

**From:** Sophia Heidrich <sophia@mapf.org>  
**Sent:** 6/25/2024 2:45:49 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Cc:** Alexis Ollar <alexis@mapf.org>;  
**Subject:** Comments Re: Governing Board Item No. VI.B, 6.26.24  
**Attachments:** [MAP Comments - 6.26.24 GB Hearing- Item No. VI.B.pdf](#)

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Hello TRPA Staff,

On behalf of Mountain Area Preservation, please find the attached comments regarding Governing Board Agenda Item No. VI.B, Proposed clarifications to the Phase 2 Housing Code, for tomorrow's meeting. Please distribute them to the appropriate parties and include them as part of the record.

Thank you,

  
mountain area preservation

**Sophia Heidrich**  
Advocacy Director

Mailing Address: P.O. Box 25, Truckee, CA 96160  
Physical Address: 10098 Jibboom St., Truckee, CA 96161  
Office: 530.582.6741

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June 25, 2024

Governing Board  
Tahoe Regional Planning Agency  
128 Market Street, Stateline, NV  
Submitted via Email

Re: Agenda Item No. VI.B – Proposed clarifications to the Phase 2 Housing Code of Ordinances Amendments Staff Report

Dear Governing Board Members,

Thank you for the opportunity to comment on the proposed changes to the recently adopted Phase 2 Housing Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, the protection of open space and natural resources, and the preservation of mountain character in Truckee Tahoe since 1987.

As we indicated in our letter to the Advisory Planning Commission dated April 9, 2024, and included as Attachment A, MAP supports the proposed amendments and appreciates TRPA's consideration of these critical clarifications to the Phase 2 Housing Amendments. The proposed amendments clarify that additional land coverage will only be an incentive for deed-restricted affordable, moderate, or achievable housing projects in an area served by a publicly-managed stormwater collection and treatment system. This is crucial as additional lot coverage increases stormwater runoff that can negatively impact Lake Tahoe water quality and clarity. This runoff must be collected and treated to minimize this potential impact.



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The proposed amendments also reinstate a vital housing requirement, ensuring that 50% of the remaining bonus units are dedicated to affordable housing. According to the Mountain Housing Council's *2023 Housing Needs Assessment Update*, 55% of the housing needs in Eastern Placer County are for affordable housing. While housing needs vary across the Basin, there is a significant deficit of affordable housing, so it is important that TRPA's codes incentivize the development of this essential deed-restricted housing type. Again, we support the proposed amendments and appreciate the TRPA's attention to this crucial matter. Please review Attachment A for more details on MAP's perspective on the proposed amendments.

Another concern we've previously expressed is the number of remaining bonus units. Throughout the Phase 2 Amendments process, staff presented different numbers of remaining bonus units that simply didn't add up. For details on the issues that MAP identified regarding the bonus unit calculations, please review our comment letter dated April 24, 2024, which is included in Attachment B. In recognition of stakeholder concerns, the Governing Board directed staff to re-calculate the bonus units to provide a clear and transparent accounting of the amount and availability of bonus units. MAP appreciates the TRPA's attention to this matter as well.

The staff report for this agenda item states that the bonus units were previously miscalculated. There are 982 bonus units available in the TRPA's bonus units pool and 317 bonus units available in local jurisdiction pools. Based on the staff report, it is unclear whether the local jurisdiction bonus units are able to utilize the TRPA's Phase 2 Housing incentives or whether those incentives are only available for the TRPA's bonus units pool. This matter needs to be addressed and clarified for the public at the Governing Board hearing.



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MAP's primary concern is that the Initial Environmental Checklist (IEC) prepared for the Phase 2 Housing Amendments analyzed potential environmental impacts that could result from the change in coverage, density, height, and parking requirements should those incentives be utilized to develop the remaining 946 bonus units. Now, according to the staff report, it has been clarified that the IEC should have analyzed potential impacts resulting from the development of 1,299 units—a 37% increase in the total number of units. The staff report states that this revised bonus unit's development potential would not impact the findings of the IEC nor have a significant environmental impact. This is a tenuous stance that MAP cannot support without additional analysis.

Upon further review of the TRPA's bonus unit calculations, it has also become clear that the TRPA removes bonus units from its available pool for projects that have been proposed but have not yet been permitted. For example, the TRPA has removed 74 bonus units from the bonus units pool for the 39 Degrees North project. The project description for this highly controversial mixed-use project in Kings Beach, Placer County, Tahoe Basin Area Plan (TBAP) states the applicants are proposing 62 deed-restricted achievable units, not 74. Additionally, the project application was only recently deemed complete by the Placer County Planning Division, the application is not consistent with the TBAP, and they have not even begun their lengthy environmental review process. Yet, the TRPA is removing those units from their bonus units pool.

Not only is removing unapproved and non-entitled bonus units from the TRPA pool confusing, it conveys to the community that projects that have barely begun the public process will be approved as proposed. This is not the appropriate way to account for these units, especially considering the long land use process and environmental review time that new development undergoes in special places such as the Tahoe Basin.



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As you all know, many projects have been proposed that do not ultimately come to pass. On behalf of MAP, we recommend that the TRPA only count bonus units for projects that have been built, are currently in construction, or have been approved and permitted. This would be clearer and more transparent for the community and staff accounting.

Ultimately, we had hoped to see more detail in the staff report regarding the bonus units calculation, a breakdown of how TRPA counts bonus units, the potential difference between the TRPA's bonus units pool and local jurisdiction pools (if any), an understanding of the projects that are in the pipeline for deed restricted bonus units, and additional analysis of the potential environmental impacts that may result from the development of the now 1,299 bonus units.

We strongly urge the Governing Board members to ask for the TRPA and Local Jurisdiction Bonus Unit detailed accounting and for the information to be presented at the meeting or at a future meeting, especially considering the incomplete housing amendment process, with Phase 3 on the horizon. We hope the staff presentation dives into these issues to provide a clear and accurate picture for the public, as the staff report only brushes the surface. Again, we strongly support the amendments before you today and encourage the TRPA to undergo a more thorough and thoughtful analysis of the potential impacts that may result from the development of the remaining bonus units.

Sincerely,

Sophia Heidrich  
Advocacy Director

Alexis Ollar  
Executive Director

## Attachment A



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April 9, 2024

Advisory Planning Commission  
Tahoe Regional Planning Agency  
128 Market Street, Stateline, NV  
Submitted via Email

Re: Agenda Item VI.C—Discussion and possible recommendation for Technical Clarifications to the Phase 2 Housing Amendments

Dear Advisory Planning Commissioners,

Thank you for the opportunity to provide comments on the proposed amendments to the recently-adopted Phase 2 Housing Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, the protection of open space and natural resources, and the preservation of mountain character in Truckee Tahoe since 1987.

On behalf of MAP, I am writing to express support for the amendments before you today and TRPA's consideration of these important modifications. As you know, the amendments modify the last-minute changes adopted by the Governing Board at the final hearing on the Phase 2 Housing Amendments on December 13, 2023. Prior to filing our legal challenge, MAP alerted TRPA to our concerns about these last-minute changes, but TRPA did not commit at that time to reconsidering the adopted code language. We are pleased that TRPA has changed its stance on this issue. While the amendments are being presented as minor technical changes, they do have major implications.



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In regard to Code Sections 30.4.2.B.5.a and 30.4.2.B.6.a, the plain language, as adopted, does not require all runoff to be treated in an area-wide stormwater system, although this appeared to have been the intent of some Governing Board members based on their comments at the December 13th hearing. The proposed amendments will make clear that additional land coverage is available for deed-restricted affordable, moderate, or achievable housing projects only where the projects are located in an area served by a stormwater collection and treatment system. If no such system is available in the area, additional land coverage is not an option.

In regard to Section 52.3.1, Assignment of Bonus Units, the proposed amendments would ensure that 50% of the remaining bonus units are dedicated to affordable housing. This was the requirement prior to adoption of the Phase 2 Housing Amendments. During the Governing Board hearing on December 13th, a robust discussion was held regarding the number of “achievable” housing units that would be subject to the new housing incentives, namely more height, density, lot coverage and reduced parking requirements. The Governing Board limited the number of achievable housing units to 25% of the remaining bonus units. But at the same time, the Governing Board also approved language permitting the remaining 75% to be affordable or moderate housing. In land use, little words can have big implications. That code change allowed 75% of remaining bonus units to be moderate-income housing and eliminated the existing affordable housing requirement entirely. Given that there is a much greater need for affordable housing than moderate housing throughout the Basin, it is critical to ensure that the largest piece of the bonus unit pie will be dedicated to affordable housing. The amendments before you today reinstate this critical requirement into the code and remedy an important issue.



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MAP has numerous other concerns about the Phase 2 Housing Amendments that have been raised throughout the administrative proceedings and in our lawsuit. While those concerns have not yet been addressed, we support the amendments that are before you today. On behalf of MAP, please support the proposed amendments, ensure that stormwater collection and treatment is required for projects to receive additional land coverage, and reinstate the crucial requirement that 50% of the remaining bonus units be set aside for those who need it most.

Sincerely,

A handwritten signature in blue ink that reads "Sophia Heidrich". The signature is written in a cursive, flowing style.

Sophia Heidrich  
Advocacy Director



## Attachment B



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April 23, 2024

Governing Board  
Tahoe Regional Planning Agency  
128 Market Street, Stateline, NV  
Submitted via Email

Re: Agenda Item IX.C—Technical Clarifications to the Phase 2 Housing Ordinance Amendments

Dear Governing Board Members,

Thank you for the opportunity to provide comments on the proposed amendments to the recently-adopted Phase 2 Housing Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, the protection of open space and natural resources, and the preservation of mountain character in Truckee Tahoe since 1987.

As we indicated to the Advisory Planning Commission, we appreciate the TRPA's timely consideration of these important amendments and support these critical modifications to the Phase 2 Housing Amendments. Attached, please find the comments that MAP submitted to the Advisory Planning Commission prior to their meeting on April 10th, and consider those comments as you judge the merits of this item.

In addition to those comments, we would like to address another concern that has arisen during the Phase 2 Housing Amendments process, the current status of the bonus units. During the Advisory Planning Commission meeting on April 10th, TRPA staff presented new bonus unit information. MAP is trying to get an accurate picture of the amount and availability of bonus units, but we do not understand how the numbers add up.



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Section 52.3.1 of the code states that there were 1,124 residential bonus units available as of December 24, 2018. The December 6, 2023 staff report to the Governing Board stated that there are “946 residential bonus units which are not assigned to permitted projects.” December 13, 2023 Governing Board Agenda Packet (“Agenda Packet”), p. 283. The Initial Environmental Checklist states that these 946 units are the units “remaining that could take advantage of the proposed” Phase 2 amendments. Agenda Packet, p. 302.

Now, however, TRPA is suggesting that there are far fewer available units. At the April 2024 APC Meeting, staff presented a slide stating that 9 bonus units have been constructed since 2018; that 305 affordable, 2 moderate, and 35 achievable units (total 342) have been permitted; and that 176 affordable, no moderate, and 230 achievable units (total 406) are “reserved.” The total constructed, permitted or reserved is 757 bonus units. The staff presentation and chart included in staff’s powerpoint does not say how many bonus units are left.

If TRPA is using the 2018 total of 1,124 available units, this would leave 367 units that are not constructed, reserved or permitted and 773 that are not constructed or permitted. Does the difference between 946 and 773 mean that 173 units have been permitted since December of 2023? If so, what are these units?

The figures presented at the APC meeting are also different from the figures in Attachment G, Responses to Questions and Comments on the Phase 2 Housing Amendments, which states: Since 2018, some key projects that have been either constructed or are in permitting and have either used or reserved bonus units include:

- Sugar Pine Village, South Lake Tahoe – 248 “Affordable” Bonus Units (126 units are in phases that have been acknowledged, remaining units are reserved for a future phase)
- Lake Tahoe Community College Dorms, South Lake Tahoe – 19 “Affordable” Bonus Units (21 “affordable” units are reserved for a future phase, plus 1 “achievable”)
- Dollar Creek Crossings, Dollar Creek – 80 “Affordable” Units



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- ADUs – constructed, conditional or acknowledged permits, 12 “achievable” units
- Tahoe City Marina/Boatworks – 8 “moderate” income units (complete)
- 941 Silver Dollar, South Lake Tahoe – 20 “achievable” units (permit acknowledged)
- Alpine View Estates in Tahoe Vista – 4 “achievable” units (permit acknowledged)
- Saint Joseph Community Land Trust Riverside homes – 3 “moderate” units (complete)
- Dollar Creek Crossings, Placer County – 60 “achievable” units (reserved)
- Crossings at the “Y”, South Lake Tahoe – 70 “achievable” units (reserved)

Agenda Packet, p. 594.

We would very much appreciate a clear accounting of how many residential units have been built, permitted, and reserved out of the total 1,124 residential bonus units available as of December 24, 2018. This should include the specific development/applicant who has built the units or obtained permits and reservations and identifying information (permit numbers, dates of approval, addresses, etc.). In addition, from our reading, simply “reserving” a unit does not commit a developer to actually constructing the unit. It is also unclear in what cases a unit that is “permitted” is also binding (for example, does TRPA require that permitted affordable housing be built as a condition of approving market-rate housing?).

From the public perspective, the number of bonus units that may benefit from the Phase 2 Housing Amendments has been a moving target. Without clear and accurate information, it is impossible for the public to make sense of what further development is being proposed and to what extent the Phase 2 Housing Amendments may impact the future of Lake Tahoe. On behalf of MAP, we urge you to approve the critical amendments before you today and direct staff to provide an updated and clear accounting of the bonus units so that Governing Board members and the public-at-large can truly understand what the Phase 2 Housing Amendments mean for Lake Tahoe.



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Sincerely,

A handwritten signature in blue ink that reads "Sophia Heidrich". The signature is written in a cursive, flowing style.

Sophia Heidrich  
Advocacy Director

**From:** Aaron <renotahoesky@gmail.com>  
**Sent:** 6/25/2024 12:18:25 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** TRPA Governing Board Meeting Jun 26 Public Comment

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Please enter this into record for

TRPA Governing Board Meeting June 26th 2024

Re: Item VI. Housing

I oppose these changes and fully endorse Mountain Area Preserve's lawsuit against these changes! TRPA's plan to fix affordable housing is based on complete hypocrisy, is arbitrary and capricious and will not solve long-term housing. It is another step in the wrong direction.

Aaron Vanderpool

Incline Village, NV