

TAHOE REGIONAL PLANNING  
REGIONAL PLAN IMPLEMENTATION COMMITTEE

Via GoToWebinar

June 23, 2021

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 8:30 a.m.

Members present: Ms. Aldean, Mr. Bruce, Mr. Friedrich Ms. Gustafson, Mr. Lawrence, Mr. Yeates

II. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

III. APPROVAL OF MINUTES

Ms. Aldean said she provided Ms. Ambler with some minor clerical edits and moved approval of the April 28, 2021 minutes as amended.

Motion carried.

IV. Item 3: Discussion and possible recommendation for approval of Phase 1 Housing Code Amendments to the TRPA Code of Ordinances related to: **a)** Bonus Unit Boundary, including amendments to Chapter 52; **b)** Non-conforming density, including amendments to Chapter 31; **c)** Accessory Dwelling Units, including amendments to Chapters 21, 31, 39, 50, 51, 52 and 90, Meyers, Tahoe Valley and Tourist Core Area Plans, and Rules of Procedure Section 12; **d)** Development Rights Strategic Initiative Code Clean-Up: Potential Residential Units of Use and Bonus Unit Pools, including amendments to Chapters 51 and 52

TRPA staff Ms. Fink provided the presentation.

Ms. Fink said today we are going to report out on the phase one Housing Code Amendment package that has come out of recommendations from the Tahoe Living Housing and Community Revitalization Working Group. Staff is asking for the committees input before finalizing the code recommendations and environmental analysis. In addition to reviewing the housing recommendations a status update of where the Tahoe Living Housing and Community Revitalization Working Group is with the housing actions that the Local Government and Housing Committee and Governing Board approved in January 2021. The working group spent many hours working through this proposal and vetting ideas and appreciated their time and input.

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Today's presentation will be the initial package to remove barriers to provisions of affordable housing and to better implement Regional Plan goals. The proposal is based on what they've heard are the most obvious barriers for provisions of affordable housing and the areas where their analysis shows that TRPA can have the biggest impact. The set of amendments include the three recommendations that were supported by the working group. They include changes to the Code of Ordinances, the Rules of Procedure and three area plans. Those changes are related to modifying the bonus unit boundary which is where they want to incentivize development and encourage transit supportive densities. The next recommendation is to allow non-conforming tourist density to be used for residential density on site. This is the first recommendation is to increase regional densities at the code level since the 2012 Regional Plan. The third recommendation is related to accessory dwelling units and allowing the smaller housing type more widely in the Basin.

The code amendments that you are going to hear about today are geared toward supporting regional plan goals of walkable town centers and neighborhoods, and help local jurisdictions meet their regional housing needs assessment requirements (RHNA) on the California side and also the housing needs in their local general plans. Those RHNA requirements are also a part of the Regional Plan as part of the Sustainable Communities Strategy.

Those RHNA housing needs and housing needs identified in the general plan don't capture the full housing need. The Truckee Tahoe Community Foundation, the Tahoe Prosperity Center, and Placer County have done more extensive housing needs analysis to understand what the housing need is basin wide. The working group is working on achieving that greater housing need. Those initial housing need studies didn't capture the Tahoe Basin portion of Washoe County. The Tahoe Prosperity Center is currently partnering with Washoe County and other organizations in Washoe County to do a housing needs assessment for the Tahoe Basin portion of the county that should be completed in a few month.

There are goals in the Regional Transportation Plan and the Regional Plan that these proposals also support. Some examples are supporting economic vitality, encouraging moderate income housing in appropriate locations and increasing transit frequency. These proposals are fully within the growth caps that were analyzed as part of the Regional Plan and they don't increase the overall growth anticipated for the region.

The Tahoe Living Housing and Community Revitalization Working group was designated by the Governing Board as a committee of the Advisory Planning Commission in June 2020. Mr. Ferry is the chair of both the APC and this working group. In January 2021, the Local Government and Housing Committee and the Governing Board approved the set of actions shown on slide 4. The package of amendments being presented today is the result of the "near-term" actions of ADUs and Density. The near term actions were anticipated to take between three to six months to bring forward to the Governing Board. The medium term actions are anticipated another 6 to 12 months, and the long term actions another 1 to 2 years.

This emerged out of TRPA's analysis showing which actions were likely to provide the most cost reduction per unit or the greatest number of actual units on the ground. In addition, TRPA also had one-on-one conversations with local jurisdictions staff to understand what TRPA actions could best align with and support those actions that those local jurisdictions were already working off of in their own general plans to achieve their housing goals.

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Cost reduction per housing unit, units on the ground, and leveraging local actions were what they used to narrow down the possible actions for TRPA to work on and to prioritize them. One thing that they heard through the conversations with the local jurisdictions and the working group was that even though the Regional Plan envisioned walkable town centers that were supported by locally focused affordable workforce housing, it's still much easier to get units approved that are ideal for tourist or second homes while workforce housing still faces additional hurdles. Part of what these actions do is try to establish balance between getting a residential workforce unit on the ground versus a tourist or second home.

This set of actions focuses on ADUs and density but this is not everything they anticipate bringing forward related to ADUs and density. They heard from the working group that there are additional incentives that they would like to see. They anticipate looking at those incentives coming back to accessory dwelling units in the medium and long term action items.

The housing cost analysis tool is one the tools they used to conduct the analysis to land on those priority actions. It's a proforma tool that's been useful to help them understand how housing cost change based on the actions taken. (Slide 5) Each of the three columns shows the costs that goes into building different types of housing. On the right is single-family stand alone home and on the left are two types of multi-family housing. On the left is a moderate density multi-family housing unit and in the middle is a more dense type of housing development. The colors in each of the columns show different types of costs. The large blue square is construction cost and there's also land cost, development rights, fees, etc. The horizontal lines show the income levels of our different income groups in Lake Tahoe that we're trying to provide affordable, moderate, and achievable housing for. They can analyze how different actions at TRPA can take can lower the bars more or less.

In January 2021, the Local Government and Housing Committee hosted a workshop on the missing middle. The main takeaway was to be mindful of how the layering of different land use regulations can end up precluding housing types that are affordable from middle income families because there's not that much that ends up being allowed on a site. Some of TRPA's regulations combined with market pressures that are somewhat unique to resort areas end up encouraging people to maximize the size of single-family homes. In a common scenario that results from TRPA code they found that single-family homes in neighborhoods are incentivized to be as large as 4,500 square feet which is not affordable for the local workforce. These amendments today focus on encouraging a diversity of housing types and sizes.

The first recommendation is to modify the bonus unit boundary to conform to recent planning efforts. As part of looking at density with the working group, they asked them to spend some time about where they wanted to incentivize development and what areas did, they consider walkable. The working group noted that some of our previous planning efforts such as the Regional Transportation Plan and the Regional Plan have identified areas where they do want to encourage development or have higher densities. Those didn't completely align with the bonus unit boundary that was approved as part of the Development Rights Strategic Initiative. The bonus unit boundary is the area in which you can build a residential unit using a bonus unit for the development right and that bonus unit is provided for free in exchange for a deed restriction for an affordable, moderate, or achievable income housing unit.

A few areas where they found that the existing bonus unit boundary which is the ½ mile buffer from transit didn't fully align with some previous planning efforts. It didn't include all of the town centers identified in the 2012 Regional Plan, including the Meyers Town Center and a

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walkable area around those town centers. It also didn't include all of the areas that are zoned for multi-family including some community priority zones that were identified in the Regional Transportation Plan. Slide 7 also shows how the boundary would change if the ½ mile buffer of town centers were added in. It almost entirely aligns with the existing boundary and adds the Meyers Town Center. It also shows adding districts that are zoned for multi-family. It is fairly consistent with that existing ½ mile buffer. There were a few neighborhoods where there was transit in the past and there are areas where there is quite a bit of affordable housing and they want to be able to encourage affordable housing in those locations.

Overall, this expanded the boundary by about 15 percent. They've done the initial environmental analysis on this change and the expanded boundary corresponds very closely to the low vehicle miles traveled traffic analysis zones. Incentivizing development in these areas is consistent with the new Transportation and Sustainable Communities thresholds.

The next recommended code change is to allow non-conforming tourist density to be used on site for residential development. One of the issues heard is that conversion of tourist units to residential is a disincentive. There are quite a few older motels and some fairly dilapidated and many which have higher densities than what are currently allowed by the code because they were built in the 1960s and 1970s before the Regional Plan was approved. The Regional Plan envisioned redevelopment of these older properties into mixed use or something that had a residential component, but they are not seeing that.

(Slide 9) This is how the current system works. In the staff report there's a real life example of an existing hotel in the Stateline area that wanted to redevelop into residential. That hotel was built prior to approval of the Regional Plan. There were 17 tourist units on a little less than one third acre which was slightly over the allowable tourist densities. The current code would allow all of these tourist units to be grandfathered in through a redevelopment project if they are redeveloped as new tourist units but not if they are redeveloped to new residential units on site. If they redeveloped to tourist, they would get to keep those 17 units on site but if they redevelop to residential, they will have to meet the existing residential densities and that would allow only six residential units on site. This property decided to redevelop as tourist.

(Slide 10) The proposed code change would allow converted non-conforming tourist density to be used for multi-residential density on site as long as multi-residential is an allowed use in that district. That proposed code would allow those 17 units to be redeveloped as either as new tourist units or as new residential units. There would still be some extra development rights that would result from the conversion of tourist to multi-family but those could be banked on site or transferred off. This is the same as what's under the current code. They've also completed the initial environmental analysis for this change and have identified that because the conversion of tourist units to residential was already evaluated through the Development Rights Strategic Initiative and those environmentally neutral conversion rates were established. This is also consistent with the thresholds and will support achieving the thresholds including the Transportation and Sustainable Communities Threshold. This stays within the growth caps and doesn't add any new growth potential.

The final recommendation is related to accessory dwelling units. This part of the proposal relates back to about looking at ways to make it easier to build a diversity of home types including smaller housing types that are right size to be affordable for local residents and workforce. Also, trying to remove some of those barrier that impede this type of development compared to other types of development.

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Accessory Dwelling Units are one of those smaller housing types and they are a housing unit that is accessory to a larger existing home. They can be detached or attached from the main home such as over the garage unit or repurposed existing space like locking off a bedroom and adding an exterior door. This last type is often called a junior ADU.

The existing code related to accessory dwelling units doesn't go very far in encouraging this workforce housing type. Right now, the code only allows accessory dwelling units on parcels that are greater than one acre and there aren't that many parcels that meet that criteria. On average, the parcel sizes get smaller the closer the parcel is to transit and town centers and larger the further away. They want to shift the focus to allowing this smaller housing type more widely and then having ADUS help meet the goals of supporting walkable town centers and neighborhoods. This proposals combined with the bonus unit boundary does that.

The current code only allows ADUs on parcels of greater than acre and where they are allowed it's only one per parcel. Because allowing ADUs as an accessory use is an exception since it's only allowed on a few parcels. They require special noticing to neighbors unlike other expansions of single-family uses.

Based on the general consensus of the working group they are proposing to lift the one acre parcel size limit. ADUs would then be allowed on any residential parcel. They are also proposing to allow up to two ADUs per parcel. This would allow a homeowner to build one junior ADU and one detached ADU. Because ADUs would be an allowed use on all residential parcels, like other accessory uses, they wouldn't require special noticing to neighbors.

Local jurisdictions can have more restrictive regulations than TRPA. The current regulations at the local level will also be in effect. The designs of the ADUs need to meet local design regulations. Douglas County and Washoe County have codified TRPA's restriction to parcels greater than once acre. Until those county's change their code, where ADUs are allowed in those county's effectively will not be any different than it is today. There are some opportunities to look at revising that through the area plan process. Each jurisdiction on the California side has passed or is in the process of passing their own ADU regulations that reflect the California law. In the California jurisdictions ADUs would be allowed on all residential parcels. However, they are not allowed to be rented out for rentals of less than 30 days. In addition, there are also size limitations. Staff is also bringing forward the area plan amendments needed for those California jurisdictions to be able to implement the codes that are also part of this packet. Whenever an accessory dwelling unit gets a bonus unit, the bonus unit also requires the ADU to be deed restricted so it can't be used as a short term rental.

The environmental analysis is being finalized for this proposal and with respect the Transportation and Sustainable Communities threshold, they found that this proposal does not cause the Basin to exceed that new threshold. The distribution pattern for ADUs is expected to be fairly similar to the anticipated distribution pattern for other allocations and bonus units.

The staff packet also includes two cleanup amendments based on the Development Rights Strategic Initiative.

There was some working group feedback that staff wasn't able to incorporate into this near term recommendation. Although, the recommendation largely does capture the feedback that they received from the working group and there was very strong support from moving the set of recommendations forward, there were a couple of key areas where working group members

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wanted to see the proposal to go further. That was in the areas of coverage and development rights. The recommendations did not include any changes to coverage or development rights regulations. An ADU would require the sufficient allowable coverage on the parcel. About two thirds of parcels do not have enough allowable coverage to build a detached ADU. Some working group members were concerned that it wouldn't sufficiently incentivize this housing type.

Another concern was related to development rights. ADUs are usually small such as a studio or one bedroom. There was concern that they shouldn't use up a whole bonus unit or a whole development right which could also be used to build a much larger house. There are no size limits on the size of house that is built with a development right.

There is some precedent in having development rights have different ratios depending on the type of unit for instance through the Development Rights Strategic Initiative. There are different conversion ratios for multi-family housing then there are for single-family housing recognizing the lower impacts of multi-family housing.

They appreciate that there are potentially more incentives that need to be looked at related to ADUs. There are some places designated in the medium and long term phases where they can spend more time looking at potential incentives in those categories.

Staff has already provided informational hearings to the Advisory Planning Commission and the Local Government and Housing Committee and today to the Regional Plan Implementation Committee. Both the APC and the Local Government and Housing Committee gave staff direction to move the amendments forward and to finalize the environmental analysis and its recommendation for approval. Staff will begin bringing this forward for recommendations for approval in July.

Presentation can be found at:

[RPIC Agenda Item No. 3 Housing Code Amendments](#)

### Committee Comments & Questions

Mr. Yeates thanked Ms. Fink for putting this together in a short time frame and for all the work that's been done by this working group. He's pleased in the way that it's been handled. We recognize the importance of housing and how we address that. We started with development rights changes. This is significant and am pleased staff was able to break this down in those items they feel can be accomplished quickly and then working on the longer term issues.

Ms. Aldean said she found the definition in the Code of Ordinances for moderate income housing "It's deed restricted to be used exclusively as a residential dwelling by permanent residents." The same wording is used in the definition of achievable housing but not used in the definition of affordable housing. The intent is to provide residential housing for people that work and live in the Basin. She's troubled by the fact that there's a lot of wiggle room and latitude in the definition of affordable housing. She understands that it cannot be used for housing that are rentals of less than 30 days which helps to address the concern that have been expressed by people like Carole Black that these units are going to become defacto short term rentals. She also feels that it is important that they not become extended stay motels. That would defeat the purpose of this exercise. It could be handled by the local jurisdictions in terms of imposing

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additional requirements but is there a reason why that language is not included in the affordable housing definition in the fact that it's intended for permanent residents in the Basin.

Ms. Fink said she's unsure about that and is something they could look into before staff brings it back for approval. They can try to identify whether there's modification to the definition of affordable housing that's needed.

Ms. Aldean suggested staff look at the Definitions in Chapter 90. Where it refers to ADUs, it then refers you to secondary dwelling. Now we're distinguishing between secondary dwellings and ADUs. She suggested amending Chapter 90 to reflect that change.

Ms. Gustafson said Placer County has had quite a few discussions on length of duration. They have a need for both shorter term renters for summer and/or winter employees. One of the things about a year round limitation is they might eliminate some of the housing especially when they have homeowners who are willing to lease for maybe three to six months but not for a full year. There are trying to use a definition that says more than 30 days and that they have a local place of employment whenever possible. She understands that they cannot do that with some of the affordable housing and look at their employment but on the more moderate and achievable, Placer County is looking at that requirement that they work full time (30 hours) minimum in the school district boundaries which includes the Town of Truckee. One member of the household must work in that area. Also, they don't want to facilitate people maybe moving up here from San Francisco and working for a tech company in San Francisco remotely. It's tricky to get all these definitions in under the state and federal laws but those are a few other concepts Placer County has been working on to try and focus on the local workforce needed.

Mr. Yeates said that does raise the complication. Hopefully, because California law doesn't necessarily bind TRPA we can coordinate with the local governments on areas where they don't have the authority to do much on limitations on items like ADUs. We could try to put together a comprehensive Tahoe Basin approach that would address some of these issues. We should also look at other areas that we were starting to in the code changes that staff is presenting for this informational hearing of changes to terms like secondary and the term accessory dwelling unit. We need to do further clarification.

Mr. Lawrence said he participated in many of the working group meetings and extended his appreciation to Ms. Fink and the team for all of the meetings that were well ran. Meeting materials came out in advance so there was time to read it. The committee received a comment letter from Carole Black and this came up a lot with the ADUs regarding concerns about having them end up being short term rentals and not addressing some of the housing issues. He understands that we do have some safeguards in place. The global one is that if a bonus unit is used then a deed restriction is required. He agreed that more work needs to be done on the definitions. On the California side the local jurisdictions have a no less than 30-day rental requirement but that doesn't occur in Washoe or Douglas County's. Also Washoe and Douglas ordinances still have a minimum of one acre. In staff's discussions with local jurisdictions has this come up as a topic of a) them wanting to align with a parcel minimum but, b) also to discuss a minimum rental period to address the short term rental issue.

Ms. Fink asked if the question was related to Nevada counties specifically.

Mr. Lawrence said yes, for the Nevada counties. From the presentation it looks like on the California county side there is no minimum lot size and there is a minimum rental period that

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doesn't occur currently in Washoe and Douglas County's. Is that being contemplated at the local level on the Nevada side?

Ms. Fink said staff has discussed accessory dwelling units with the local jurisdiction staff in Washoe and Douglas County's in their one-on-one meetings. The sense from their staff was that ADUs have not really risen to the top as a housing solution yet in Nevada as they have in California. Their staff's felt like ADUs is something that they might want to look at in the future but it wasn't a key strategy that had been identified in a housing plan. They could look at it through their area plans but it wasn't something that they were ready to look at immediately. One of their key concerns that they cited was short term rentals.

Mr. Lawrence said his personal opinion is that if Washoe or Douglas Counties were to move forward and expand to no minimum lot size, having some sort of safeguard in place, whether it's a minimum rental period or some other mechanism would be important.

### Public Comments & Questions

Carole Black, Incline Village resident said she wanted to provide a scenario from the Nevada side. Incline Village has been slow to implement any kind of regulation regarding short term rentals. She's concerned about what will happen when the California side has the opportunity to put up ADUs and will be restricted to not being short term rentals. On the Nevada side depending on what might happen to have that one acre restriction removed because at least Washoe County has taken the approach of paralleling of telling TRPA, so you remove the one acre restriction, you don't include the short term rental of the 30-day restriction and they become the site for ADU development for a specific short term rentals for the Lake. She urged staff to consider putting in a clause that doesn't allow Washoe County to end up in that quagmire. Initiative design approved, workforce, affordable, achievable housing. She supports that but what she doesn't support and hopes everyone will pay increasing attention to is avoiding further collateral adverse of over tourism and over development and not addressing the underlying issues. Her written comments included other issues that she is concerned about. Some are the ability to purchase coverage, expanding the building on smaller parcels that there are worried about in their area that is constrained. This is a huge initiative and it's important that we get it right.

Brandy Brown thanked everyone for all they are doing to help bring ADUs to both the California and Nevada side. She appreciated Ms. Fink always responding to her questions. She asked if in the near future there'll be some updated descriptions on what some of these ADU units can be. Not only bonus units, junior ADUs, but also possibly addressing tiny homes as descriptions of what can be utilized as ADUs on parcels. Is that a discussion?

Mr. Yeates said he assumes that we will be looking at all of these issues.

Ms. Fink said there are a few different types of tiny homes and one is a stick built tiny home. Those are already included in the types of accessory dwelling units that would be allowed. They would need to meet local building codes. Another type of tiny home is a home on a wheeled chassis. That type of home is classified as a mobile home in TRPA's Code of Ordinances and would only be allowed currently where mobile homes are allowed. Those are also reflected throughout the plan area statements and the area plans. That is something where they would work with the local jurisdictions and if they wanted to allow tiny homes on wheeled chassis as

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ADUs. They could work with TRPA through the area plan amendment process and the plan area statement amendment process.

Steve Teshara on behalf of the Tahoe Chamber agreed with those of you who have expressed your appreciation for the work of the committee. It's difficult stuff to work through, there's a lot of good ideas. He appreciated Ms. Fink's detailed presentation and the discussion that was brought forward about the other issues that the committee wants to see addressed sooner than later. He appreciated Ms. Gustafson's comments about the seasonal workforce needs and agreed that it needs to be addressed. He believes that the chairman had a suggested approach to that.

One thing during the presentation that struck him was Ms. Fink's conveying of the Douglas County planning staff that they are concerned about ADUs or dwelling units that we're discussing today because they're concerned about short term rental use. That seems to be inconsistent with the fact that the County Commission in Douglas recently approved a cap of 600 short term rentals in Tahoe Township which is the only part of the County where they allow short term rentals. He's not sure that's an appropriate response, they continue to have concerns that the overall prevailing official response to the achievable, affordable workforce housing in Douglas County is less than it should be. These types of units are a viable workforce housing solution and think that they should be available in all of the counties of the Basin. They have participated in many of the meetings and continue to do so and urge this committee on this informational to get additional items back from Ms. Fink when it comes to the committee for a recommendation.

Natalie Yanish, Contractors Association of Truckee Tahoe who also participated in the Tahoe Living Working Group. She thanked everyone for their efforts on this issue. There were a lot of meetings and time put into this. The committee had a lot of varying opinions as well. Any sort of incentives that can possibly be passed in the ordinance is important. Construction cost have gone crazy. Lumber prices have calmed down a little bit but construction prices always tend to go up, they hardly ever go back down. The cost for developers to come in and create primary residential housing is difficult to make it pencil. Deed restrictions are one consideration and being as flexible as possible with them is helpful because who ever is investing or developing in these housing or residential projects have to consider resale and deed restrictions are often a devalue of property. It's something to keep in mind on how these regulations incentivize people to put residential housing on the ground.

### Committee Comments & Questions

Ms. Aldean asked if a tiny home is on wheeled chassis and not on a permanent foundation is considered temporary coverage?

Ms. Fink said it wouldn't be allowed unless mobile homes were allowed in a specific location. If mobile homes were allowed in a location, then it's considered permanent coverage.

Mr. Friedrich thanked Ms. Fink for excellent work. He participated in many of the working group meetings. There were other creative ideas that could be considered in the future to further incentivize ADUs in particular. He supported moving this along as quickly as possible. Everyday, we hear about another family in crisis in the Basin. These are all good steps in the right direction to address the systemic problem we have with lack of affordable places to live. To Ms. Brown's point, the City of South Lake Tahoe will be having a discussion on adding mobile tiny homes to

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their code which will be subject to working with TRPA on plan area statements, etc. to conform should they go that direction.

Mr. Yeates said how do we deal with coverage when we're increasing development on existing areas and reducing the one acre limit. As Ms. Fink stated in her presentation that two thirds wouldn't meet coverage, so how would that be done? What comes to mind is that maybe this is somewhere that the California Tahoe Conservancy and its lots could be a place where we could bank coverage and put coverage where we want it to occur and discourage development in areas such as the stream environment zones.

On the question of putting bonus units into discreet parts which is recommended by one of the committee members. Initially, he thought that may be complicated but at the same time it would be ashamed to use an entire bonus unit for a very small junior ADU. He suggested staff look at how that can be done in a fair way and also how it would be tracked. It is a unique situation within the Tahoe Basin to try and come up with workforce housing within the Basin, meet all the requirements, and still make it affordable. When we went through the development rights initiative, they could waive everything and still the cost of housing is a problem. It was the land cost that they could possibly help out with and that was with our land bank partners in California and Nevada helping with that cost.

The work that's being is great and agreed it's time to move forward.

Ms. Aldean made a motion to recommend staff finalize these code amendments and develop them through the Tahoe Living and Housing and Community Revitalization Working Group process.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich Ms. Gustafson, Mr. Lawrence, Mr. Yeates  
**Motion carried.**

- V. Item 4: Discussion and possible recommendation of Update to the Mobility Mitigation Fee including amendments to the TRPA Rules of Procedure Section 10.8.5.A for initial update to the fee amount

TRPA staff Ms. Sloan provided the presentation.

Ms. Sloan said on April 28, the Governing Board approved updates to the Code of Ordinances for how project impacts to transportation are evaluated, using vehicle miles traveled. In that same update the air quality mitigation fee was renamed to the mobility mitigation fee. That fee was changed in how it calculated project impacts to transportation from trips to vehicle miles traveled to align with that impact assessment update.

These updates were made to implement the new vehicle miles travelled per capita threshold at the project level and to align with the California jurisdictions in the Tahoe Region, who are updating their project impact assessment processes using vehicle miles traveled, per state regulation, Senate Bill 743.

Bringing forward Phase 1 of a two phase process to update the mobility mitigation fee program. Recommendation is for an interim update to the Rules of Procedure to simply translate the current fee rate from trips to VMT.

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The second phase proposes a planning process, to be completed by year end, to fully revise the mobility mitigation fee program, linking it to the VMT reducing projects and the recently adopted 2020 Regional Transportation Plan. That process will include a complete evaluation of potential fee rates, peer community fees, and robust stakeholder engagement.

Policy discussion for the second phase will return to the Regional Plan Implementation Committee later this year.

(Slide 3) This is what is currently existing in the Rules of Procedure which is the Air Quality Mitigation Fee which would be renamed to Mobility Mitigation Fee. The fee rate before you is what is charged to projects but is apportioned based on the land use type of the project. If it's generating trips, it would be charged 90 percent of that fee rate and if it's attracting trips, it would be charged 10 percent of that fee rate. Currently that's calculated using the trips a project generates.

(Slide 4) Recommendation is to adopt the updates to the Rules of Procedures to adjust the current fee rate to reflect vehicle miles traveled. The current fees in the second column are divided by the trip length for the number of miles of an average trip in Tahoe of 6.53 miles. They would take a fee charged on trips divided by the average miles of a trip and then in the last column is the updates to the Rules of Procedure. This results in an equivalent fee to what is currently charged.

Requested recommendation is to update the Rules of Procedure, Phase 1 then it would be brought to Governing Board on the Consent Calendar later today.

The impact assessment processes using vehicle miles traveled goes into effect June 26, 2021. That follows a 60-day period from the April 28 approval of the process by the Governing Board. They'll also be rolling out the online Project Impact Assessment Tool at the same time. If adopted that Phase 1, Interim mobility mitigation fee update will go into effect July 28, 2021. Between June 26 and July 28 projects would have their impact evaluated with vehicle miles traveled and fee calculated on trips. Starting on July 28 it would be both evaluated and fees charged on VMT and all of that would be able to be done with the online project impact assessment tool.

Phase 2 of the Fee Program Update once there was Governing Board action would begin in that planning process through the year end to fully update the program.

Presentation can be found at:

[RPIC Agenda Item No. 4 Mobility Mitigation Fee Update](#)

Committee Comments & Questions

None.

Public Comments & Questions

Gavin Feiger, League to Save Lake Tahoe said they're happy to see this going but as you're aware they've provided plenty of comments to the Regional Plan Implementation Committee and the Governing Board on the vehicle miles traveled package over the course of the past 1.5 years. Regarding the second phase of the mobility mitigation fee and setting the fee. Something

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they talked about a lot was making sure that the mitigation fee really incentivizes development in town centers. That means that the mitigation fee for development outside town centers is going to have to be pretty high. He doesn't want that to get lost in that Phase 2.

Mr. Yeates thanked the League to Save Lake Tahoe on all the help that they provided on VMT. He assumes that when we talk about Phase 2 that we'll address these kinds of issues to incentivize things where we want it to happen and where it's more walkable and bikeable, versus the fee that would be charged for development outside of those areas where vehicle miles would be increased.

Ms. Sloan said that is correct. Taking the additional time allows them to consider multiple policy options as Mr. Feiger suggested the use of the fee for further incentive for development in those town and regional centers.

Patrick Taylor asked if there are any allowances in this change to projects outside of town centers in regard to workforce housing.

Mr. Sloan said the mobility mitigation fee charges fees on all projects that generate new VMT including affordable, moderate, and achievable housing. What they did through the impact assessment however, if that project is located in an area eligible for bonus units they screened from additional analysis. The break came more in what was expected for analysis of those types of projects. The fee as it currently stands is charged on all projects except active transportation projects. It would be charged to affordable, moderate, and achievable housing. As you can tell from the prior presentation on the housing initiative it's taking a very deep and detailed dive into all the facets that influence housing development in the region. They didn't want to advance anything ahead of that work. Instead, they are looking to that work for recommendations and will modify, adjust, and incorporate the recommendations as they come forward.

Mr. Hester said Mr. Taylor has attended the working group meetings and was invited to bring that issue up. As coverage was brought up, fees are another item being looked at. A lot of those other items have come up in the discussion and the point Mr. Taylor just brought up are on the agenda for the housing working group to look at after this first round is completed. Staff will be addressing fees and coverage and those other issues.

Committee Comments & Questions

Mr. Friedrich made a motion to adopt the findings, including a finding of no significant effect, as set forth in Exhibit 1.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich Ms. Gustafson, Mr. Lawrence, Mr. Yeates  
**Motion carried.**

Mr. Friedrich made a motion to adopt Resolution 2021-\_\_\_ to amend the Rules of Procedures as set forth in Exhibit 3.

Ayes: Ms. Aldean, Mr. Bruce, Mr. Friedrich Ms. Gustafson, Mr. Lawrence, Mr. Yeates  
**Motion carried.**

REGIONAL PLAN IMPLEMENTATION COMMITTEE

June 23, 2021

VI. COMMITTEE MEMBER REPORTS

None.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Chair Mr. Yeates adjourned the meeting at 9:45 a.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board