rate developments. How many residences are being built at a size that an average Tahoe worker can afford versus the more luxury developments?

Ms. Fink said the average home size of a market rate unit has gotten high of over 2,000 square feet. Some of the more affordable market rate homes have gone in behind Accurate Audio and Pioneer Trail that look to be about 1,200 square feet each.

Mr. Friedrich asked if the achievable definition would help the California local jurisdictions meet those requirements.

Ms. Fink said the achievable category helps meet the local jurisdiction's Regional Housing Needs Allocation for the above moderate category which is part of their requirement.

Ms. Conrad-Saydah asked for further information on the step back requirements. Also, Ms. Diss' clarifying question is that this applies to 946 units and there is a need for more, but this is just another step.

Ms. Bettinger said the step back requirement is one foot for every one foot of height for anything over 56 feet in town centers.

### Public Comments

Patrick Taylor said we cannot charge more than the market will bear. Specifically, the rent should not exceed 150 percent of the Area Median Income otherwise it will be too high. Charging higher rents would lead to affordability issues for individuals pursuing careers such as nursing or law enforcement. If you are not going to rent to non-locals, you'll get caught on the audits and there's no incentive to do that. We're basically doing this from an altruistic standpoint. They put down 35 percent of their money to build these properties. A \$20 million project for about 25 units requires \$7 million investment to get it off the ground. The return is about 3-4 percent. There's government funding involved. Local employers have expressed interest in master leasing all units, ensuring housing availability for their employees and eliminating the audit concern. The benefits of constructing parking underground or on the bottom floor and build straight up which requires a greater height, then that reduces the parking issues.

Pamela Tsigdinos opposed the approval of the proposed amendments. The staff findings are incomplete and flawed. To accept this with no data with the assertion that there will be no significant impacts associated with these amendments is reckless. She urged a more in-depth analysis of the true impacts and cautioned against hasty land use decision-making. There's a shortage of housing units available to those who want to live and work here. There needs to be a basin-wide short-term rental cap. You need to prioritize public safety and health and conduct an environmental impact report. What is the real carrying capacity with climate change and extreme weather? 2012 is not 2024. We need to consider what it would take to get the existing population out of the basin before we start

## GOVERNING BOARD

December 13, 2023

adding more density. There was no public transportation option for her to get from the North Shore to this meeting today. Please get the infrastructure in place and do the research.

Seth Dollab, CEO of Next Gen Housing partners speaking on his own behalf today. He expressed support for the proposed amendments. As a workforce housing developer, he acknowledged the challenges and limitations of the proposal but emphasized its incremental steps in reducing public subsidies. Most of his workforce housing development has been for the equivalent of the hospitality workers here. The amount of incentives that it takes to build a Sugar Pine Village is immense and can't be repeated and will not meet that need. If this is approved today, he will not be racing to buy land and develop these types of units. While the theme and general economics of what is in the staff report are correct, but they are also a couple of years old. The economics are more broken than what's specified in the staff report. This is not perfect and there's a lot of valid criticism but it's better than what we have now.

Gavin Feiger, League to Save Lake Tahoe said the League has been actively engaged in the Living Working Group since its establishment in 2020, providing valuable historical insight into the discussions involving staff and other stakeholders. Over the past 3 to 3.5 years, the League has been actively involved, submitting comment letters and contributing to discussions. As of now, they express full support for proposals within town centers and advocate against incentives outside these town centers. The League's mission revolves around environmental protection, with a focus on affordable housing within town centers. Ideally, all the remaining development should go into town centers. North and South Shores town centers were established differently but there are opportunities outside of town centers to be reviewed in Phase 3. They recommended incorporating more community buy-in and involvement from the start of Phase 3. The League advocates for additional audits, especially in the initial two years and will help inform decisions in Phase 3. They need to look at the disincentives, the first two phases have been all about incentives. Let's provide disincentives for the development that doesn't provide benefit to the community and environment to go along with the incentives.

Jean Diaz, Executive Director, St. Joseph's Community Land Trust non-profit developer of affordable (rental) and moderate income ownership housing. They support these amendments. One suggestion related to Code Section 52.3.1 which currently combines the allocation of bonus units for moderate and achievable which are competing with each other for a very scarce resource. The needs assessment is broken up with 50 percent affordable and 50 percent moderate, and 50 percent achievable. They recommended that there be a specific allocation along those lines for the allocation of bonus units.

Rebecca Bryson, South Shore resident supported the proposed amendments. Having walked around Sierra Track and Al Tahoe discovered hidden duplexes and triplexes that blend with the neighborhood. These were grandfathered in and couldn't do that now. She's happy that height requirement was removed from non-town centers. Adding density and coverage, where appropriate, is ideal. She voiced concern about the time it takes for projects to be realized, urging the swift implementation of the proposed changes. She appreciated the two options for cities to pursue and emphasized the need to get going. These are a lot of carrots and there needs to be some "sticks." She hates to see when a very small affordable single-family home goes away, and a big home gets built. There needs to be some sticks that a person would be required to put in money for affordable housing elsewhere. She hopes that incentives for duplexes and triplexes encourage developers to choose these options over constructing large homes.

## GOVERNING BOARD

December 13, 2023

Ed Mosur, South Lake Tahoe resident said TRPA exists because local government failed. Since 1960 TRPA has ruled with an iron fist and kit gloves and controlled development in the basin. He acknowledged some positive aspects of the proposed amendments but criticized them as not being a holistic solution. Most people visit or live here to escape the urban landscapes. He criticized the policy of allowing Commercial Floor Area (CFA) removed from sensitive lands to town centers to be doubled or tripled when housing for their employees was either destroyed or not constructed has exacerbated the problems. Further urbanization of the basin compensates for your ignorance. In South Lake Tahoe, the same mistake with CFA was made with too many motels during the 1960s and 1970s. Specifically mentioned a proposal to tear down Motel 6, advocating for its conversion into affordable housing. The motto has been to increase the tax base because we lost four hundred million in a five year span in tax increment due to redevelopment area projects. He emphasized the problems related to snow storage and building large homes or complexes. There's not enough room for snow storage. He's been advocating for snow melting machines. If you are going to provide less parking then you need to deed restrict tenants from owning cars.

Zach Thomas, City of South Lake Tahoe Development Services said their staff supported the proposed amendments in which they are necessary for implementing housing projects and programs outlined in the City's state-certified housing element. Specifically, the proposed amendments related to density, height, and coverage are necessary to implement the City Council's priority housing project on 3900 Lake Tahoe Boulevard. Without these amendments, the project would not qualify for federal and state funding sources. The proposed amendments align with consistent feedback provided to TRPA staff through the Tahoe Living Working Group. The amendments represent common sense and well consider changes that allow for the increased production of housing while having the least potential negative environmental consequences. Development standards such as density, height, and site coverage are crucial for project feasibility and financing, particularly for higher-density infill developments. Without the proposed amendments, valuable housing projects would not get built. Over \$100 million in federal and state grants, bonds, and equity investment over the past two years to address affordable housing shortages. Approving the amendments is essential for sustaining funding and enabling the construction of new housing. Addressing the housing crisis takes a broad spectrum approach which includes incentivizing the use of existing housing stock, that is true, through programs such as lease to locals. Improving the quality of housing, facilitating the development of accessory dwelling units and monitoring deed restrictions. The city is doing all of these, but these programs are a piece in a larger puzzle which needs to include the production of new housing stock.

Jan Ellis, North Shore resident expressed concern about the future look of Tahoe. Not just in the density but in the traffic. How can we reduce parking spaces while aiming for height. People in Tahoe have cars. It's not Yosemite, it's not ride every 15 minutes. There's a traffic issue that is coupled with a housing issue. We have to address the parking issue too. In a city you can go up ten floors and put four floors of garage. All the areas around us are growing. People don't see themselves as tourists, this is their backyard and want to visit for the day from Reno, Carson City, or Sacramento. Slow down and integrate the complexity of what we're facing in the future.

Emily Setzer, Placer County Community Development said workforce housing is a strategic priority of the Placer County Board of Supervisors. The Mountain Housing Council's most recent housing needs assessment showed that our North Tahoe Truckee region needs 8,100 housing units at achievable to affordable levels. That's a lot more than the 946 that we're talking about today. More than 800 of those were needed in East Placer specifically for their existing resident workforce who are already working in the Basin, although they may not live here. Those were at income levels above that 80 percent of area median income. These are moderate and achievable income limits. To secure and

## GOVERNING BOARD

December 13, 2023

develop housing for our local workers, we need to take new creative approaches because the ways of the past haven't produced the results that we need. Placer County has committed to help solve these housing challenges through active participation in the TRPA Tahoe Living Working Group as well as membership in the Tahoe Truckee Workforce Housing Agency whose mission has expanded to serve the greater community in addition to its member agencies.

The Placer County Board approved an earmark of \$3 million Transient Occupancy (TOT) tax to support our workforce housing preservation program. TOT and Tourism Business Improvement District (TBID) funds have been earmarked for the lease to locals' program and other housing initiatives. The board also committed \$2.5 million towards the Dollar Creek Crossing development for local workers. Programs like these are geared towards the affordable, the moderate, and the achievable income limits.

Gail High is concerned about parking. What happens three to five years from now, we realize that there is gridlock because there are still all these cars and there is no place to park. How do we undo that and go with it at that point? Please move slowly and consider all the ramifications.

Niobe Austere-Burden, North Shore resident has lived in five resort communities worldwide in the past 10 years. We all want workforce housing, but these amendments need refinement as stated by many. They will supersede all local jurisdictions, maybe that's changed at this point but a local jurisdiction to prove otherwise is going to be very difficult. Mixed-use projects will be able to take advantage of the benefits of these as long as they provide an undetermined number of achievable housing units as of this point. Units that in fact won't even be affordable for most of the workforce necessary to operate and cut the commercial and hotel establishments in that project. The biggest red herring is the lack of environmental analysis and fire evacuation studies despite cumulative impacts in 2012. The need for these studies is obviously a matter of interpretation and most likely will be decided by the courts. If TRPA doesn't consider moving the environmental analysis to Phase 2 instead of Phase 3. The 65 foot, 5 story height still moves forward despite overwhelming public disapproval. Please move the inclusion of multi-family zones to Phase 3. For the achievable definition, please put requirement in the language that the workforce housing portion of a mixed-use project be built in Phase 1. one. Avoiding the real possibility of it never being built without needing more concessions and funding, which defeats the purpose of these amendments. Two, no one understands how many bonus units remain, including Governing Board members. A matrix graphic with county income category, whether allocated or not would give a clearer understanding of the number of bonus units remaining. Then decide if a site-specific analysis in the multi-family zones would be better.

Tightening of language of the achievable housing definition is needed to further strengthen its intent to assure affordability and find the missing middle. She suggested each achievable project have a mix of low and moderate affordable units. Because TRPA was not able to give her rental projections she came up with her own research where the bank standard housing allows a 30 percent gross monthly income. Utilizing Placer County's AMI from the fact sheet, 100 percent of AMI for the achievable criteria would be \$123,000 for a three person household for a monthly housing allowance of \$3,075 for a unit for three people. A 180 percent of AMI would allow a housing allowance of \$4,612. What will rents end up being set by developers. The 39 Degrees North Kings Beach project's website indicates their achievable housing is for those meeting up to 220 percent of AMI. That's a household making \$225,000 with a housing allowance of \$5,637. Please add something to the following language to tighten the amendments so it addresses the real need of affordable housing for the missing middle. Rents will be structured to be no more than a standard housing allowance of 30 percent of the qualified tenant's household gross monthly income or based on a sliding scale percentage of AMI.

## GOVERNING BOARD

December 13, 2023

Vinton Hawkins representing Boatworks Mall and Boatworks Condominium supported the proposed amendments. This is a start. Speaking today from their own operations and the struggles that they've had finding and retaining workforce. Most of their employees come from outside of the basin to work. These are local proprietors, mom and pop shops that are tenants in their malls, and they struggle. During COVID, they lost significant amounts of business that closed.

Steven Prescott said is lucky to be a property owner here and has one of the properties in the Mountain Town Center that could be eligible for affordable housing. He's putting together a project that would address ultra-low income in the Kings Beach Mountain Town Center right on the transit line.

Duane Wallace, CEO of the South Tahoe Chamber of Commerce, Board member of the South Tahoe Public Utility District, and resident of South Lake Tahoe is here on behalf of his Board of Directors who voted unanimously to support this proposal. They agree with the League to Save Lake Tahoe for the most part. The small businesses we have and their children who would like to maybe run their parents' businesses someday are not able to afford to live in their own town with their own business. We're behind the curve, we are a museum of the 1960s and we've got to catch up. This is a great step in the right direction. He agreed with Dollab and Mr. Thomas. Even with the government money we come short. What he did when he was on the utility district, he talked his board into cutting their connection fees in half and moving the cost form to the end of the project when it opened versus in the beginning, so they weren't paying interest for months when there were delays. He hopes all the agencies involved donate everything from the land, fees, etc. because it still doesn't pencil. Unless the government wants to fund it all, we need to be able to meet these developers halfway.

Ellie Waller suggested that Ms. Aldean's alternate Ms. Bagwell abstain from the vote today. Getting briefed on the housing amendment doesn't substitute for participation in meetings and presentations for months and years. She asked the Board not to approve the amendments or the Initial Environmental Checklist which is no substitute for actual adequate environmental analysis. It's shameful and preposterous to think or state that existing conditions analyzed in the 2012 Regional Plan Update have not changed substantially. Even more disconcerting that the public at large most affected was not invited at the inception of this process. The public does have a lot to share as evidenced by comments that have been provided over the last 4 or 5 months. Staff stated that data has been collected, but what environmental analysis exists that supports their conclusions. Where are the mitigations and benchmarks that should accompany the proper level of environmental analysis and associated findings? One size does not fit all. All areas of the lake have distinct differences. You as local jurisdiction elected officials and others should ask yourselves at what cost to your communities is acceptable with one size fits all. When conservation groups from all around the lake and private citizens rise up in unison to oppose TRPA land use changes, there is a reason to believe, let's do our best to work together, isn't happening. Please deny or postpone the amendments until proper environmental analysis is done. Affordability is not the only issue in Tahoe or the surrounding areas. Ask yourself about the cost of living and how those issues are easily resolvable at all.

Alexis Ollar, executive director, Mountain Area Preservation (MAP) hasn't been to a meeting since the Regional Plan Update but what brought us to that arena at that time was resort recreation zoning and that gave life to a pretty bad project called Martis Valley West that MAP, the League, and Sierra Watch spent seven years fighting. They're still not done and are hoping for an open space opportunity. Zoning, land use, and code make a difference and these ideas do give life to other projects. She's a huge advocate of open space, responsible development, workforce housing, and community benefits.

## GOVERNING BOARD

December 13, 2023

We all know that development in Tahoe takes time as does good planning. Some of the best plans have community support and buy-in, but we're not there yet.

Please postpone a vote on Phase 2. At the top of the list is a legally inadequate Initial Environmental Checklist. With no new environmental analysis for public safety, evacuation, wildfire danger, traffic, water quality, air quality, and view sheds under the assumption that Tahoe has stayed still in time since 2012 is not the case. Phase 2 contemplates more intense land use, more coverage, density, and height. All this equates to more intense land uses and considerations that must be analyzed with appropriate mitigation and alternatives to be considered. Secondly, the only innovative solution Cascadia brought to the Board is urban planning for alternatives. Which is counter to the Tahoe Mountain landscape and infrastructure. Our current conditions don't align with this type of planning or lack of analysis. From the standpoint of addressing the crisis, this is not the best bang for our buck. It's putting more funds into and unlocking existing inventory with half of our units sitting empty. This is existing units that can be converted into long-term rentals and the programs such as the Placemate lease to locals program is successful. Let's put some more dollars into those types of programs. Additionally, a basin wide short term rental cap would help create an immediate inventory of units to either be rented or sold to the workforce. We all know what it feels like to have an employee friend or family member no longer be able to afford to live in Tahoe or be able to compete with the high earners who are making Tahoe their full-time residents.

Those of us who understand the building environment of Tahoe know that it takes two to five years minimum for development to happen. We're talking about deed restricted housing, and we've talked about the fact that we want to incentivize housing that doesn't need subsidies. But we've also talked about how the majority of housing will need those subsidies. It is critical to understand that you get state and federal dollars, you don't get to control who lives there, it is all area median index related, it has nothing to do if you're a local workforce. Please take into consideration that with half of our needs being affordable and moderate, the local jurisdictions don't get to control who lives there, it's by income.

Kristina Hill said in the late 1970s Placer County eliminated the trailer park that was the 65 acre track and put in a transit hub. That's where all the ski instructors, dishwashers, waiters, and the construction workers lived. They took it out and paved it for a transit hub in Tahoe City. Now they're thinking of putting affordable housing back there. It's throwing the baby out with the bathwater. She's appalled at the lack of environmental review that's gone into these major proposed changes to the code. Chapter 4 and 16 of the Code of Ordinances has to identify cumulative impacts and have written findings showing how this will not exceed the thresholds of water quality, air quality, visual, and scenic quality. There's much more you could do to incentivize affordable housing such as putting a cap on short term rentals. Stop constructing these huge tourist attractions such as these trails that attract people from all over the world to come to our little rural enclaves to park on our streets to avoid paying for parking. We don't need to incentivize tourists to come here. Please delay or deny the proposed amendments until proper environmental findings are made in accordance with the existing code.

Randy Fleisher, Incline Village resident said he's currently working on a site in Incline Village for achievable housing without the changes to coverage, height, density, parking, and the development standards, there would be no path forward for this development. Incline Village desperately needs achievable and workforce housing. There's no place for our workers to live. He hopes that Ms. Hill opts in at her earliest opportunity.

## GOVERNING BOARD

December 13, 2023

Margaret Martini, Incline Village resident before the TRPA was even founded. The pendulum has swung to the max from the original charter to today's proposal. I hope that the transportation meeting this morning has developed a comprehensive evacuation plan because we don't have one and we're looking at adding more and more and more. It's the cart before the horse. She's wondering if anyone has read the charter. If you had, we would not be here discussing this growth over development of the Tahoe Basin. Many board members are not even residents of this very basin but are making development decisions. An example is the member from Washoe County Commission in Nevada who constantly votes pro-development. At a meeting in Reno when she was asked about the Reno area water availability, she pointed towards Lake Tahoe and said that there was a huge water resource right above us. TRPA is charged with protecting the waters and environment of Lake Tahoe, not to destroy it by growth and unfettered development as is planned by this TRPA board, staff who seems to think that a sound and reasonable development parameters do not apply to them. For example, what is a three-quarter parking place. The climate in Tahoe is warming. Are the thousands of cars emitting cold exhaust or are we contributing to warming with millions of cars coming every year? The agency that was formed to protect the lake is the one with the definitive plans to destroy via this board and the buck stops here with you all.

Tobi Tyler, Tahoe Area Sierra Club said they object to these amendments and requests that they are not approved today. They support true affordable housing in the Tahoe Basin, which these amendments will not accomplish. Achievable housing with no income caps has nothing to do with workforce housing, which is what is needed. The primary intent appears to be to satisfy developers with unsubstantiated promises that increased density, height, and coverage along with reduced parking will meet the needs of our rural communities. The Sierra Club supports creating walkable town centers, but without a frequent and reliable transportation system in snow country, how do you expect people to get around? People routinely walk down the middle of the streets in South Lake Tahoe because of poorly ploughed streets with little or no sidewalks. Even the sidewalks on Highway 50 are rarely ploughed. Fix the broken transportation system first before trying to fix the housing crisis that you TRPA, as well as the city and counties are responsible for after years of allowing short-term rentals to dominate. TRPA, counties in the city have all permitting mega mansions, resorts, and luxury condominium complexes. Why would the community trust you now to not continue as usual with permitting the above under these so-called affordable housing amendments? Using an Initial Environmental Checklist for these changes is an egregious overstepping of your authority. An IEC does not come close to adequately evaluating the environmental impacts of these changes. Instead of saddling the fire agencies with the increased impacts of further development in this wildfire-prone area, thereby making evacuation that much more difficult, and saddling police and safety agencies with more mayhem on the roads. Stop and fully analyze these impacts. Cumulative impacts must be addressed in a new environmental impact statement/report. If one is needed for Phase 3, then one is needed now.

She previously sent you a link to an article titled Four Elements of a Successful Housing Task Force, lessons from a Montana miracle. Unfortunately, none of those four elements were utilized here. Instead of creating an openness to the public, respecting a diversity of perspectives, and creating allies out of pressure groups, you have resorted to name-calling and precluded space for dissent. Considering the many changes in the current trajectory of lake degradation, these developer-driven amendments need to be approached with caution, wider community outreach, and a thorough environmental analysis by TRPA in an EIS/EIR that analyzes cumulative impacts since TRPA is 2012 Regional Plan.

## GOVERNING BOARD

December 13, 2023

Sophia Heidrich, advocacy director, Mountain Area Preservation said it seems as though the market solutions are geared toward that missing middle or achievable housing piece. Those are the projects that are least likely to require tax credits or subsidies, making them the most viable given the market solutions. Since achievable housing is the most likely outcome, it's important that there is an achievable housing definition. A concern is that there's no income cap on achievable housing. Staff argues that higher-income folks probably won't want to live in these houses, that may be the case some of the time, but we've also heard that these incentives might also increase the development of duplexes and triplexes, and higher-income earners may want those units, especially as second homes closer to the areas they like to recreate. To address this let's put an income cap on achievable housing, basing it on the average median income or another metric that makes sense for the local jurisdiction. Another concern is the oversight in the deed restriction program to guarantee that these restrictions are upheld throughout the life of the development. You are asking the community to trust a process that hasn't been fully defined and developed. They feel that all these units are audited on a recurring basis, especially at the initiation of the program. Lastly, incentives outside of town centers. They are not opposed to multi-family development going in multi-family zones. A lot of concern comes from unlimited density. We don't understand the full potential of the environmental impacts associated with that, especially based on an environmental analysis that's over a decade old. There may be opportunities for more density, coverage, height, and less parking in some areas, but we haven't fully identified and understood those sites or their associated environmental impacts. The suggestion is to focus on Phase 2 and conduct the required environmental analysis.

Russ Hansen, North Shore some of these are good and some are not. The emphasis you should be looking at is putting a cap on short term rentals. A lot of the problems that we're seeing today are workforce housing, unreasonable prices where people cannot afford housing all comes back to the overabundance of short term rentals. People that are buying property at an inflated price, thinking that they are going to have a vacation home and finance it with renting it out. He recommended denial of these amendments and that the Board go back and look at that as maybe a focal point of emphasis on trying to solve some of the problems.

Megan Chimini, Seat one of the North Tahoe Regional Advisory Council. She voted to not approve the Tahoe Basin Area Plan Amendments. She represents the Kings Beach community who have concerns about these amendments. Ditto to a lot of the comments made. They want smart development. If Kings Beach becomes the home for luxury condominiums from State Route 267 to Brockway it won't achieve the achievable housing. Kings Beach doesn't want to be the center for achievable or affordable housing on the North Shore. These amendments are not going to fix a housing problem in a fragile mountain resort area with limited infrastructure. A pause should be mandated to consider the long term redevelopment projects considering the environmental traffic and safety impacts to the region and a master plan developed.

Pam Chamblin said please reconsider the amendments and not approve them. She's concerned with how development is proceeding in Tahoe. In the last three weeks, the Alpine View Estates project in Tahoe Vista clear cut their 6.5 acre parcel. The 80-foot trees are all gone. This showed a plan on how to retain these trees and then cut them. This is bait and switch. The affordable workforce units have now been permitted by TRPA to become achievable which makes them no longer affordable to most of the North Shore workforce. How about LU 3.4 that states existing development patterns in residential neighborhoods outside of town centers should be maintained with no significant changes. The proposed amendments allow unlimited density outside of town centers instead of today, 15 units per parcel and 200 percent more land coverage. It's a monumental change to outside town centers. These new amendments will have no protection for the natural environment or community character.



## GOVERNING BOARD

December 13, 2023

They seem to be tailored for South Shore, which has half the full-time population around the entire lake, 44,000 people live full time around the lake and 21,000 are in South Shore. The South Shore has a different character with dense population, casinos, 200-foot buildings, considerable sprawl along the Highway 50 corridors, villages, etc. Code changes need a proper environmental review before moving

Development in town centers is also egregious. Kings Beach has a proposed 65-foot development, 500-foot long and removing public parking spaces. Placer County is asking for TRPA to review its scenic standards and thresholds, and then change them to promote more development. This is not TRPA's mission statement.

Leah Kaufman said to emphasize some of her written comments. There seems to be a significant difference between the characteristics of the South and North shores, prompting the suggestion that policies may need to be more specific. While the intent may not be to stall, we're not ready. There are concerns with unlimited density only exists in 17 California metropolitan cities. To get that density they have to have 80 percent of moderate and low income housing and achievable might not fit the bill, but it does meet inclusionary housing definition. Another concern is that these codes are based on one assumption from one Portland housing consultant that for achievable projects to pencil, they must have all the incentives of height, density, 100 percent land coverage. But their analysis was done on a 12,000 square foot lot. A lot size maximum is a good idea and considering the potential impact of such density in various areas. There's ongoing debate about subsidies that adds complexity to the decision-making process. It's a misnomer that California will be fined if these amendments don't pass. Placer County has inclusionary housing, and an environmental impact report is required for 74 parcels that they are rezoning. We are looking at thousands of parcels with no environmental impact report, why are 74 parcels need in California. There's concern about the apparent disparity between Nevada and California in terms of affordable housing projects. Nevada, 24 bonus units to California's 456. Why doesn't TRPA make an equitable affordable policy instead of leaving it to the local jurisdictions? The Domus project in Kings Beach was a sight specific project that received more density and why can't we do that?

John Eppolito, North Shore Real Estate Broker in California and Nevada raised questions about the region's current infrastructure capacity to sustain further population growth without harming the lake and the environment. Shouldn't that be the starting point? He expressed concerns about increased traffic in Kings Beach during the past two summers and questioned the absence of a comprehensive traffic plan. He's in favor of this plan to gain job security or profit gains. If employee housing is what's needed, why don't we just build it? There were \$2.5 to \$4.5 million condominiums approved or almost approved on Incline Village land that was supposed to be for employee housing. No one he knows wants town centers on the North Shore to look like Squaw or Northstar. TRPA was put in place to protect Lake Tahoe and will now be the ones allowing developers to increase traffic, congestion, air pollution, and threats to Lake Tahoe's clarity, including the risk of loss of life during future fires. Doesn't Chair Gustafson's husband work for a developer seeking to overbuild Kings Beach? There should be another lawsuit around this issue. He criticized the absence of a comprehensive fire evacuation plan.

Ben Harmon, Kingsbury resident said he generally supports the intent and philosophy of the amendments. He acknowledged agreement with previous speakers regarding concerns about unanswered implementation-level details. He shared concerns about the lack of an adequate environmental assessment. We're not adequately addressing the needs of lower-income individuals, especially regarding the availability of units for them. The units being freed up are not deed restricted. These are existing parcels and there are no assurances in the plan for this to happen. He expressed

## GOVERNING BOARD

December 13, 2023

alarm at the consideration of allowing Accessory Dwelling Units (ADUs) with up to 70 percent land coverage, suggesting a need for further understanding and consideration of the impacts. He requested a temporary set-aside of the ADU proposal until more information and understanding are gathered. He echoed concerns about parking issues and the developer projects will not be incentivized to provide adequate parking. The language in the public overview suggested that developers could avoid providing parking by contributing to alternative transportation options. He stressed the need for an environmental assessment, particularly concerning evacuation plans and snow storage. Lastly, providing a maximum lot coverage. Currently, the 256 acres of Edgewood property is designated multi-family in these amendments. These amendments are not as a proposed development plan but would appear to be a step towards allowing development in what is a large area of open space.

John Grigsby, full time resident in Oliver Park that's in the proposed plan. He mentioned a previous plan presented at the Tahoe Prosperity Housing Summit in 2017 that he put out the looks suspiciously like the current proposal. There are things missing that are extremely critical to the success of anything like that. Suggested introducing a system where regular allocations are awarded based on the number of affordable units built, eliminating the lottery for regular allocations. There are about 10,000 people commuting per day and only having 3,000 units. We should be building zero regular allocations at this point. There are a lot of loopholes in the current situation, such as building large mansions with a caretaker who then qualifies as a local low-income resident and then the entire parcel qualifies under the deed restrictions. If the unit is a rental unit, we should restrict the ownership of the unit to the Tahoe Basin. Oliver Park is short of parking and has a lot of high density apartment units already, causing parking shortages. This is well intended and most of the characteristics it needs, however, as it exists currently, there are enough loopholes and issues that it will not have the effect we all want.

Amelia Richmond, South Lake Tahoe resident and President of Locals for Affordable Housing mentioned that she left the North Shore after residing there for 12 years due to housing difficulties. Responding to a previous comment, they express support for zoning changes despite not financially benefiting directly, but she is one. She emphasized the urgent need for housing solutions around the lake. Acknowledging the concerns raised in the room, she highlighted the ongoing loss of local families and emphasizes the necessity for multifaceted solutions, with zoning playing a crucial role. They are working on a citizens' ballot initiative for a vacancy tax in South Lake Tahoe in 2024 and suggesting similar actions for Truckee and the North Shore to address short-term rentals. She stressed the importance of building achievable and affordable housing and needs zoning changes to do so. She hopes for the expansion of zoning changes to comply with Senate Bill 9.

Meea Kang, affordable housing developer involved in projects like the Domus Kings Beach Housing Project and Sugar Pine Village. Coverage, density, and height are difficult to plan for housing. It takes time and effort required to develop such projects, citing the importance of zoning and less discretionary decisions to facilitate the design and development process. There are studies on parking, snow storage, and financing conducted during the lengthy development period. She shared her experience in negotiating with utility companies and highlighted the community benefits resulting from such projects, including improved sidewalks and increased storm drainage. These are the types of improvements you'll see with achievable and affordable housing. It goes beyond single-family homes, 30 percent coverage works well for single-family homes but when more units are added you need to think about parking, fire, and evacuation that single-family homes do not have to think about. This is one step in the right direction. Please approve these amendments.

## GOVERNING BOARD

December 13, 2023

Reverend Clare Novak, United for Action, North Tahoe Truckee coalition of faith based organizations and community activists. Their purpose is to meet the basic needs of our neighbors for food, clothing, shelter, with the primary focus on housing and homelessness. She urged the Governing Board to approve the Phase 2 housing amendments because housing is fundamental to the health of individuals, families, and communities. Tahoe Basin is in a regional housing crisis that's damaging our immediate health and threatening our long-term survival. We need multi-family housing options, affordable, moderate, and achievable housing options that keep families and workers sheltered, keep businesses staffed, and keep children and families in place. If we don't accelerate housing solutions to support our resident's workforce and businesses, the Tahoe Basin will hollow out. Our workers will continue to be priced out and pushed out, we won't attract visitors with high level services in hospitality and young families will be displaced.

Tim Delaney, Incline Village resident since 1974 said Tahoe is about experience. When you are elbow to elbow at the beach or on the ski hill is stupid. You need to think about quality of life and water. Our ecosystem in Tahoe is enormously damaged from all the development and all the people that have poured into it over the years since 1970. People come to Tahoe to get away from an urban environment. The short term rental cap is a good idea. He doesn't support the proposed amendments.

Marie Murphy local business and property owner in the Tahoe Basin. She had to close a business because of lack of employees to operate. Our analysis along with many other studies have shown that we have a need for nearly 5,000 to 8,000 units, just over 900 units aren't going to cut it in terms of the actual need. The status quo is not working. For the last 10 years she's focused on developing achievable housing as a provider of safe and naturally occurring affordable housing in the Sacramento, Tahoe, and Reno regions. These amendments are well thought out and are a solution to a crisis that must be addressed now. These amendments are not a cure for all, and they won't solve all of our problems in the basin. However, it will spur more units being delivered to local residents and help ease the environmental impact of large commutes. Less than 1 percent of the basin land would qualify for this high density housing and less than 1 percent of the lots size is over 12,000 square feet. There are very few locations that massive development can occur.

Bill Chan, Tahoe Prosperity Center said the Prosperity Center supports the proposed amendments. Of all sectors across the basin are facing the same critical challenge in recruiting and retaining staff while citing lack of local housing as the catalyst. The majority of the remaining Tahoe workforce commutes into the basin straining our transportation infrastructure and harming the environment through significant vehicle miles traveled. Throughout this process they've heard many differing opinions regarding this proposal. TRPA has listened to community feedback and improved the amendments to ensure that deed restriction and BMP enforcement is funded and sustained. The process has been sound and potential unintended consequences have been considered and the amendment package remains a strong step in the right direction to increase the workforce housing. The inclusion of achievable housing has drawn very strong opinions. He's heard that providing regulatory relief for this category of housing is unnecessary. However, with the Tahoe area median home price nearing one million dollars, how are middle-class Tahoe workers supposed to manage? Eligibility requiring income under a hundred 120 percent area median income or at least one house member physically working in the area 30 plus hours a week provides strong protection on already permanently deed restricted achievable units. Short term rentals continue to be pitched as the only remedy needed. Jurisdictions in Tahoe are already trying this approach and the impacts on increasing long term housing have been negligible with most homes reverting back to mostly vacant second homes.

## GOVERNING BOARD

December 13, 2023

Beth Davidson, Incline Village agreed with many of the previous speakers. She's concerned with public health and safety. We don't need the kind of luxury condominiums that have popped up on Nine 47 in Incline Village. We do need work force housing. She agreed with the comment that the achievable housing category be removed. The slide that specifically showed the income is much clearer for the public than saying 120 percent of whatever. It's easier to do by staff in that it can adjust but Ms. Hill's slide could be adjusted as the workforce housing pay adjusts as things change. Please do an environmental impact statement. Those who have spoken about fire evacuation and traffic and parking are right on and need to be solved prior to bringing more people into the basin.

Doug Flaherty, TahoeCleanAir.org said for the 21 reasons listed in his written comments, TRPA must provide both a new or supplemental comprehensive cumulative, impact environmental impact statement/report to the 2012 Regional Plan and a cumulative CEQA, EIS/EIR. The current proposal and the Initial Environmental Checklist failed to discuss significant new information and changed circumstances since the adoption of the 2012 Regional Plan and must this new information along with a comprehensive cumulative California Environmental Quality Act, EIS/EIR. He listed about 20 examples of new information or changing circumstances that the TRPA continues to ignore in favor of this. Basically, the growth proposal. Three, the TRPA Initial Environmental Checklist is filled in to provide substantial evidence to make the following statements located in Section 10-6, question 10.B, 14.A and 23.D in the IEC. These are speculative, controversial, arbitrary, capricious agenda driven and their stated outcomes highly uncertain and they would require crystal ball to be able to arrive at their conclusions. The adoption of the environmental checklist findings would represent prejudicial abuse of discretion on the part of TRPA if they adopted the amendments and the checklist.

Now, speaking as a resident of Incline Village. Ms. Hill, elections have consequences.

Ryan Sommers, Fire Chief, North Lake Tahoe Fire Protection District is glad to see this issue being addressed and believes that the staff has done a good job on this. The housing issue is an issue for the fire service, specifically for the NLTFPD as they hire seasonal employees upwards to 50. These seasonal employees have to commute which leads to parking issues. Affordable workforce housing is a welcome process for us, and we look forward to working with agencies to further enhance this initiative without increasing the already allocated allotment of structures and or coverage specifications. S

Ann Nichols, North Tahoe Preservation Alliance, 52 year resident and real estate broker in Nevada and California. They have 1,000 signatures on our petition, 3.4 thousand views of our video outlining the problems with two lane road on the North Shore and their ability to get around gridlock. They have over 6,000 views of their various TikTok videos. These are not a few people that are really concerned and doesn't believe that Marie Murphy disclosed that she is the owner of the Boatworks redevelopment. Besides that, there are many loopholes in the plan is this is piecemeal planning. Phase 2, no environmental, you'll do in Phase 3 when you recharge the 946 bonus units and you recharge everything, it's sloppy, lazy planning. Now, with all these platforms, you can hundreds of thousands a year on a 2 bedroom cabin. So, why would you ever want to rent it locally? Table this, it's a terrible idea.

Ryan Wexler, Kings Beach resident said this discussion is in two major components. First are the issues of specific proposals. He recognizes that the intent of the development of these proposals is well-meaning, and the reasoning is positive. You're trying to do good work. However, we need to separate the intent from the content. Please do not vote to approve these proposals based on intent. No matter how good the intent is, if the content isn't great, then the proposals are bad and will fail.

## GOVERNING BOARD

December 13, 2023

Please recognize the public outcry is not an attack on your intent, but rather the content. Items like should we add 17 percent to allowable heights to a massive 65 feet. Is it good policy to remove parking restrictions in areas that struggle with parking problems? Does affordable housing without an income restriction make any sense? Does the idea of achievable housing illegitimize all the other affordable housing concepts? He hears a lot of assumptions and hopes from staff like we don't think this will happen, but we aren't going to restrict it with regulations like maximum coverage. We need to make sure the outcome matches the intent.

The second component is do we have the data to make this decision. The last significant environmental impact report was 2016 and was just part of the lake. Since that time, we have had several major fires. We had a pandemic that changed society since the last partial environmental impact report. The big ski resorts who live off high volume tourism have told us there are too many visitors and now have reserved parking. These are just a few examples. How do the substantial environmental changes which have occurred, and the ones being proposed do not merit updating the data you based your decision from. Table the proposal until there is an updated environmental review. Aren't the economics of Lake Tahoe meaningless if we destroy the environment, the character, and the beauty?

Chris King doesn't support the proposed amendments. In particular, the lack of the environmental impact report. The one thing that needs to be changed and that you could change on the fly right now, is achievable housing. That is the loophole that is going to prevent this plan from meeting its goals of creating any affordable housing. You're going to end up with lots of developments like Nine 47 Tahoe Boulevard with \$2.5 million condominiums that the workforce can afford. The achievable housing has nothing that is driving it as a requirement to be in there and yet it's the loophole that's going to destroy achieving the goals of this plan. It's unrealistic that you can live here in any kind of unit and not have a vehicle for all the reasons that have been cited. Eliminate the achievable or at least put an income cap as was recommended if you are going to approve this.

Kathy Gust said many that are in favor of the proposed developments are developers. She recommended that Ms. Gustafson should recuse herself due to her personal connection and benefits.

Kathie Julian, Incline Village resident said while supportive of efforts to incentivize developers to create housing for our workers, she agreed with the environmental groups and other speakers who suggest focusing on town centers, and testing for success before expanding to adjacent areas. She agreed that there needs to be a focus on disincentives as well as incentives in Phase 3. Her major concern remains the implementation arrangements that allow jurisdictions to "opt out," but which really allow local jurisdictions to craft a Tahoe area plan amendment that takes advantage of TRPA's code changes, especially increased height and coverage, while bypassing the offset 100 percent deed-restricted unit requirement. It suggests that local jurisdictions will have the flexibility, subject to TRPA approval, to approve mixed-income properties that may just include a smattering of achievable housing and no moderate or affordable housing. Luxury condominiums with a smattering of achievable housing. This implementation language appears to be the heart of the incentives being provided to developers. With such language, we may not end up with much housing for our workers because the developers will say it's not financially feasible, and our community will be even more crowded with luxury developments. She agreed that inventory would be increased at little cost if counties would put in place a short term rental cap, especially Washoe County. Any parking analysis should explicitly consider the impact of overflow parking on adjacent residential neighborhoods, that is not in there. The mixed-use definition is flawed. To ensure affordable space for our local small businesses, condominium lobbies and sales offices should not be eligible for mixed-use classification.

## GOVERNING BOARD

December 13, 2023

Please put in place a more rigorous audit of deed restrictions. TRPA is not set up to be a monitor and enforcer of deed restrictions.

Ginger Hess, Kings Beach resident said over the years there have been many improvements made to Kings Beach thanks to the old TRPA. We couldn't do anything to our property with that TRPA approval. She agreed with many of the previous commenters and doesn't support the proposed amendments. More development will not alleviate the problem, the traffic and housing are severe in Kings Beach. Those that support the idea of no parking development are forcing visitors to park in the neighborhood. We can all agree that traffic and houses are huge issues. However, these issues should be addressed first prior to any changes. Things have changed with Covid and remote working. The existing infrastructure was unable to handle the increased population of owners living in their vacation homes. Let's fix what's already broken. The Falcon Hotel has been an eyesore for 13 years. Ask developers to make that long-term housing for our workforce. If you're looking for revenue, why not monetize the four parking lots in the neighborhood? Her neighbors make money every summer by selling spots in front of their house. The achievable housing term that was used is not a valid measure. We need housing that families can afford to purchase or lease. Short term rentals need to be restricted. Many are empty during the off season. They are also problematic for the residents when visitors occupy them. Worker housing should be part of the development of these new resorts.

Scott Tieche, started coach surfing in North Lake Tahoe in 1980 and 15 years ago, became a property manager. Ms. Regan is tired of the same old discussions, maybe if the justifications for these changes had some meat in them the discussions could change. Housing is a problem globally, not just in the state of California and Nevada. It's fabulous that local agencies are trying to do something but coming up with their own achievable terms. Tahoe doesn't owe anybody anything. To some of these other developer types, do your due diligence before you spend all these millions of dollars. Don't spend all this money and then complain to the county and the local agencies that you can't make it work. As a residential realtor and sold a lot of commercial property over the years, if we didn't do our due diligence, too bad so sad. If you seen the Domus Project in Kings Beach, the cars are parked two and three side by side. The thing about no parking is a disaster. He agreed with the comments of previous speakers. Please vote no.

Sue Daniels, public official said you can vote no today and go back to fix the loopholes. You don't have to make a decision today with these many comments that are significant to what you're doing. She understands how hard it is for you to think and act independently when you're sitting at the table. Peer pressure is tough. She was one vote in a four to one vote for many years on a big project on the North Shore and was the one that eventually saved a great project that is now a shining example of what a no vote can do. Your agency set together a board direction to try and help solve affordable housing problems and you paid for studies and had your staff bring you something that you think will be the best financial scenario. However, you neglected to speak with the local planning team and the people in the community that have good opinions. You have experts out there and you haven't taken their consideration until the eleventh hour. Then as a formality, you presented this to the public and then sit here politely and listened to everything the public has to say. You take these experts' opinions, and you give them three minutes to do a job that you could have done by including them as the staff developed this with the developers in mind for the last two to three years. For once, hopefully this won't be an exercise in futility.

Samir Tuma, Business owner in North Lake Tahoe and on the Board of Directors for the North Tahoe Housing Hub and the North Tahoe Community Alliance said the Compact limits the number of housing units that can be developed in the basin. What these amendments are about is making sure that

## GOVERNING BOARD

December 13, 2023

upwards of 900 of those units that are remaining are developed for the workforce. Our current regulatory scheme is broken. What we've had for decades now, the only housing that gets built, is the expensive housing that doesn't work for the workforce. These amendments change that for around 900 to 1,000 units and make them so that they can be affordable for the workforce. The increased density makes it so that you can develop units that are affordable by design. The smaller units allow families or multiple roommates to afford those units so that they can work and live in the same community. There's been discussion regarding the impacts of traffic and how this housing will somehow impact traffic. It will reduce traffic and vehicle miles traveled if people could afford to work and live in the same community. These can't turn into second homes and ski leases. They're deed restricted. If we continue this analysis and more time and all that's going to do is allow more market rate fancy homes to be developed and use up the limited number of allocations that are available for housing. Please pass these amendments and let's get on with building housing that's affordable and achievable for the local workforce.

Janet McDougall said TRPA had a good strategy for controlling growth and land use, the commodities that dealt with tourist accommodation units, residential building allocations, commercial floor area, etc. That changed in 2004. She urged the board to read the 2004 staff report that made findings that vacation home rentals operate the same as a residence, they do not. That staff report said that if things didn't work out back in 2004 that it would need to be revisited. Unfortunately, that never occurred. Many residents begged for six or more years for limits on vacation rentals, but our pleading fell on deaf ears. She wants to see some affordable housing developed but not all of it in the City of South Lake Tahoe as has been done in the past. If more is developed in Nevada where they don't have an income tax, that makes it more affordable for the workforce. The housing that was built using precious residential building allocations needs to be addressed. This agency used an amortization process to remove billboards. That same amortization program could be used to eliminate some of the excess vacation rentals, particularly in areas where they don't belong. The City of Anaheim used an amortization program to remove vacation rentals when they had a problem. Start looking at some of the creative problem-solving that was once part of TRPA. We don't have enough parking. If you have a 2-bedroom apartment, you're going to have 2 cars. Look at all the cars that park on Montreal Avenue in South Lake Tahoe that don't have parking spaces. It's on the dirt and impedes snow removal.

Adam Wilson, North Tahoe Community Alliance and Lake Tahoe resident said they've heard things around traffic, short term rentals, clarity of the lake and making sure we protect this environment. This one item is one of many that has to be done. He hopes that the community continues to engage on all of those topics outside of just this topic as we look for solutions. These are difficult issues, but if we do nothing, we jeopardize the infrastructure we need to protect the lake and the economy. Many business owners can't find employees who can't find housing. There needs to be solutions to more workforce balancing. He encouraged the Board to pass these amendments and the community to continue to discuss the opportunity. Passing these amendments doesn't mean that suddenly, we've got 50 new developments. Each project has to be looked at individually. We've heard around the 900 plus units specifically for workforce housing with deed restrictions. There are other opportunities as we look at second homes, vacant homes and short term rentals but those are all solutions that are outside of this particular solution.

Jennifer Vadenais grew up in North Lake Tahoe and her husband grew up in Gardnerville and works in Truckee. They would have given anything to remain in the area to purchase a home and to raise their family but there was nothing affordable. Providing workforce or affordable housing is a worthy goal. But from what she's read about the achievable housing, it is not going to be affordable even for two working professionals. It's not desirable for most working families to live in a high rise apartment with

## GOVERNING BOARD

December 13, 2023

children in the middle of town. They would have rented longer, but all the houses are now short term rentals or sit vacant. Please don't allow the character and more rural nature of the North Shore to be changed with dense and tall buildings and areas outside the town to have unlimited density. These changes will never service the needs of my family yet could change the look and feel of our beautiful area forever.

Jacob Bird, North Lake Tahoe resident said he's for group development, growth, and re facing all the abandoned properties. He personally doesn't think we have a housing crisis; we have an exploitation crisis. One of the reasons is his family living in Kings Beach is exactly that. His condominium was one of the newly built ones and the subdivided plots that used to be a mobile home park and now it's seven townhomes. Because it's under 15 years there's no rent cap in Placer County. He's experienced almost a 70 percent rent increase in the last 5.5 years living in this unit. The no rent cap is a pretty big thing. The landlord is exploiting their tenants and pushing them out because they can no longer afford the newer units that are being built, which is exactly what will happen with every single one of those housing units. The rent will go up for the first 15 years until basically no one can afford it except the rich. There should be a no vacancy tax to tax homes that people own and are not using. That is a family that could be living there as one example. He may not be able to stay here if you approve these types of amendments. It's wrong and you're pushing the locals out of here. The developers won't get their return on investment here.

Erin Casey, Truckee resident and more recently working with the Tahoe Housing Hub that focuses on bringing additional housing to our community. She supported the proposed amendments. The Tahoe Truckee Community Foundation has a community report card. There's been a lot of data shared on traffic counts and surrounding fire impacts. It's important to look at some of the data behind mental health and the impacts of housing insecurity on families. There are many families that spend over 30 percent of their income monthly on housing.

Alex Tsigdinos, full time Lake Tahoe resident said public service would be great if it weren't for the public, some of you on this board and TRPA staff might be thinking that now. It's the public, the residents of Tahoe, the Basin's full-time stewards who know its sensitive and beautiful environment best. It's the interest of these people in this place that you were appointed or elected to serve. He wrote an opinion column for the Tahoe Daily Tribune that these plan amendments were put to a referendum to registered voters in the Tahoe Basin were local lawyer lobbyists, interest groups, and so on had no more influence than anyone else. They would fail. That's evidenced by the comments some of you have made stating you've never received this much opposition to a proposal. If you are thinking of voting yes today, please ask yourself whose interests you're supporting. It's easy to say that the new development these amendments would allow would not be fully realized for another 10 to 20 years. This is about preserving Tahoe for future generations. He is not opposing all development per se. He is for smart development. Please conduct an updated comprehensive environmental impact study that reflects the dramatic changes in the basin's population, visitation and climate change. Determine the carrying capacity of the basin given those changes. Develop a single comprehensive wildfire evacuation plan and concert with responsible federal state and local agencies. Also, do an independent validation of the cumulative impact of the environmental traffic, evacuation, etc., of large developments rather than regarding each solely on an ad hoc basis. Please set aside the sense of urgency to move quickly or just get something done, do the right thing to protect Tahoe's environment and quality of life. Vote not and come back later with a better plan.

Judith Tornese, Friends of the West Shore said TRPA is supposed to preserve and protect, not encourage development, tourism or economic feasibility. TRPA is put in a position of promoting the



## GOVERNING BOARD

December 13, 2023

protection of Lake Tahoe and its environment or promoting economic development and tourism. Please protect the environment of the Lake Tahoe area by requiring an environmental impact statement to identify, analyze, and mitigate these housing amendments, which will have significant impacts to the Lake Tahoe area. Friends of the West Shore wholeheartedly supports affordable housing that will work. But, has TRPA evaluated other affordable housing alternatives to determine the most cost-effective and efficient way to provide affordable housing. If TRPA has analyzed other alternatives, the public hasn't been informed of those alternatives and any analysis. That would include better regulation of and reduction of short term rentals to provide more workforce on local housing. Also, more subsidized housing only for affordable housing not to include luxury condominiums. Utilizing land trust, providing incentives to encourage home rentals to locals. If these other alternatives were considered and analyzed, what were the conclusions? Will new buildings be developed only for workforce affordable housing units and not as a small portion of total units in a building? Will the units be mixed with tourist accommodation or luxury units as justification for a small amount of affordable housing? Developers will build more luxury housing because that's what will make them the most profit. We do not need more high-end housing and these amendments seem to do nothing to stop it. Is there a guarantee that tourists and luxury units will not be added or mixed with affordable housing? In 2012 and 2016 data was used to evaluate these amendments which are old and outdated. Since then, there's been changes in population, wildfire risks and traffic.

Trish, runs the Tahoe Area ALS/MND Research Library who focus on the intersection between neurodegeneration and cyanobacteria toxins. She had a partner who grew up in the Tahoe Keys and died of ALS. After a professor at the Sierra Nevada College, she figured out that there was a problem up here. They discovered a neurotoxin in the water and air last summer. You are talking about all this housing, but you're not talking about the specifics of what type of materials are being used to construct the workforce housing, affordable housing, luxury condominiums, because eventually all those toxins that are inside the products will land in the lake. People are inhaling them inside their apartments, they are getting washed down the street, etc. This is absolutely part of the environment. She agreed with some of the previous speakers. Take the time to look at everything. Reading the comment letters and documents, nobody is talking about this. We have the highest ALS clusters in the United States between Lake Tahoe and Serene Lake. She's concerned about the Caldor fire, all the rusted metal in the marinas that she found at Meeks Bay. She found algae blooms all over Tahoe this summer that no one else seemed to be reporting.

Robb Olson, lives in Alpine Meadows, architect and developer doing housing in Tahoe City said these amendments are not proposing a project right now, it's proposing the ability to do a project and will be looked at on a case-by-case basis. If it's a big block building, it probably won't get approved. Let's move forward with this. It will help the environment with less people having to commute into Tahoe City or other areas around the lake. The housing issue is getting worse every year and we desperately need these measures.

Tara Hetz, North Tahoe Community Alliance said they have a grant program that takes tourism tax dollars as well as our Tourism Business Improvement District (TBID) assessment and invest it back into the community. She supported the proposed amendments. She's speaking for the people who don't get to speak. There is someone from their Hispanic community who with these amendments being passed would be able to provide housing for her workers and for her family. This allows them as a grant program investing both public tax dollars as well as the TBID back into the community to support workforce housing.

## GOVERNING BOARD

December 13, 2023

Kris Kingery born and raised in Tahoe said she's been supporting the workforce by renting her home to local workers. She's going through the hurdles in order to apply for the grant funding for the lease to locals program. And have her home evaluated by a general contractor to be able to apply for that lease to locals program. She would hope that there would be a stepwise plan that homeowners who are interested in renting a part of their home as a junior dwelling or accessory dwelling unit for local workers. That would allow them to repair their home to lease to. All of the hurdles and loopholes are making it difficult and is having to consider a short term rental. If there was a study to see how many local homeowners are interested, along with an easy to follow plan to reach that a lot more of us would be willing to open up our homes to locals to lease to them and provide them with some type of tax credits. The other would be to have the ability if you have a large property to build an accessory dwelling unit that would be part of the solution.

Ms. Gustafson said there was one more hand that went up after the cutoff. Steve Teshara sent letters in on behalf of the Tahoe Chamber and the South Tahoe Alliance supporting the amendments.

### Staff Response:

Mr. Hester said there are three perspectives. You saw it's 5,000 to 6,000 and more if you count the Truckee area and bonus units are at best 20 percent of that. One thing that probably wasn't emphasized enough is the existing goals of the Regional Plan, HS.1 Housing for residents and workers, HS. 2, encourage in an environmentally suitable way within the growth management program. HS.3 regularly evaluate needs and update the Regional Plan and code which we do with the annual performance measures report. The issue has gotten worse, it's now 13 times people's income, which used to be about 6 times. You heard today and through all the hearings of the Regional Planning Committee and the Advisory Planning Commission that people with two income households can't stay here or can't have families. We have viable communities at stake here. And if we don't have viable communities, we've got a lot of other environmental problems.

The second perspective is what TRPA's role is. We are only part of the solution here; we don't cover all of the pieces. We don't build housing, but our regulations have a significant impact on those. Phase 1 dealt with accessory dwelling units and conversions of gaming properties. There's still Phase 3, and they've heard loud and clear that there are a lot of the issues that we need to work on there. What they're proposing does not preclude other measures that other entities or the public have brought up. It's not like by doing this you're precluding something else. People have talked about the Regional Plan Update. This is one of a series of mitigation measures that we have been working on for housing since that plan was done because that was one of the mitigation measures that they said we needed. We started with a BAE study on what we could do, there was the Development Rights Strategic Initiative where we tried to make development rights more available for housing. We had a two year process with our Local Government Committee working on short term rentals. They came up with recommendations which those of you at local governments know you're implementing. For example, in Placer County you do have a short term rental amortization program. As commercial hotel rooms come online, short term rentals are reduced. The Tahoe Living Working Group is part of that. We've done a lot with our role, but I think our role is limited.

Third, is more the substance of the amendments. This is not more development. We've heard that a lot of times this isn't more development, this is additional units. We're not changing any land uses, it's the same land uses that are allowed now. This is not designed for luxury units. What we're trying to do is make the cost of units lower.

## GOVERNING BOARD

December 13, 2023

A couple of points that we made by requiring stormwater infrastructure, we are making an improvement to the water quality and the clarity of the lake. And by having more transit oriented development that encourages lower use of the auto or getting better air quality. Those are good things that come along with these that are actually pluses environmentally.

Ms. Gustafson said there were several comments made on her perceived conflict. She does not have a conflict on this item. She's lived in Tahoe for 40 years and her husband for 42 years. He does a lot of work in the basin. The clients that you're speaking of are a whole separate environmental impact report process which she will recuse from. Second, there was the issue of luxury condominiums being built or luxury properties. She doesn't know that the public has understood the deed restriction. The achievable says you must work in the basin for a local employer. Because there's not too many folks that could meet those criteria and have a luxury unit. That's the issue, most of our wages are middle-class wages or lower in the basin.

Mr. Hester said that is correct. And you have to be a permanent resident. And that direction to make that tougher came from the Regional Plan.

Ms. Gustafson said on the process if someone was to use the height, it's her understanding from Placer County it has to through design review and has to meet the Scenic standards of TRPA. When we see images posted on websites alarming people that these are going to be above-ridge lines and above tree lines that cannot happen, correct?

Mr. Hester said that's correct.

Ms. Gustafson said she wanted to be clear because she doesn't want people to think that in any way anything that we're doing today is going to allow what is shown here.

Mr. Hester said the code amendments that are proposed clearly say you must still meet TRPA scenic regulations.

Ms. Gustafson said the comments heard today were excellent and there is confusion out there and some of the confusion comes from sources other than us. That's a challenge the government isn't good at. We're not great at doing a lot of social media and posts.

### Board Comments & Questions

Mr. Hoenigman, Regional Planning Commission Chair, said we've been working on this for two years. The committee considers everything that is brought before them, and all those ideas have been tested. No one is happy 100 percent, and this tells him that they are probably in about the right spot. What they have done here from the community standpoint is we are doing the minimum that the consultants have suggested will actually produce results. We know that there are some things out there that a lot of you don't like but this is the minimum that it will take for us to get achievable housing. We can't afford to subsidize all this housing that we need so we have to get the private sector involved. And the request that you guys have brought to us, a lot of them have made and are about to ask for additional changes based on input that we've got.

There was a lot of concern about the multi-family areas. He recommended that they only allow those changes in areas where there is an area wide stormwater management system. So, we don't rely on

## GOVERNING BOARD

December 13, 2023

privately owned BMPs anymore. That is to protect the lake. That reduces the multi-family areas down to a very scant number.

Mr. Marshall asked if that was related to the coverage exception.

Mr. Hoenigman said yes for the coverage exemption will only be allowed in areas where there's an area wide stormwater management system.

Ms. Fink said that it's only the coverage incentive that you're saying would be ratcheted down, the other incentives that we've proposed would still be in the proposal.

Mr. Hoenigman said yes. And we can look at that again in Phase 3 because there was a lot of concern about that.

He also suggested that they move the transition zones to Phase 3. In response to the St. Josephs Housing letters and requests, he'd like to restrict the number of achievable housing units to 25 percent of the total. That leaves 25 percent middle income and 50 percent affordable. Also, increase the audit rate from a minimum of 10 percent to a minimum of 20 percent knowing that the board can change that percentage as they deem necessary based on what we're seeing out there.

These proposals were unanimously approved by the Regional Planning Committee. They not only provide one level of housing availability, but they also make the other levels much less expensive to subsidize for us. They provide improvements in lake clarity, community revitalizations, reductions in vehicle miles traveled, and emissions. And all of this is without us spending a public dime. If we don't act on this problem, it will get worse, and the solutions will need to be bigger. This is the bare minimum that works now.

### Board Comments & Questions

Ms. Laine asked if they'd thought about putting a cap on achievable. She thought maybe 20 percent achievable when we split out the bonus units and maybe 30 percent moderate. The reason why is because even at 20 percent, it's 189 bonus units. It's a lot and if and if the public is right if that's what developers are going to focus on, she'd rather have a smaller number in there to begin with knowing that to your point we can move things around if we decide to.

Mr. Hoenigman said when he said they could move it around he's talking about the audit requirement. The percentage of achievable versus low income and affordable. He thinks we should keep it at 25 percent because remember that's only 25 percent of the units that we can get without these massive subsidies. And if they need more in those other levels they can pull from the achievable. They shouldn't run out and we can evaluate and if it looks like it's skewing in the wrong direction, we can change it at any time. He's committed to us re-evaluating things continuously.

Ms. Laine said 25 percent is the difference between 236 bonus units and 189 so that's a difference of almost 50 more units. We can change it later if we want to but she'd rather the cat not get so far out of the bag, and we end up with 250 achievable units without any affordable or moderate.

Mr. Hoenigman said the public money, the numbers are so big it's going to take a while.

Ms. Laine asked what about the income cap.

## GOVERNING BOARD

December 13, 2023

Mr. Hoenigman said we've heard a lot about that, and it's been very difficult to resolve because we have such differences around the lake. We end up with these high levels. What they decided to do was to audit more and to reduce that number of achievable units and then look at what's happening and review it and if we need to, we can come back with that. For Placer County to get their workforce, county workers and emergency professionals housed, they have asked us to keep it where it's just a local workforce requirement. To get these units to pencil, they're going to be smaller than a lot of typical units. They're in multi-family buildings. The APC who worked on this for a long time with the different counties came up with this and have resisted putting a cap on it.

Ms. Gustafson said one of the issues that they've seen is housing prices continue to escalate. Whatever number you put we as a board will just have to come back and try to raise that at some point if housing prices continue to escalate because we have a limited supply and a lot of demand. Placer County felt comfortable if you were a resident and working in the basin that is what they wanted to see. According to their Regional Housing Needs Allocation (RHNA) numbers that we got, 181 units above moderate and that's 42 percent of the total of what we need. They've done some affordable housing with Domus and Martis Valley. They have a fairly high need for those achievable units. She doesn't think that there's that many people that make that kind of money in our community to drive a luxury product. We could also do this through the opt-out program, correct? If there's consensus around the board that they wanted to do that. If Placer County ops out, we can reconsider height, but the bonus units would already be set and income level set. Could that be an alternative program that we say our share of the bonus units could be used?

Mr. Hester said essentially what the criterion for an alternative program under the opt out is you have to show that you can reduce the cost of the housing unit in the same amount that these changes. If you don't have an income level, we tried to tie this to reducing costs, not to income levels. Because we think that's more important way to go income levels as you all just said change county by county and year by year.

Ms. Gustafson said that's where it's so challenging because our incomes and our housing prices are different all around the basin and if we start setting a number unless it's pretty high people will be angry about that too. Placer County is trying to develop the Dollar Creek housing project and are trying to put for sale units for young workers and teachers and is where we're seeing prices that are going to continue to require a huge amount of public subsidy even to get those done and we've already donated the land. It's cost prohibitive right now even to build a small townhome duplex that somebody could buy.

Mr. Hester said the percentages needed for moderate and achievable are 26 and 27. That bolsters the argument for keeping it 25.

Ms. Leumer clarified with Mr. Hoenigman that he's suggesting capping it at 25 percent. She's more comfortable with that. She also likes the idea of an income cap or guardrails, so it's not taken advantage of and pairing that with a higher audit percentage. Fifty percent was proposed. She'd be comfortable starting 50 percent and it ends up that no one is violating it then we can lower it. It was mentioned if there could be a requirement that not just the renter is a resident in Tahoe, but the owner is two. Has that ever been contemplated?

Mr. Hoenigman said typically money comes from all over the country. We would love it if outsiders poured money into this basin to create housing for us. He doesn't know that we could come up with the money inside the basin to provide this need. They would like outside investment to come into the

GOVERNING BOARD

December 13, 2023

basin to help solve our housing needs. That would be his argument against it and doesn't know if it's legal.

Ms. Leumer said she'd be supportive of trying to limit this to the town centers for now. We've heard that in a lot of public comments and makes sense. She would support pushing the incentives outside the town center to Phase 3. She also appreciated the changes that have been made around stormwater monitoring and only doing that where the locals can do the enforcement. She doesn't necessarily see that there needs to be a whole new environmental impact analysis done but deferred to Mr. Marshall to explain.

Mr. Marshall said let's distinguish between a general desire to look at evacuation and how that can happen in the basin versus a much more restricted analysis of what we're doing in this exercise. Under Article 7, obligations to review the environmental impacts but looking at the change that the proposal might have. It's not that generally conditions have changed over time, which staff presented information to the board recently that they haven't been seeing a whole lot of traffic. It may have shifted how it comes in and what time periods. There is a there is a strong basis to say that changes may be more in perception than reality. What's key is that with the changes that we're talking about are to and already allocated and analyzed set of development potential. We're trying to get those approved bonus units on the ground. We're not adding any units or population that has not already been analyzed within the various environmental impact statements that we referenced in the beginning part of the Initial Environmental Checklist.

Ms. Leumer said her concerns if we are going to be eliminating parking it doesn't take away from what would have been required for EV capable and EV ready parking spaces. Statewide multi-family requires a certain percentage. She doesn't want to disincentivize people who might be wanting to get electric vehicles to help with our overall goals of reducing emissions in the basin. She wanted to ensure that ADA spots are still being provided at the bare minimum. We are all doing our best to engage with the public and listen to you all. The Tahoe Living Working Group is a good opportunity to expand and try and get more members of the public involved in that. She reads the public comment letters but it's nice to also get on the phone with folks and hear your opinion. She appreciated all the outreach that staff has done.

Mr. Friedrich said the question is about the reallocation of units among affordable, achievable, and moderate. He supported that amendment. St. Josephs has a lot of great projects and wants to ensure that there's space for those. For the record, Leah had reached out and had questions on some of the accounting of the number of units left. Are we talking about reallocation among the net units that are still available that haven't been reserved. For example, there's 800 and we're dividing those 50, 25, 25 or we were talking about allocating among the original 50/50 split before recent uses of these and reservations.

Ms. Fink recommended that we talk about allocating from the original language that is in Chapter 52 right now. It has a set amount that was still remaining in 2018 which was 1,124. Of that, about 50 units have been constructed. Another couple of hundred are in permitting. When we look at the overall need of approximately 50 percent, 50 percent moderate, and 50 percent achievable, we can still meet that need if we use that original 1,124. Whereas, if we apply those percentages to the remaining that leaves even fewer units in the moderate and achievable categories and the goal was to try to get more in the moderate, if that's what you are saying. Most of the deed restricted housing that's in permitting is affordable housing. There are over 400 units of affordable that are either in permitting or approved.

GOVERNING BOARD

December 13, 2023

Whereas, we have two achievable units that have been constructed since 2018. The concern is around achievable but affordable is actually what's been getting built.

Mr. Friedrich said there's a lot of support for affordable and it's been the intention of carving out more for affordable would make sense to him to carve out the balance but might create some other issues of reevaluation. We could probably readjust that allocation in the future, but it's worth noting. The staff report mentions that the bulk of the opportunity for affordable housing for moderate is in the multi-family zoned areas. As we've heard from folks testifying for South Lake Tahoe, there's support for that. These units could all be built on single-family parcels of whatever that balance is. Presumably that we're concentrating some number of those on a smaller number of parcels rather than having dispersed among all units. These could be built on a single-family residence. He's heard the concern from other parts of the lake about building outside of town centers, but from the South Lake Tahoe perspective, there's a lot of opportunity here and a lot of housing that could be built that would meet some immediate needs. A few examples, where the college is, and Rite-Aid on Al Tahoe is empty and outside of a town center. That could be redeveloped as mixed-use development with housing on top. Not to mention duplexes and triplexes in residential neighborhoods. What is the percentage of opportunity that would be left on the table if we postpone the multi-family areas and again referring to what was said in the staff report.

Ms. Fink said the town centers were drawn around commercial areas, so, there's actually very little residential. Of course, they can be mixed-use or there are some vacant parcels. The multi-family areas were drawn around the places that local jurisdictions had already designated in their local plans for multi-family and is where most of our multi-family is. That area is about four times the amount of developable land for multi-family outside than there is inside the town centers. With the opt out provision, if a local jurisdiction doesn't want to allow those incentives, they could opt out. The threshold for opting out is pretty low. They need to submit an intent to update their area plan to TRPA within a year and specify generally what would be in that. It would allow them to opt out and not have TRPA codes take effect.

Mr. Friedrich said to him South Lake Tahoe wants to be able to have this option to develop. Even the League mentioned there's differences around the lake. We've heard that the opt out provision seems to be a fair resolution of that but will leave that open for discussion. A lot of people have talked about the disincentives, the carrots, and Phase 3 items. We need to make those choices between affordable housing, protecting the lake and kind of luxury free market real estate. We can't necessarily do all the above in Phase 3, it's about wrestling with those choices. As we're thinking ahead, could you give a preview of the type of choices and issues that would come in that discussion and what the timeline would be and opportunities for the public to engage now.

Mr. Hester said Phase 3 we have what's called the high impact transformative grant funding for that's over \$2 million and we plan to look at how we can reach people who have obligation to see who they are and what do they need. As well as what changes could we consider to our growth management system, including things like scaling, development rights so that a big house needs more development rights than a small one. We've also talked about all the different boundaries such as multi-family and bonus area boundaries, urban area and stormwater service areas and aligning those and making sure all our incentives and disincentives are working in the same areas the same way. Those are just some of the things coming in Phase 3.

Ms. Fink said the idea of Phase 3 is to do an equity and climate update of some key programs in our code like our growth management system. That would mean looking at things like our development rights system. The fact that one development rate can be used either for a monster home or for a tiny

## GOVERNING BOARD

December 13, 2023

accessory dwelling units and there's no break in cost for the person doing the ADU. That same calculation will be used to look at coverage, and mitigation fees. It's not just looking at the equity impacts but the climate impacts as well.

Mr. Friedrich said we could also consider a tourist accommodation unit for vacation home rentals or if we're going to be an expansion of bonus units, are they carved out of the market rate remaining allocations. Not saying that those will be fully accepted but that would be a type of issues that could be contemplated in Phase 3.

Ms. Fink said Phase 3 is going to start with the goals in January. There's the Tahoe Living Working Group and an extensive public outreach process built into that grant. They'll determine how to engage with all the different groups that want to be engaged.

Ms. Hill said what is being lost by the Board is the three years of work that we've been doing on this. And by limiting this development to town centers, it is really not going to solve the problem. We need to take some bold steps and if the individual jurisdictions want to opt out, they can. But it's not appropriate to put that on the rest of the jurisdictions who would benefit greatly from these workforce housing projects happening in the transition zones. Staff did a really good job of working on these transition zones and working on this full package. We asked them to go bold. She supported the amendments as proposed but if the Board wants to make a compromise, that's what we do. We're going to return to this and not solve the problem is long term.

Ms. Diss said what she's trying to address with question/comment was this concern about the changing of the way of life and the rural versus urban and that interface. Do you know what the already existing current population density is of the specific areas that we are talking about this applying to?

Ms. Bettinger said she doesn't have it at the ready but believes it's pretty low.

Ms. Diss said inside what would be considered the town centers.

Ms. Fink said we did this analysis for a previous presentation earlier in the process because our on the ground densities are much lower than what's allowed. They allow 15 units per acre but what we're seeing is eight or less and that's not enough to support transit.

Ms. Diss said she doesn't mean per acre, more like for communities that are geographically small, but the entirety of the population lives within a couple of miles of each other. The work done over the three to four years to narrow this to specific areas of town centers and then places already designated as multi-family speaks to the work of the agency and staff to try to keep this to the feel of the areas that it's in. We know that the City of South Lake City is more densely populated than a lot of other parts of the lake. But if areas are already zoned multi-family and if areas are a town center where we're trying to designate development, she agreed with Ms. Hill that she would like to move forward with the multi-family outside of town centers at this point in time. We're talking about 946 bonus units spread out across a very small percentage of the entire lake. In no one area could it dramatically change even the total population of the area, much less the feel of the area. Tahoe is unique and a special place and it does have a largely rural feel, but California is the most urban populated state in the nation and Nevada is the second most urban populated. In Nevada, all of the people live in urban centers. Leaving open space to be open space and concentrating growth into certain places. And this is that on a microscopic level. We're trying to concentrate population into small areas, so we have the benefit of enjoying those wonderful open spaces and you don't have a mansion or something in the middle of an open space. These measures move us in the right direction in terms of concentrating development in that matter.



GOVERNING BOARD

December 13, 2023

Mr. Hester said a lot of those concepts Ms. Diss alluded to is what are good considered good planning.

Ms. Diss understands the concern. She appreciates what makes Tahoe is the feel that you're getting away from it all. In these town centers where we already have grocery stores and Starbucks and things like that, we're not talking about one stop light towns, it's areas that have already been a little bit urbanized.

Mr. Settlemeyer said Nevada is incredibly densely populated because over 90 percent of it is owned by somebody else. And Tahoe suffers from the same type of affliction per se. Whether the land is owned by the state of Nevada, state of California, Forest Service, State Parks, or county city area that is also owned but not able to be built upon, or this minor fact called the entire lake, which nobody builds on. Where are all the buildable lots left, are they in these town centers? Where are the majority of the buildable lots that could be utilized for these type of projects?

Ms. Fink said the buildable lots are pretty well distributed throughout the basin. Throughout the whole basin, we only have about 3,000 to 4,000 buildable lots left for single and multi-family in town centers.

Ms. Bettinger said in town centers, there's about 181 parcels that we consider vacant and developable. In multi-family areas that's 918 parcels.

Mr. Settlemeyer said that goes into the analysis of where this is going to occur. But also, it's going to be driven by market forces. The simple fact that Incline Village tends to be a lot more valuable per square foot because we're no longer dealing with acre prices anymore is going to govern where a lot of these potential projects go and is just a reality.

Ms. Conrad-Saydah said short term rentals come up all the time and feels having a workshop or a process to discuss this would be valuable.

Mr. Friedrich said it might be worth having some discussion to see if there is concurrence on the proposed changes and what are the trade-offs to those changes. He believes there is concurrence on the reallocation.

Ms. Gustafson said when she was thinking of opt-out, she knows the North Shore community has been very outspoken about the height being very egregious. She has repeatedly told members of the public and various groups that there are a couple of key sites, but they're in the transition zones that may accommodate more height. If eliminate transition zones today and a project comes forward that the community is interested in doing to try to meet our needs. We're in crisis mode in the North Shore as far as businesses closing, we're down to one grocery store in Tahoe City and boarded up buildings for the first time and 50 years in downtown Tahoe City. We need to find some solutions on housing. She doesn't want to be in a position where we've taken out transition zones. One of these is the old 71 acre dump site which is unbuildable. There is a small parcel behind the Trading Post Center, Lake Forest, and Dollar Hill are transition zones.

Ms. Fink said you could come in with your own change to say we want to allow additional height in these areas.

Ms. Gustafson said or additional coverage or the other. Because she doesn't know that the community wants height or in all these situations. Lake Forest has been a traditional area of a lot of housing. Are there other incentives with?

Mr. Marshall said yes, that would be the way to do it and yes you can do that either with a change to an area plan or coupled with the project. It's going to be probably easier to do height and density

## GOVERNING BOARD

December 13, 2023

changes subsequently, but coverage is going to be more difficult just because it requires thinking through of what you're proposing and what that might be.

Ms. Gustafson said yes, that's one of her fears. Anytime we talk about area plan changes, then we're getting this dialogue going of anything could be litigated and then hold us up from getting housing on the ground. She asked Placer County staff how many developers have come forward since we started the Mountain Housing Council in 2015. We had tiger teams that tried to get things going for development in these areas and zero for the affordable and moderate.

Mr. Hester said right now there are multi-family zoned areas, and you have towns center areas, then the transition zone. All three of those are parts of the proposal and what Mr. Hoenigman said was drop the transition zones, keep the town centers and multi-family. That's part of the answer. The other part is if you said we don't want the height in town centers, we want to drop it, TRPA would ask how would the local jurisdictions make up the cost per unit by not allowing that. It might be that they pay for the stormwater. Land might have to be put in or some other way to get that cost to the same level.

Ms. Gustafson said she wants to find a compromise for the transition zones. She understands that's our duty in making public policy, she just doesn't want to be short sighted that we may prohibit any housing at least in the Tahoe City area. You can't go taller in the downtown because of the scenic guidelines. It would have to be in these lots that are back off the road. She doesn't know that it will pencil even with the heights. If we set this at 25 percent for the achievable, we can take away from that and move it to affordable, but we can't take affordable and move it to achievable. If we see that's running rampant, the Board could say no, we're going to move more to affordable. She doesn't think we'll see that because these are difficult projects to do.

Mr. Hoenigman said his understanding is the affordable kind of automatically pulls from the other levels. We as a board could pull from them to assign more to achievable if we wanted to and would require a vote, but it's automatic in the other direction.

Ms. Gustafson said she's unsure because we have much more limited room on the North Shore than you have on the South Shore if you look at the zones that could potentially apply to any of this. Eliminating transitions could be a big impact if we can move quickly and have projects come forward and the county willing to carry them and get support from our community. Look, we've made this compromise today, but we're going to come back with specific zones where we need them or sites.

Ms. Laine said this is also an issue of trust. All of us around the table are human beings. We're all trying our best, but we're not viewed in the best lens, not especially recently. The idea that Mr. Hoenigman put forward, that we save the transitional zones for Phase 3 slows it down a little bit and allows the public the ability to say, okay, well, they're at least trying. The concern that she hears from El Dorado County is that there's going to be some big development right next to a neighborhood. We need the community's support, and this addresses that a little bit.

Her other question is around the public subsidies. It's been stated by even board members that this does not eliminate the need for public subsidies whether it's local, state, or federal. Her experience is that when you accept state and federal grants, which we needed to do even in the Sugar Pine project to get that \$100 million dollar investment. Once you do that, anybody living in the state of California or in the United States can apply for housing in that particular development. She believes that's right because the City of South Lake has done an exorbitant amount of affordable housing, much more than our share. But when we've opened up some of these facilities, there's a lot of out of state people that move into them and not always necessarily locals. How do we ensure that if something's built it's going to have the effect that we're looking for?

GOVERNING BOARD

December 13, 2023

Mr. Marshall said if you're accepting particularly federal money then there's going to be strings attached to that. It's mostly going to happen in affordable and moderate. What we're trying to do with achievable is bring the cost down, so you don't have to subsidize for achievable. If you can get away with not having the string from the funding, then you can restrict it to local workers.

Ms. Gustafson said she's not saying it doesn't work anywhere. She's saying on North Shore we haven't been able to pencil a project for an achievable without a local subsidy. They are okay with that because we know we have to help our workers get houses.

Ms. Laine said because the local subsidy wouldn't have the same effect.

Mr. Hoenigman said the motion would be to approve the package and drop the transition zones and pushing the multi-family to Phase 3.

Mr. Marshall said the first time he said that it had to do with connecting coverage outside of centers, you would have to be connected to area wide stormwater.

Mr. Hoenigman said right now and then we can reevaluate in Phase 3. Making sure that parking does not prevent us from meeting any EV or ADA requirements from state or federal sources.

Mr. Marshall said those are independent requirements that TRPA's rules would not trump. TRPA's are just an allowance that if they can go to zero or .75 average, they can do that. If they have other obligations they have to meet, then they've got to meet those.

Mr. Hoenigman said there was the question on the audit where he had proposed 20 percent, and some had proposed higher.

Mr. Hester said it would cost us a little bit more but not significantly more and they can go to 50 percent.

Mr. Hoenigman said maybe in the first couple of years that would get people confidence.

Mr. Hester said he also mentioned limiting achievable to 25 percent using the 1,152 number.

Mr. Marshall said starting on page 369 of the packet, which is the code language. To implement the transition zones, we're going to pull those out which are in Chapter 37, Section 5.5.B on page 381-382 deleting Subsection B, 37.5.5.B, height and transition zones. To affect the coverage requirement change is on page 337 of the packet Section 30.4.2.B5.b which is the carryover from 377 to 378. You'd delete Subsection B. On page 377, 30.4.2.B.5.a is if they can connect to a stormwater collection system that allows it. B was the alternative to say that they can go to BMPs if such and such. We'd delete B so the only way they could get coverage outside of centers is if they are connected to a stormwater system under A.

Mr. Friedrich asked what would be the ramifications of that. There aren't many area wide stormwater systems. How many developments are we potentially curtailing?

Mr. Marshall said you are curtailing the availability of the coverage going from 50 to 70 percent outside of centers. Those would have to occur when they could connect to a stormwater treatment. He believes all of ours are in centers. There may be a couple instances but there's reduced opportunity because otherwise you could go the BMP route in Subsection B if the local jurisdiction undertakes certain obligations. So, it is reducing the scope of that ability to go from 50 to 70 percent.

GOVERNING BOARD

December 13, 2023

Ms. Gustafson asked if this is something that could come back in Phase 3 with the right sort of interceptors. They've done a lot of mechanical treatment now that far exceeds some of our area wide storm drainage.

Mr. Marshall said yes. mean, we've done a lot of mechanical treatment now.

Mr. Hester said they'd hope to identify the next phase where they should go to align with everything else.

Ms. Gustafson said the two that she's aware of on the North Shore are the ones in Tahoe City and Kings Beach.

Ms. Bettinger said there's a slide that shows active stormwater area wide treatments in blue. They are limited. There's one in Tahoe City and the one in Kings Beach is getting close to being active. And then there are a few on the South Shore.

Mr. Friedrich said we should know that allowable coverage was selected to enable the type of duplex, triplex, quadplex type developments. They're likely not to happen for quite a while because that these stormwater systems are not in place.

Mr. Hester said before they happen with using 50 percent coverage instead of 70 percent.

Ms. Fink said very few areas allow 50 percent coverage. Those are only the areas that are in the old community plans. Once they convert to an area plan, the ability to do 50 percent goes away.

Mr. Hoenigman said they can be reevaluated in Phase 3, and it could come back with the BMPs. There was much more community upset about the multi-family areas.

Ms. Gustafson said she believes the concern was that the BMPs may not be maintained and up kept and think again if the local jurisdictions agree that they're going to maintain those and can prove that to folks than there's an opportunity because we know technically, we can treat that stormwater in a smaller system for a site but they need to be maintained by the local jurisdiction she believes is the concern.

Mr. Hester said that's correct and they wanted to make sure that it was part of the pollutant load reduction credits that Lahontan and the Nevada Division of Environmental Protection would be doing.

Mr. Marshall said these are the language edits that we would propose that the Board adopts to Section 52.3.1 that would restrict the number of bonus units to 25 percent for achievable.

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

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Nays: Mr. Aguilar

Absent: Ms. Faustinos

**Motion carried.**

## GOVERNING BOARD

December 13, 2023

Mr. Hoenigman made a motion to adopt Ordinance 2023-\_\_ (Attachment D), amending Ordinance 2021-03, as amended, for the adoption of amendments to the Regional Plan Goals and Policies, Land Use and Housing Sections; that will only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board with the following amendments to Attachment B, deletion of 30.4.2.B.5b, deletion of 37.5.5.B, and the edits to Section 52.3.1 to limit achievable bonus units to 25 percent of the pool.

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Nays: Mr. Aguilar

Absent: Ms. Faustinos

**Motion carried.**

Mr. Hoenigman made a motion to adopt Ordinance 2023-\_\_ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90; that will only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board with the following amendments for the deletion of Section 30.4.2.B.5b and the deletion of 37.5.5.B, and the amendment of Section 52.3.1 to limit achievable bonus units to 25 percent of the pool. And 52.3.1. Assignment of Bonus Units: A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Eight-hundred and forty three (843) of the 1,124, or three quarters of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable or moderate-income housing units; the remaining 281, or one quarter of the remaining, residential bonus units from the TRPA pool, whichever is less, may be used for achievable housing units.

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Nays: Mr. Aguilar

Absent: Ms. Faustinos

**Motion carried.**

## VII. REPORTS

### A. Executive Director Status Report

#### 1) Executive Director Performance Review and FY2023-24 Proposed Compensation

Ms. Atchley presented the results of the performance review for Julie Reagan, executive director. Feedback on Ms. Reagan's performance this year is based on the timeframe of December 2022 to November 2023. Miss Reagan wrote a self-assessment of her overall accomplishments for the above noted time period, which was emailed to two different groups consisting of all Governing Board members and all TRPA staff members. That report and that self-assessment is included in the staff report as Attachment A along with the summary of performance review results as Attachment B. All respondents were set a confidential anonymous survey link which asked for feedback on her Mr. Reagan's level of overall goal attainment. Based on her self-assessment assessment and her

GOVERNING BOARD

December 13, 2023

performance on the TRPA core leadership competencies. Those overall results respondents ranked Mr. Reagan as exceptional at 47 percent and fully effective at 37 percent. There were some also specific results based on those TRPA core competencies, but those were, again, the majority of respondents that ranked Miss Reagan exceptional or fully effective. There was a third part of this review where we sent to a group of agency partners. The survey consisted of four different questions where they ranked her from either strongly agree to strongly disagree. And then there were six open-ended questions.

Staff are recommending an increase in salary as stipulated in the staff report.

Ms. Regan appreciated the feedback and it's been an honor to be your director this last year. Thank you for instilling your confidence in me to lead this incredible organization. I'm so proud of the teamwork at the board level at the staff level. Our team has gelled, and we have unleashed a lot of creativity. I will take those constructive pieces of feedback to heart and would be happy to meet with any of you individually if you have additional ideas or suggestions.

Board Comments & Questions

None.

Public Comment:

Tim Delaney said there's no way he'd support folks giving themselves a pay raise. Tahoe is about quality life and the environment. The way you're managing it have highly damaged my human spirit. When I see the East shore beaches being pummeled and destroyed after the Burning Man festival with garbage. Others were out there the day before picking up trash and the day after it was me picking up from Whale Beach to Secret Cove. His generation never got anything affordable or achievable. His Vietnam War era babysitter was drafted and lost his legs from Agent Orange poisoning, and he didn't make it passed the 30. He had to leave Tahoe to work in a dirty, filthy urban environment around our country and all around the world. He paid my dues so he could have the opportunity to own a home up here and my friends paid their dues so they can try to keep them. This is disrespectful. You're Americans, you are destroying it.

Lyn Barnett said he appreciated Ms. Reagan. It's a tough job and the Agency cannot solve all the problems in the world, and you've always been on a lightning rod for people that are disenchanting. Ms. Regan builds teams and brings people together.

Doug Flaherty said in the future if we're going to give raises to government bureaucrats, that you show the data of the entire benefit package. Because a little over \$200,000 after taxes does not go that far but would like to be able to see a consideration and discussion on total benefits as well.

Ms. Laine made a motion to increase Julie Reagan's base pay to \$207,926.80 per year.

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Mr. Aguilar, Ms. Faustinos, Ms. Hill

**Motion carried.**

B. General Counsel Status Report

- 1) General Counsel Performance Review and FY2023-24 Proposed Compensation

## GOVERNING BOARD

December 13, 2023

Ms. Williamson said they discussed this at the Legal Committee this morning. Ms. Atchley read the summary of comments that were overwhelmingly positive but also some good introspection from Mr. Marshall on what he would also call constructive criticism. She thanked him for everything he does.

### Board Comments & Questions

None.

### Public Comments:

Tim Delaney said he's not too positive about these reviews and pay raises. The concept that you folks are damaging Lake Tahoe and at the same time you're reviewing your own results here and you're giving yourselves a pay raise. You should ask for a pay raise from the general public.

Mr. Settelmeyer made a motion to increase John Marshall's base pay to \$205,871.71 per year.

Ayes: Ms. Bagwell, Ms. Conrad-Saydah, Ms. Diss, Mr. Friedrich, Ms. Gustafson, Mr. Hoenigman, Ms. Laine, Ms. Leumer, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Mr. Aguilar, Ms. Faustinos, Ms. Hill

**Motion carried.**

## VIII. GOVERNING BOARD MEMBER REPORTS

Ms. Diss said there's been comments about board members not living in the basin. There are the four appointed members, three from California and one from Nevada, who are not allowed to live in the basin according to the Compact that these members shall not reside in the region. It's not to move power away from this important place, we're supposed to be here to represent the entirety of the states that we come from.

Ms. Leumer said she's one who lives outside the basin but spends a lot of her time here. Her family's been here for five generations and spends her winters over the hill in Woodfords. Even for folks who don't reside here, they love Tahoe and do this job unpaid because they do care and have a deep commitment to do the right thing.

Mr. Settelmeyer said he lives in the Carson Valley. His family thought about buying some land in Lake Tahoe and great Grandfather thought it was ridiculously overpriced and would not be caught dead paying one dollar per acre for any land!

Mr. Friedrich said he went to a presentation at the Tahoe Environmental Research Center last Thursday for a presentation by Herman Fillmore and his sister about the homelands of the Washoe Tribe. They've been here up to 15,000 years and they made the comment that only two members of the tribe could afford to live in Tahoe right now. That's a little perspective on the action we just took. Last Tuesday he attended TRPA's all staff meeting. He was so impressed by the passion, dedication, and the commitment of the staff who he thinks are equal or achieves anyone in the basin putting them toe to toe. It was great to have that interaction. Today is his last meeting as he will be turning this position over to Cody Bass and he will be the alternate. He's moving over to the Tahoe Transportation District Board and Cody will be the alternate there.

GOVERNING BOARD

December 13, 2023

IX. COMMITTEE REPORTS

A. Local Government Committee

None.

B. Legal Committee

None.

C. Operations & Governance Committee

None.

D. Environmental Improvement Program Committee

None.

E. Transportation Committee

None.

F. Regional Planning Committee

None.

X. PUBLIC INTEREST COMMENTS

Tim Delaney said there's been talk about how expensive the cost of real estate is. Living in Tahoe since 1970, he's seen about five or six real estate and economic busts. Real estate always goes up, it's always going to be more expensive no matter what, it moves with inflation. Sometimes there's a plunge and people go bankrupt. This is not new to this generation. For folks that didn't buy property a long time ago, I feel for them. If you are not willing to buy and hold on to it and bail, that's too bad. He lives life on a nickel budget with penny taste. You have to teach younger folks to think about all that, always bailing them out is going to hurt you and then the country will go down the drain. If you lose the environment, you have nothing at all. Large buildings are ugly. All your documents and slide shows have all these big old garish buildings and it's got a tile roof. You folks don't know what you're doing. When a winter storm happens or something bad happens and you lose power and there's all those folks that are tied to the grid and have no backup source for a month. You can kill a lot of people in Tahoe.

Ann Nichols, North Tahoe Preservation Alliance said this is disappointing and appreciate that you feel like you've really given us a lot of gimmies, but you never gave us the environmental analysis that is required. What's concerning is that Ms. Gustafson keeps saying that all of these people are saying all these wrong things and thinks the board was misled. If you self-report that you work 30 hours per week, you could be self-employed, have your own business license, you don't have to work for an employer. She could even do this, and you are not fairly presenting the loophole that is huge. Ms.



GOVERNING BOARD

December 13, 2023

Gustafson, if you are going to recuse yourself if 39 Degrees North comes forward what about your husband working for Palisades, Northstar, and Homewood. How can you represent us then?

Doug Flaherty, TahoeCleanAir.org gave a shout out to Mr. Aguilar to have the fortitude and think as an individual to vote on these amendments. It's something we don't see very often. He knows being raised as a child in the outskirts of Reno by a stepfather who was a turn in the century cowboy, miner, carpenter, and horse breaker. He's proud of the Nevada that he used to know. But you are a long way from that. You didn't provide the leadership today that was needed. It's obvious that you didn't read all of the information or otherwise your conscience would have hopefully said that you're going to have to vote no. You gave into the developers. When is enough, enough? We're facing more than a housing crisis here. Lake Tahoe is beyond the breaking point. The pristine East Shore has been damaged by the East Shore Trail and you want to build more trails and parking. We need the Nevada legislature to declare the East shore and the area on the east side of the Tahoe Basin as a conservation area. He's disappointed that the chair uses this excuse that people just don't understand. Please provide the leadership to be good stewards of Lake Tahoe and stop these projects that are degrading Lake Tahoe without adequate environmental impact statements.

XI. ADJOURNMENT

Mr. Friedrich made a motion to adjourn.

Ms. Gustafson adjourned the meeting at 6:38 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board