

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

TRPA/Zoom

May 24, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 9:33 a.m.

Members present: Ms. Aldean, Ms. Diss, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Settelmeyer (10:26 a.m.)

I. APPROVAL OF AGENDA

Mr. Hoenigman deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean provided Ms. Ambler with her minor clerical edits and made a motion to approve the March 22, 2023, minutes as amended.

Motion carried – voice vote.

- III. Informational Presentation on proposed amendments to the City of South Lake Tahoe's Tahoe Valley Area Plan and Tourist Core Area Plan that would expand housing opportunities and community equity by increasing density allowances and establishing minimum densities in town centers, allowing more housing types such as employee housing, shared housing, and group home facilities, improvements to residential design standards to help streamline project review, and policies to support town center revitalization using special events, coverage exemptions, and CFA policy clarifications. Additionally, amendments would increase consistency with recently amended TRPA regulations and state regulations regarding accessory dwelling units and density bonuses for affordable housing.

Mr. Hester said today collectively between the City of South Lake Tahoe, the Climate Smart Amendments, and the Mixed-use discussion, you'll hear 10 to 12 topics ranging from residential density, mixed-use, floor area ratio, housing, land use, parking, complete streets, electrical vehicle charging, etc. Some will be mentioned by one group, and some will be mentioned by two or three of the presentations. One of the points is that when they adopted the amendments to the Regional Plan in 2012, at the request of the local governments they started to put the concept of area plans together for them to development plans in their own jurisdictions. One of the things they are seeing today is now we would have good ideas coming up through the local governments through their area plans as well as ideas from TRPA's work. You'll see ideas coming from both places and after all three presentations and at the end ask Mr. Hoenigman to summarize the suggestions that the committee feel are important from the presentations.

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Ms. Bettinger introduced the item and the City of South Lake Tahoe staff Anna Kashuba and Madison Dederick.

Ms. Bettinger said area plans were first introduced as part of the 2012 Regional Plan Update and are a critical component of Regional Plan implementation. They bring Regional Plan concepts and strategies down to the local level and allow adaptation of regulations to fit the local context. Currently, the City of South Lake Tahoe has two area plans. The Tahoe Valley Area Plan was first approved by the Governing Board in 2015 and encompasses the area known as the Y. It has a lot of commercial and tourist, residential on the south end of town. The Tourist Core Area Plan was approved by the Governing Board in 2013. That area encompasses the Stateline, Ski Run area.

There are a number of policies in the packet but in general the City's area plan amendments focus updating policies that would support workforce housing, economic development, and revitalization of town centers and improving transportation options. The purpose of today's presentation is to gather input from the committee on the conceptual policy changes before City staff make changes to the area plan document and environmental review. Those redline changes and environmental document will be submitted to TRPA for review of conformance with the Regional Plan and Code of Ordinances. If any inconsistencies that have regional implications outside of the city limits, staff would recommend that those proposals would not be approved when those amendments come through the formal adoption process through the Regional Plan Implementation Committee, the Advisory Planning Commission, and the Governing Board. The City anticipates that will begin in the fall. There will be one presentation for both agenda items.

Ms. Dederick said her focus today will be on the Tourist Core Area Plan. Ms. Kashuba is taking the lead on the Tahoe Valley Area Plan. The presentation will cover changes to both area plans and unless otherwise noted the proposed changes are applicable to both.

Ms. Dederick said area plans are comprehensive land use planning documents that provide specific development objectives and standards. They allow for planning with greater flexibility on a community scale along with providing a framework for increase in redevelopment and property investment. In terms of the City and TRPA it also creates a central permitting mechanism. The Tourist Core Area Plan is a central destination, provides full services for both tourists and permanent residents. The idea is to create a sustainable outdoor tourism recreational destination with active streetscapes with shopping, entertainment, and outdoor dining opportunities. In addition, focus on transit and alternative travel is an essential part of the envisioned destination.

Some of the implementation that has occurred on the Tourist Core Area Plan to date guide implementation and provide development standards and incentives. Some examples of the private development are the Hampton Inn, Desolation Hotel, and the Bijou Marketplace. They also promote area wide stormwater infrastructure such as the Highway 50/Wildwood area, the Bijou Park Creek Stream Environment Zone Restoration.

(presentation continued)

Ms. Kashuba said some key points from the vision statement for the Tahoe Valley Area Plan are to provide a healthy balance of commerce, employment, entertainment, and livability. To encourage retail businesses and services that meet local needs, encourage local ownership, and appeal to visitors seeking to mix with the local community. This area is tailored to local residents' needs. Lastly, to welcome visitors entering the city from the scenic corridors of Highway 50 and State Route 89. A

previous amendment was made to this area plan in 2021, this was related to Sugar Pine Village. These changes are coverage transfer, roof pitch and height, corner build standards, and parking reduction that were made on both the city and TRPA and applied to the project through a waiver received by the state for affordable housing projects. During this round of amendments, they intend to implement these changes.

Some of improvements made to the Tahoe Valley Area Plan under the current policies and strategies are shown in slide 6. In red is the private development, there is a gym, health center, housing and mixed-use projects. There were also transportation and circulation improvements which included additional striping and indicators for bike lanes. Repaving and new bike trails and stream environmental zone restoration programs, and water quality improvements such as the airport to the Y, the Y to Trout Creek, and Y to Cascade Road. Most of these include the installation of shoulders to the street as well as bike paths, curbs and gutters to help with water quality improvements.

Ms. Dederick said to this point, staff has successfully implemented the area plans that are currently established. These current amendments are looking to implement the City's housing element policies, incentivize transportation and connectivity, increase consistency with state laws regarding housing and parking. Explore ways to activate the town centers and general improvement and code corrections.

In February, they had both a stakeholder workshop and a Planning Commission workshop where they received feedback on the same topics that will be presented today. Based on that feedback there were some changes made. The Tahoe Valley Area Plan has been presented and received feedback from the City Council. The Tourist Core Area Plan was originally going to be presented but was continued to the June 6 meeting.

Ms. Kashuba said a large goal of these amendments is to increase residential opportunities. The first area they are looking at to achieve that goal is through the residential densities. They are looking at increasing the maximum density to around 65 which was the original number. Based on previous feedback received there is interest in going beyond that. They are also looking at setting a minimum standard of eight units per acre. This would help prevent underutilization of properties that are close to amenities and transportation. It also can help shift to a more affordable by design. Residential units that are naturally smaller in size due to having more on the parcel. Last year, they adopted the accessory dwelling unit ordinance that will be applicable to the area plans. They are also considering the level of review for residential projects. Currently, projects that require bonus units are put through a longer review process with additional review before approval. This is inequitable and an additional requirement for affordable projects that market rate projects do not have. The goal of the City of South Lake Tahoe and state of California is to streamline permitting for affordable projects. Also, the exploration of mitigation for the loss of residential units. This could be prohibiting redevelopment to lower densities or requiring a fee for lost units to ensure that we are not losing housing in the basin. The City Council is in discussion regarding an inclusionary housing ordinance that would apply to the area plans and would be a requirement for residential projects to include a certain percentage that are either sold or rented at affordable levels.

They are considering changing some of the use definitions. One of the goals is to create consistency between areas that allow multi-person, employee housing, and multi-family housing. From a land use perspective these uses function in very similar ways. It's odd that there is an inconsistency with where they are allowed. They are looking at expanding the general retail and personal service category to include health and athletic clubs, day spas, and funeral parlors. They are also looking to consolidate

the two existing uses, amusement and recreation, assembly and entertainment into one category. There is extensive overlap between the characteristics between these categories. One approach would be to combine those two categories, but they do understand that being a broad category sometimes allows for very different projects to fall within there. They are also exploring within that category having a capacity threshold. Projects that are over a certain capacity such as noise, parking, and traffic implications would require a higher level of review such as a special use permit.

Ms. Dederick said revitalization and economic development is an area they want to target. First, would be to allow advertising for accessory uses. Currently, accessory uses such as a restaurant with a hotel that are not allowed to advertise. The change would be to allow advertising for accessory uses. However, the overall signage would not change and be subject to existing maximum sign areas and number of allowed signs.

Next item to target is the commercial design standards and making them more objective and aligned with state requirements. Some of these things will be requiring design elements, building modulation. Just for the Tourist Core Area Plan they are looking to increase the height from 56 feet to 65 feet in the mixed-use district. This would be to accommodate a mixed-use project with a pitched roof design. This comes from project modeling of 3900 Lake Tahoe Boulevard and making it feasible with a certain amount of density.

Part of the same economic development is outdoor dining and commercial floor area will be addressed. It will target activating the streetscapes. One of the big things is creating consistency between commercial floor area requirements for outdoor seating versus outdoor dining. Outdoor seating does not require commercial floor area whereas outdoor dining does require commercial floor area. In addition, they want to develop standards that would allow outdoor dining up to potentially designated maximum amount of square footage that would not be subject to commercial floor area requirements.

Ms. Kashuba said on the traffic and circulation front and how to prepare and allow for a transition from vehicle traffic and personal automobiles to a more active and public transportation landscape. Slide 13 shows suggestions and ideas to help achieve that goal that would offer accommodations for alternative modes of transportation in place of vehicle parking spaces. For example, the first one would be a reduction in parking spaces for right-of-way improvements beyond the project street frontage. Generally, a project is only required to do that sidewalk for the frontage of the parcel width. There could be an opportunity if a developer chose to expand that sidewalk for a parcel or two down to connect with existing infrastructure. Then they would be allowed to reduce the parking spaces by whatever that equivalency is determined to be. The rest of the bullet points on the slide are also suggestions in the same spirit of moving away from the personal automobile.

Ms. Dederick said in a similar context of transportation and circulation accommodating electric vehicles and other sustainable infrastructure is something they are planning to address. They want to encourage improvements to the infrastructure to facilitate electrical vehicles. A lot of this will be reducing constraints related to coverage maximums and transfer requirements, potential exemptions or ministerial mitigation processes.

What you've heard so far are a lot of broad concepts for both of the area plans. Now, they'll move into what's more related to each specific area plan and some of the desired expansions and changes. The first one is an area plan expansion for the Tourist Core. There are two parcels that would be incorporated into the Tourist Center neighborhood mixed-use. Currently, they are both hotels or

motels. They want to incorporate them into this district which would allow the uses to be housing or professional uses, everything else would require either a special use permit or not allowed. The idea of incorporating these two parcels into the area plan is that they would benefit from increases in density and coverage as well as other incentives for redevelopment.

Slide 16. This would not be an expansion of the area plan but a district change. The City currently has a private application for this parcel. In order to consolidate some of their amendments the City has incorporated all pending private amendments into the process. This is the first time this has been presented and would like to receive feedback on it. It is currently zoned as recreation and would be rezoned to the Tourist Center mixed-use. Within the General Plan this is zoned as Tourist Center. The portion being considered is high capability land within a town center. The stream environment zone areas of the parcel next door would not be impacted. The rezoning would allow for residential uses, tourist accommodation uses, general retail, personal services, professional offices, and resource management and open space.

Ms. Kashuba said changes to the Tahoe Valley Area Plan are specifically expansion of the area plan boundaries. The first area between Eloise and James Avenue off Tahoe Keys Boulevard. This was from a private application; it was originally a Plan Area Statement Amendment application. The application was a single parcel to have the permissible uses changed. Having it be part of this broader area plan amendment process allows them to look at it holistically as well as the other parcels in the area. These highlighted parcels shown on Slide 17 are a mix of multi-family, single-family and low intensity commercial uses such as law offices, medical, and dental offices. Staff identified these uses as compatible with the neighborhood professional district. It also would bring some existing uses in this area that are legal nonconforming into conformance.

Slide 18. The second area of consideration is to expand the area plan number two along Melba Drive similar to the reasons for the first area. Incorporating these parcels would allow for legal nonconforming uses to come into compliance as well as redevelopment incentives such as land coverage and density for the multiple parcels in this area that are currently multi-family. Lastly, they are looking at including a new district the focus of which would be for residential development. Most of these parcels are currently in Bonanza Special Area 1 Plan Area Statement which is primarily for single or multi-family dwelling use. Including these parcels in the area plan, however, that list of permissible uses would not significantly change but these parcels would be able to be developed at higher densities and also having the minimum density applied. The majority of these parcels are high capability and are vacant.

Slide 19 shows how the town center could possibly change should these areas be incorporated. The two areas between James and Eloise Avenues and Melba Drive are eligible to be included as a town center however, the residential district is not.

Presentation: <https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-3-Tahoe-Valley-Tourist-Core-Tahoe-Valley-Area-Plan-Amendments.pdf>

Committee Comments & Questions

Ms. Aldean referred to the Tahoe Valley Area Plan on page 181, Residential Density where it states that the City is requesting that the allowed density bonus reference in TRPA's Code of Ordinances 31.4.1 be applicable to all properties for multi-family residential as an allowed use including properties within area plans. Is this in general or only in town centers because the spirit of the Regional Plan was

to increase density in town centers where there is transportation available for people living there and where there are essential services available?

Ms. Kashuba said she believes that would only be for town centers. That may have possibly been a newer TRPA ordinance section that was not applicable when the area plan was initially adopted.

Ms. Aldean said there's also a provision for proposed amendments which will also include a requirement to mitigate any reduction in density from existing conditions. She understands the concern about the loss of affordable units but would they disincentivize developers to lower densities in order to incorporate more amenities or open spaces for quality of life improvement. That would be regressive.

Ms. Kashuba said currently on the area plan there is a requirement for open space for residential parcels or residential developments.

Ms. Dederick said they're open to feedback. The intent is that housing is very important because they are proposing something very similar in both area plans. This is still a very general concepts and want to ensure that they are preserving housing.

Ms. Aldean suggested building into the system more flexibility. Some of these things will be subjective and shouldn't be a hard and fast rule that you disincentivize a reduction, that might be a minor reduction in density when there are offsetting improvements that improve the quality of living for people occupying those units. Under permissible uses they mention communes, she doesn't believe that there is provision in code that would permit that sort of co-habitation. TRPA has community apartments and residential units which include collective household living with facilities for living, cooking, sleeping, and eating. What is envisioned there? It's not considered a group home, it's a shared housing or co-living project.

Ms. Dederick asked if Ms. Aldean was clarifying about creating consistency between the definitions of multi-person, employee, and multi-family housing.

Ms. Aldean said it states that the City will reevaluate Appendix C, Table 1, Permitted Uses by Land Use District, a list of primary uses and use definitions and consider the following adjustments. One of those adjustments is to define shared housing or co-living projects in compliance with Assembly Bill 682 and allow them where multi-family dwelling and multi-person dwelling uses are allowed. What do they envision?

Ms. Kashuba said that is a state law and is how some employee housing facilities are defined. How it would look in the area plans is that kind of set up could already be built under some of these use definitions. The intent was to increase opportunities for housing across the board. Currently, employee housing requires a special use permit in areas where multi-person or multi-family are allowed by right. It's in accordance with the California Employee Housing Act to streamline and remove that special use barrier from employee housing projects.

Ms. Aldean said it's a bit confusing because it doesn't state that it was employee housing. She suggested they tighten up those definitions because if it's specifically for employee housing then that should be stated. Under the same permissible use section it says, identify where legal nonconforming uses exist and consider if these uses should be allowed, but on page 186, it references TPPA Code 31.4.6 which says that code provision is intended to ensure that legal nonconforming tourist or

residential densities can be maintained and managed pursuant to that section. TRPA has a code provision that allows nonconforming uses to be maintained unless there is an application to change that use. There seems to be a discontinuity between what the City is proposing here by considering eliminating those legal nonconforming uses and what the TRPA Code provides.

Ms. Dederick said the City code also has something very similar for maintaining legal nonconforming. The intention what they are proposing is to look for areas where something is nonconforming now but is an appropriate use and maybe other businesses would want to change to a similar use. For example, they have one area in the Tourist Core Area Plan where eating and drinking requires a special use permit. Changing things like that is more of what they are looking at.

Ms. Aldean said her interpretation was different. She suggested that they consider rephrasing and expanding the language to clearly define the intent. Maybe to legitimize these uses that are now legally nonconforming but have benefit. She thought it meant that they would take a look at these legal nonconforming uses and determine whether or not they should be allowed to continue.

They received a letter from the League to Save Lake Tahoe regarding the Tourist Core Area Plan and the Van Sickle parcel. This is going to require our legal counsel to weigh in at some point on this issue as to whether or not what representations were made when the Colony Inn was demolished and there was an attempt to restore the stream environment zone in that area. The League was adamant that the commitment was to allow it to remain as open space.

Ms. Gustafson commended the City for bringing this back. There's been some fits and starts and individual projects that came ahead of these amendments. This is a great step forward and how we better educate our public especially on the importance of density in our town centers if we are going to achieve our goals in transportation. It's critical to have those density increases if we are going to see increased transit use and walkability of our town centers.

Mr. Hoenigman asked if the City did any studies on the economics of the proposals to see if they will create the desired outcomes. As planners we set rules and regulations, but we aren't the ones who actually do the work. It only gets done if it makes economic sense. Did you bring in anyone or did you do the analysis of these changes to see if they induce the development wanted such as affordable housing and higher density in the core areas?

Ms. Dederick said they've done outreach with the public but haven't done any consultant work. These are meant to just be amendments. No major changes, small things to tweak to help promote or clarify the goals that are already within the area plan. The biggest change does revolve around that density. They are keeping an eye on what TRPA is doing and the direction and feedback received from the Regional Plan Implementation Committee and their City Council if something further needs to be addressed.

Mr. Hester said the City is also on the Tahoe Living Working Group and has seen the work the Cascadia has done on what the proforma's say.

Mr. Hoenigman said we want affordable housing to be built. He thinks that the direction that we'll be going with is changing the density limits to more of a form based code. Density limits along with parking requirements drive large luxury units. If you don't have those two things, you get smaller units that are naturally more affordable. Also, reducing the parking requirements, especially if it's achievable housing. They City said some of the parcels are currently vacant, are they built out but

vacant or are they undisturbed land.

Ms. Kashuba asked if this is in reference to the area plan expansions. The majority of them are untouched.

Mr. Hoenigman said Ms. Aldean is right, he reads co-housing one way because they mean probably kitchens are communal and some living spaces but separate units. It's almost more like a family dorm environment that people are doing around the country. Is that what you are intending?

Ms. Kashuba said yes, correct.

Mr. Hoenigman said that would be good to clarify. He agreed with Ms. Aldean about talking to the League about those parcels at the old Colony Inn. It is near to what is currently high density area. He would like to see more density in areas that are high density but if we're taking away something then we need to give it back. Unless that's a really special property. If it is tradable that seems like a good place to put it.

Public Comments & Questions

Lew Feldman said regarding the parcel being adjacent to the stream environment zone restoration, it's important to realize there is a single parcel that happens to have split zoning. The front half closest to Montreal Road or the shopping center is already approved with a development permit. The back half of the parcel is the subject of this expanded zoning. To clarify, that one parcel might enjoy singular zoning. Not a big stretch but we're not going to resolve that today. The elephant in the room is the distinction between outdoor dining that self-seated and outdoor dining where there is a wait person, one requiring commercial floor area and one not requiring commercial floor area is something we need to fix. We have more examples of a violation of this rule than conformance with the rule. Thank you to the City for bringing that forward and hopefully other jurisdictions, if not the Agency itself, will legitimize reality.

The additional height and density to promote workforce housing is an important addition and there's an anomaly in TRPA's Code of Ordinances that only an employer can construct employee housing. Why would you foreclose a property owner who wants to construct and have properly restricted employee housing, doesn't make sense. Lastly, in every major hotel development there is some form of accessory use, food and beverage and other uses. We prohibit separate advertising and that is an archaic rule that makes no sense. Great job in terms of the City bringing forward some infrastructure advances and applaud the efforts.

Seth Dallob and partners built over 500 units of workforce affordable housing, non-taxed subsidized in the Seattle area and has been living in the Tahoe area for 1.5 years. He would be happy to build workforce affordable housing here. Even the increased density units proposed here are not going to be enough to get someone to come in from the open market and build workforce affordable housing. Sixty units per acre, roughly will get you 800 – 1,000 square foot apartments which will rent for \$2,500 to \$3,000 per month. Keep the height restriction because that will limit the amount of units and avoid high rise buildings. The rest of these restrictions in terms of density, parking requirements, and land coverage all cost money and come out in the end in the form of rent. These specific area plans present an excellent opportunity because you can put the housing for the employees where the jobs are. You'll reduce vehicle miles traveled and be within walking distance of the jobs where these folks will live. There was a comment made that if there was higher density it will result in smaller units and that

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might not match with what renters want. He would take that risk. Right now, the alternative isn't a smaller housing unit versus a larger housing unit, these folks live in Carson City, they live out of the area and drive up or they are living five or six to a single-family house that's 70 years old. Having smaller units is not a bad thing. We can make affordable, livable, safe, clean, new affordable non-tax subsidized units that respect and are low impact to the environment. All of these well intentioned limits and caps conspire to make it not feasible.

Lynn Barnett, Wells Barnett & Associates representing the South Tahoe Association of Realtors said they have an existing public service office building in the area that's proposed to be added to the Tahoe Valley Area Plan between James and Eloise Avenues. They are the ones that have the plan area amendment application that was for that area and are happy that this is being wrapped into this area plan. They are hoping that the area is also eventually added to the town center. This neighborhood is a special area in a residential plan area statement. Back in the early 1980s a special area designation was granted, TRPA recognized that it was a mixed-use neighborhood. It has existing commercial, residential, and public services.

Kevin Prior, Director of Land, California Tahoe Conservancy said his comments are specific to the Tourist Core Area Plan Amendment. The Conservancy doesn't support the proposed rezoning of the Colony Inn back parcel from recreation to tourist center mixed-use with the justification to accommodate higher density housing opportunities. The Conservancy believes the park will be negatively impacted by the rezoning of the back parcel from recreation to tourist center mixed-use. The proposed rezoning is not consistent with the land use designations or the majority of the relevant goals and policies of the Regional Plan Update, the Tourist Core Area Plan, or the General Plan. This proposed rezoning should be removed from the proposed Tourist Core Area Plan Amendments. They believe the Van Sickle Park will continue to be boxed in as developers pursue one off developments that in isolation certain entities can view it as zoning that has no impacts to the park. They would like to see the TCAP amendments support the stream environmental zone restoration and the Van Sickle corner parcel permanently protected. The Conservancy staff believes that the TCAP update should be looking at more ways to support the benefit of Van Sickle Park to the public in this area. The park benefits the public, the City, and is a major attraction in the tourist core.

Hilary Roverud, Director of Development Services, City of South Lake Tahoe said in 2012 when the Regional Plan was updated it included a vision for revitalizing our town centers through increased density and intensity of uses. That was a real transformational change in vision with the Regional Plan in 2012. Their eyes have been opened since then given the housing crisis we are in now. In realizing the importance of housing as part of that revitalization of our town centers. She appreciated Ms. Gustafson's comments about the tie with density and transit, many in this room are on some committee or effort to try to provide better higher quality and more reliable transit throughout the basin. What they did in their stakeholder and public workshops that they held to receive comments on the area plan updates was general support for increasing densities in the town centers. However, also a lot of comments about the importance of providing an alternative to individual vehicles so people are able to thrive in an environment of higher density and get to their workplace and around the community. That was also in association with discussions about reducing parking standards. They are looking at different options to try to tie those key principles in these area plan updates together. Thank you to the TRPA staff on the coordination of these area plan updates.

There's a lot of different initiatives with the Tahoe Living Working Group as well as all the local jurisdictions working on their area plans and code amendments and coordination on that is important. If not, to just reduce confusion for the public. The City has bi-weekly meetings with TRPA staff to go

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through these updates and working closely with the information TRPA is providing to the working group on the economics of development. This question and concern about developing large low density projects in the town centers is something their City Council is looking at as well. That is the intent behind providing the first zoning to included minimum density to be proposed in the Tahoe Basin to ensure that within that form that the envelope they are allowing to be built in that they don't end up with low density projects that are not in line with their intent of trying to create higher density in the town centers.

Gavin Feiger, League to Save Lake Tahoe said today they are talking about the Van Sickle parcel, the rezoning in the Tourist Core Area Plan Amendment. They'll have plenty of time to talk about the other pieces of the amendments. They agreed with the comments of Mr. Prior. There are short term rentals planned for this property. It wasn't a split zone property; they were two different properties that were joined together with two different zonings by the developer. The developer also owns the corner parcel that the Van Sickle entrance goes through with short term rentals planned for that also, fairly low density. He encouraged them to drive by this property and try to imagine what it would look like with a bunch of luxury condominiums on it. Their letter outlines why those parcels should not be developed, let alone rezoned and developed more.

Doug Flaherty, TahoeCleanAir.org said the proposed increases in density, height, coverage, and parking decreases increase human and roadway over capacity which leads to adverse cumulative incremental environmental impacts. Cumulative results in the Tierney of the incremental impact. A small decision when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts result from individually minor collectively significant actions taking place over a period of time. This is what is resulting here that TRPA and its partners are on a relentless quest to increase human and roadway over capacity. Any of these proposed changes must undergo a complete environmental impact statement that discusses among other environmental impacts the dangerous over capacity situation that are presented because of the lack of a roadway by roadway wildfire capacity evacuation evaluation. TRPA and its partners must consider the fact that visitors and residents together are impacted by this peril.

IV. Climate Smart Code Update

TRPA staff Mr. Stock, Ms. Kubose, Ms. Giraldo, Ms. Rizo, Mr. Macon, Mr. McNairn from the University of California, Davis

Mr. Stock introduced the informational presentation on proposed amendments to the Code of Ordinances that would promote climate resiliency and adaptation. TRPA partnered with these Graduate students from the University of California, Davis who are soon to be Master of Science in environmental policy and management.

They didn't want this to just be a student project. There's a lot of work to do on the Code and adapt to become more resilient. They wanted the work that they are doing with these students to be work that they'll implement. The UC Davis students worked with TRPA staff Mr. Stock, Mr. Middlebrook, and Ms. Ms. Smith. Thank you to the Permitting and Compliance Department who consulted with them as they brought them different proposals.

Ms. Giraldo focuses on climate change, science and policy and works in the intersection of natural resource management.

Ms. Rizo focuses on energy and transportation planning, specifically on environmental justice topics.

Ms. Kubose specializes in city and regional planning who did her summer internship with TRPA last summer.

Mr. Macon specializes in water resource management and climate resilience.

Mr. McNairn is focusing his masters in urban and regional planning with some focus on water resource and natural resource management.

Ms. Kubose said last October, TRPA held a workshop to prioritize a list of climate smart code amendments that TRPA had been working on that she assisted with during her internship. This prioritization activity allowed TRPA staff and the policy clinic group to see which ideas they should consider moving forward on for this immediate term. Governing Board members voted on ideas as well as offering additional suggestions.

Ms. Rizo said a big part of the project in the beginning was defining the scope of work and what was going to be feasible to accomplish in the given time frame. They produced three deliverables which include the outreach and participation plan, the draft code language, and public education documents. The stakeholders were consultants, city planners, and leaders who helped them further refine the priorities they were going to be working with. The final four categories were determined on the feasibility of implementation. Due to the time frame, they didn't work on anything that would require an additional environmental analysis.

The final categories were the reduction of traffic congestion to and from temporary events, the promotion of electric vehicle charging, the removal of barriers to small scale energy generation, and updating exterior light requirements for dark sky preservation.

Ms. Giraldo said they created a stakeholder engagement plan and an outreach and participation plan. These documents helped identify who, how, and why they were going to engage the public. The analysis led them to understand that they needed to develop a working group to engage with stakeholders with technical knowledge on the four priority topics. They conducted three working group meetings. The meetings helped identify the barriers and opportunities in drafting the proposed language. During the meetings they also used interactive digital presentations where they encourage participants to engage using different avenues. At the last meeting, they took the proposed language back to the stakeholders to get feedback to refine the proposal. Each meeting had an average of eight participants.

Ms. Kubose said priority number one, traffic reduction from temporary events. These were to promote walkability and bikeability in town centers. Require visitor travel plans as well as the Sustainability Action Plan, page 4-32 which is the events commission sustainability action. Tahoe experiences large events year round throughout the basin. The goal is to reduce traffic congestion and reliance on cars by promoting alternative modes of transportation. The main limitation is the infrastructure and the transportation programs. They learned that a number of annual events that take place in the region don't necessarily need to pull permits from TRPA. They recommended that TRPA work closely with local partners to ensure that transportation plans are prepared by temporary event organizers. The City of South Lake Tahoe has in their application process for major special events a section for traffic, transportation, and a parking plan.

Mr. McNairn said the second focus area was the promotion of electric vehicle charging. This was taken from the overall priorities and direction from the Governing Board to focus on streamlining the installation of EV charging structures. They looked at partial coverage exemptions, overall, the removal of barriers to efficient choices of charging. There was a direction to address guidelines for electric watercrafts, however, this was beyond their scope and staff at TRPA are working on this as well. Key issues they found facing the installation of EV charging infrastructure is the potential of increased costs of the actual development area. They want to create incentives to install this infrastructure but also don't want to create loopholes especially with the coverage exemptions. They are in an interesting position where they can both incentivize but also require these ideas for redeveloped areas. Overall goals are to expand access and for all EV users but also protect thresholds and promote universal chargers for all EV users.

The recommendations are to set EV capable standards for all parking areas in all land use types. Streamline installations for all infrastructure with partial coverage exemptions and define chargers in the Code of Ordinances as well as any terms associated with charging. These ideas were taken mostly from CalGreen codes and the Nevada Department of Transportation National Electrical Vehicle Infrastructure (NEVI) Plan in Nevada. Also, in an attempt to cover some of the Sustainability Action Plan items.

Mr. Macon said the third area was the removal of barriers to small scale energy generation particularly, solar energy infrastructure and not looking at wind or biomass at the time. The direction from the Governing Board in October was to largely remove barriers to solar infrastructure. During their outreach with stakeholders and some targeted outreach to consultants that install solar panels in the Tahoe Region, a lot of the barriers stemmed from current scenic requirements and limitations on reflective materials on rooftops which is directly related to solar panels today. It also included how coverage is calculated for ground mounted solar. Right now, the entire surface of solar panels would be considered coverage even though they are mounted above the ground of three feet or more and don't impact drainage nearly as much.

There's an unclear permitting process for roof top solar particularly in the shoreland area or scenic corridors. The goals were to streamline the permitting process, clarify the code language in relation to solar energy infrastructure and to consider solar energy and green infrastructure to enhance rather than a burden. Their recommendations are to consider a qualified exemption for roof top solar with an additional non-reflective component when it's in the shoreland or scenic corridors to address those reflective concerns. To provide an additional height requirement when installing solar on roof tops, include a partial coverage exemption for ground mounted solar and would be modeled after the bear box language that exempt bear boxes that are above the ground but not the mounting structure. Include a health and safety consideration when removing trees for solar installation.

Mr. McNairn said the final focus area is the dark sky standards. These recommendations are aligned with the current program in South Lake Tahoe which is converting pedestrian lights along the Highway 50 corridor to dark sky compliant lighting fixtures. This is also following the Governing Board priorities to update light requirements for efficiency and dark sky. Key issues were the enforcement of the lighting standards as well as overall basin wide knowledge of the updated exterior light standards. Some limitations where the proposed language is the minimum standard to meet the International Dark Sky Association requirements for the certification. There's a lot more language to consider but this is a good first step. There's also the issue of compliance and enforcement basin wide. The long term goals for the basin and TRPA are to become internationally dark sky certified and require efficient

outdoor lighting. The overall recommendation is to add dark sky requirements to the exterior lighting standards with two specific additions that the color temperature should be below 3,000 degrees kelvin and the lighting output limitation should be held per land use.

There overall recommendations are to work with local partners, consider requiring a transportation plan for temporary use permits that promote alternative modes, streamline the installation of EV charging stations, consider qualified exemptions for roof top solar, and add dark sky requirements to the exterior lighting standards.

Mr. Stock said staff will eventually be bringing back proposed code amendments on these items.

Presentation: <https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-4-Climate-Code-Presentation.pdf>

Committee Comments & Questions

Ms. Gustafson asked if they considered different size events having different requirements.

Ms. Kubose said they didn't consider the size of events. The City of South Lake Tahoe has a major events category. They have check boxes for example, including a map for nearby transit stops, bike and pedestrian access, and encouraging alternative modes.

Ms. Aldean said you can distinguish between events that are major in nature because of the breadth of the advertising. If the event is attempting to bring people into the basin is one thing, if they are local in nature, that needs to be evaluated independently. We need to be able to make that distinction. With respect to the partial exemptions, they recommended for the EV charging stations and ground mounted solar. How much is that "partial" exemption? It needs to be specific in the Code of Ordinances.

Mr. Macon said the idea for ground mounted solar was the entire area of the solar panels would be completely exempt but the mounting structure which is about three feet in diameter would not be exempt from the coverage. The solar panels are three to five feet off the ground and would be exempt.

Ms. Aldean asked if the ground mounted structure for the solar panel is larger than the footprint for an EV charging station or a bear box support.

Mr. Macon said it would be larger than the bear box support. He cannot speak for the EV infrastructure because that varies on the EV charging capacity. For example, the high speed charger would have additional infrastructure built alongside the charging station. Where a low capacity charger is a small stand that works off the current energy infrastructure grid.

Ms. Aldean asked if these recommendations will be refined to include specific percentages with respect to exemption.

Mr. Stock said yes and will be evaluated for environmental conformance. They discussed a couple of different ways to do a partial exemption for EV charging. The average footprint of a level two charger was about four square feet and then allowing that standard exemption for up to four to five chargers.

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Ms. Aldean asked if consideration was given to require all solar panels be made of non-reflective material. Was an analysis done with respect to the cost differential between using non-reflective materials versus reflective materials and whether or not it would be reasonable to require that all roof mounted solar panels be required to use non-reflective materials.

Mr. Macon said that was considered and the final determination was to only require non-reflective materials where there are scenic standards that are influenced by it. If they wanted to make it a blanket requirement, that would be a reasonable requirement. Most of the solar panels that are installed in Tahoe are already made out of a lower reflective material. They didn't feel that a structure that wasn't close to neighbors, why should they require someone to have non-reflective material if no one will be impacted by it. There may be a consideration applied that if a structure were in a denser neighborhood where it could be a nuisance, it could be a requirement.

Ms. Aldean suggested possibly an expedited approval process for applicants who come in with a roof mounted solar project other than in a scenic corridor that uses non-reflective material. If someone was using non-reflective material, there might be a bigger investment for the applicant, and they will expedite the processing of the permit if someone goes that extra mile.

Ms. Aldean referred to a typo in the third line of section 21.3.1. She thinks you meant to say as opposed to "home" occupations.

Mr. Stock said yes, that's correct.

Ms. Diss suggested that they use a term such as "alternative" or "non-auto" forms of transportation rather than bikes. She recommended that for both Sections of 22.7.6.B

Ms. Hill said in Washoe County their events go through business licensing and sometimes rise to the extent of going to the Board of Adjustment or a lower board that doesn't have to do with the Tahoe Area Plan. How will they ensure that these get into all the jurisdictional codes?

Mr. Stock said they have discussed two different options. One would be more of a policy partnership option where they would work with the jurisdiction staff to determine how to work that into the permitting system. The other option which is not necessarily exclusive to that would be applying these requirements for a temporary use permit. For example, if any event in Washoe County that would require a temporary use permit might reach a major special event threshold. There would be a policy and regulatory possibility for how to enforce.

Ms. Hill said she recently had a constituent reach out to her about dark sky lighting in the casino area of Washoe County. They are barely meeting their dark sky requirement in that area because she reached out to code, and this will help them fine tune those policy and requirements. When they go through their area plan amendment this is good timing for them.

Mr. Settelmeyer said he'd appreciate any information that can be provided prior to the vote on that. He looks at the concept of exempting solar panels from the reflectivity rule. If they did have the non-reflective, how much does that potentially decrease energy efficiency in solar panels? He's ran into that in the past with homeowner associations throughout Nevada that started to dictate that they had to be Terra Cotta color. By doing so, that took 40 percent of the efficiency away. It would be interesting to see the data on that. If they went to that, is that the issue that prohibits people from solar or does it create an increased cost in it. He'd appreciate seeing the information ahead of time,

even the discussions they had on the EV charging stations. You talk about the concept of having universal EV charging stations and agreed with that, but the worst problem is that if they can force the industry first, that's great. He assumes they are sticking to the two major ones, JW32 as well as the Tesla charger which primarily make up the bulk of 80 to 90 percent of EV type charging stations. To require a total universal one, you'd have to have from Chemgo to Hydrogen, and the list keeps going. There's quite a list of manufacturers to consider. It's good that we are finding alternative sources versus fossil fuels. Also, the discussion they had about requiring visitor travel plans, he assumes that is only related to large events.

Mr. Hoenigman said in the presentation there was a percentage of EV chargers for multi-family projects. Where did they get that number? He believes in California they are at 20 percent or over for EV adoption already.

Mr. Macon said it's primarily from the CalGreen language. There isn't language in CalGreen about redevelopment. They wanted to ensure that the ten percent was both. As far as he knows there is not a lot of new development going on and recommend that standard for redevelopment as well.

Mr. Hoenigman said as we think about all these housing standards that we're proposing that we add to it. If the solar is over a parking area or EV on a parking area seem like areas, they'd want to incentivize. Would there be any break in coverage there, for example for a carport?

Mr. Macon said they didn't propose this language in the package, but it would make sense that if it were over an area that's already covered then it wouldn't add additional coverage to the calculation. The only thing might be the mounting structure that is typically on the outside of the parking structure or carports. But if it's contained on what's already paved over, he doesn't see that there would be any additional coverage added to that.

Mr. Stock said they can explore additional incentives for that type of solar installation.

Public Comments & Questions

John Friedrich said he's excited about all these proposals and hopes they adopt them all as a starting place and continue to look at additional climate code opportunities. He agreed with Mr. Settelmeyer about adding too many barriers to the adoption of solar panels. Solar panels are designed to absorb sunlight and not reflect it to generate electricity. He's never heard complaints in the basin about solar glare, the technology is improving. We should be looking at ways to encourage it and not put up regulatory barriers. EV charging coverage, like solar, a lot of it will be on existing pavement, coverage parking lots. Where there's new EV charging perhaps, we can look at ways to disincentive through higher fees of parking that doesn't include EV charging to mitigate for new EV charging. The City of South Lake Tahoe started to install dark sky lighting last week on City lighting structures in the center of town. They haven't done a dark sky requirement for all private properties yet but anything they can do to reduce that kind of light pollution and glare is a step in the right direction.

Doug Flaherty, TahoeCleanAir.Org said while Tahoe Clean Air generally supports the concept and informational report associated with the presentation today. Tahoe Clean Air opposes the following item contained in the Climate Change Smart Update, 61.1.4.c.1. The proposed code language if adopted by TRPA would continue to allow incremental adverse impact and degradation to the environment by allowing subjective and arbitrary removal of trees of over 30 inches within the western forest and over 24 inches within the eastern forest without a region wide cumulative impact

environmental impact statement. He said it's good to have an events transportation plan, but part of that plan must address a roadway by roadway wildfire evacuation capacity evaluation as well as winter peril evacuation. The plan should comply with Chapter 2 Land Use element Natural Hazard NH-1.3. This is something TRPA has failed to do per their own land use plan that states that you must inform visitors of the wildfire hazard associated with occupancy in the region. TRPA continues to fail to warn visitors of this wildfire hazard.

Courtney Weiche, Senior Planner, Washoe County thanked the UC Davis team and TRPA staff for a collaborative effort in looking into these climate code updates. As part of the Washoe County Area Plan amendment, they'll consider some of these recommendations.

V. Discussion for a proposed regional definition and minimum standards for mixed-use development

TRPA staff Mr. Stock provided the presentation.

Mr. Stock said mixed-use is an important aspect of the Regional Plan aimed at promoting pedestrian oriented development in town centers and reducing reliance on personal vehicles. It's come up recently through the Washoe Tahoe Area Plan for the proposed amendments for that plan to allow a condominium subdivision. It's important because the Tahoe Area Plan ties condominium subdivision in the Incline Village Town Center to mixed-use development. Through the discussions, the Regional Plan Implementation Committee and Advisory Planning Commission asked staff to explore mixed-use definitions and minimum standards that could apply in the Tahoe Region.

The Urban Land Institute defines mixed-use as development that fosters three or more revenue producing uses such as retail, entertainment, office, and residential. Uses that foster integration and density and compatibility of uses. The uses within the development complement each other. Residents or patrons of the business, maybe employees, the businesses can rely on those residents as well. From the regional perspective, mixed-use can and should promote walkable communities.

A co-location of mixed-uses can reduce vehicle miles traveled and dependance on private vehicles because it makes it easier for folks to travel between homework, school, recreation, etc. without the use of a private vehicle because all of those services are provided within a smaller geographic area. This also gets into the idea of complete communities. This is a smaller area where all the residents' needs can be met within a smaller physical area. In order to make this happen, there needs to be implemented regulations to do it right.

They looked at what other jurisdictions were doing to define and set standards for mixed-use. This generally falls into two buckets with the definition of what are compatible uses, how are they located, and in what proportion of residential to non-residential. There also needs to be minimum standards for design access and affordability in order to make those mixed-use developments successful and meet those traffic reduction goals.

Getting the right proportion and placement of residential and non-residential uses are crucial to successful mixed-use development. One thing that they've seen that's been successful in other jurisdictions is requiring non-residential uses to be located on commercial frontage.

Floor Area Ratio (FAR) addresses the challenge of calculating density when you have different use types that require different density calculations located on the same parcel. FAR is a ratio of the floor area of the structure to the square footage of the parcel. For example, the FAR of one could be a one

story building that occupies the entire parcel. A two story building that occupies half the parcel, or a four story building that occupies one quarter of the parcel. Other jurisdictions have had success using FAR to create a common language for building mass and density when you have different uses combined on a parcel.

Defining permitted uses is another important aspect of defining and regulating mixed-use. They found that broadly allowing compatible pedestrian oriented uses would be appropriate, particularly given that they are a regional agency, and that level of zoning is reserved to the area plans. Other jurisdictions also allow lobby space to count towards non-residential space if the developer is able to prove that retail or other active non-residential uses are in-viable and is something they may also consider.

Affordability is crucial to viability of mixed-use development. The VMT reduction that you get from mixed-use relies on full time residents using the non-residential amenities that are co-located with or near their homes. As a result of development, all seasonal second homes wouldn't support mixed-use. In addition, there is an unmet need for affordable housing. The increase in luxury development creates a demand for more workforce housing. Including an affordable housing element within mixed-use is important and addresses the affordable housing need in our communities as well as allows mixed-use development to be more successful and viable.

Parking is another crucial component of mixed-use. High parking minimums can increase the cost of development. They divert space from other desired uses and can undermine the pedestrian oriented nature of mixed-use by creating pedestrian vehicle conflicts. The placement of parking is also important. They suggested that a no parking minimums for mixed-use. They found from their research that jurisdictions that have no parking minimums don't necessarily result in no parking, it just allows the market to produce the amount of parking that's necessary for a given development. In mixed-use that's often less parking.

Generally detailed design standards are addressed at the local level but there are some standards that are crucial to the success of mixed-use development. Those include standards for ground floor height and façade that promote pedestrian accessibility. Standards that limit the conflict between vehicles and pedestrians are the parking piece, sidewalks and other pedestrian improvements including ingress and egress as well.

The next step is to establish a mixed-use definition and standards for the Washoe Tahoe Area Plan. This will allow Washoe County to implement the existing policy which ties condominium subdivision to mixed-use development in the Incline Village Town Center. After that, they'll be working with stakeholders such as planners from the local jurisdictions and non-government partners as well to develop a regional definition and standards that can apply across the basin for mixed-use. All this will come back to the Board for review in the future.

Presentation: <https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-5-Mixed-Use-Definition.pdf>

Committee Comments & Questions

Ms. Hill has heard from constituents that had concern that this was being rushed. They can always change if they find that there are problems with these code requirements. According to the District Attorney's office they were not permitted to do these types of standards with their area plan amendment or require these of the developer when they initiated that amendment. This empowers

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Washoe County that they are doing the right development for the community.

Ms. Diss said in the permitted uses section in the report and presentation it references having a broad and flexible definition because we are regional in nature and agreed with that. Have you encountered in your research and any other communities some best practices around keeping it broad but also having a level of specificity? For example, there's a retail office and residential and then ends up being all luxury retail and then offices so, the people living there don't have anywhere to buy groceries. You are not reducing VMT for daily use of those people if it's retail that's attractive to tourists.

Mr. Stock said yes that's part of the list to see how other jurisdictions have promoted businesses serving locals or businesses serve a particular need. For example, in the City of Los Angeles they use an FAR bonus for defined community benefits. One of those would be day care centers that wouldn't count towards the FAR calculation for those buildings.

Mr. Marshall said there is also a tie into VMT. The more local serving retail you show, the reduced impact the project has. There may be some ways to look at that issue, not just from the mixed-use definition but also how they provide an incentive to get that mixed-use for VMT purposes.

Ms. Gustafson said the various communities are very different. Tahoe City is almost 100 percent walkable within a block of any developments. Restrictions might be different there than in South Lake Tahoe where there are wide distances between areas of the town centers. We want to keep that flexibility, maybe eliminate real estate offices in some areas on first floor retail in downtown because they do see a prevalence of that. And the Town of Truckee recently dealt with that issue. Looking at the defined mixed-uses, you didn't list entertainment. There is some small scale entertainment like exhibit space, etc. Could that be incorporated into non-residential first floor uses? She's seen more and more pop ups whether it's axe throwing, or other types of entertainment that maybe don't fit retail. Or art galleries that can still attract usages.

Mr. Stock said that was an oversight in writing that. Entertainment can be a great anchor for these town center areas.

Ms. Gustafson also said on the workforce housing or deed restricted, just continuing to look at the different communities, affordable, workforce, and achievable. Each community has different needs and income levels that they need to serve. We need to be as flexible as possible in looking at those standards.

Ms. Aldean echoed the other comments. With respect to where it says "TRPA should also consider setting a minimum requirement that ground floor street frontage in mixed-use developments be designed for pedestrian-oriented, non-residential uses. Developers could be permitted to include lobby space as non-residential use where retail is not viable. Would that also include a temporary sales office, or a permanent leasing office even though it's not specially called out?

Mr. Stock said he'll look into that and get back to her.

Ms. Aldean said commercial real estate has taken a real hit in recent years due to internet sales, etc. They do need to maintain a certain degree of flexibility to get these spaces rented to appropriate users. To a certain extent, the market is going to control what is or isn't viable. We should be permissive for what's acceptable.

Ms. Aldean said when you refer to sidewalks along commercial streets, they have to be a minimum

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width of ten feet. Covered sidewalks should be encouraged and are essential if we're truly interested in walkable communities. It would encourage people to shop in that location during the inclement weather months. She's not suggesting that it should be mandatory but it should be encouraged.

Mr. Hoenigman said we've received a lot of comments on this. Relating to the market driving retail, there were many comments about the lobby being made allowable as part of that retail space. That's pretty common in communities. If retail makes sense, you try to get as much of it as possible because it's paying versus a lobby that's not paying anything. But allowing for that still allows for that active street frontage that you want. We will need to be as flexible as possible on what uses are possible in that retail because the internet has decimated most retail.

There was a comment about the blank walls requiring treatment and there was a recommendation that it be based on being over a certain size. The idea is that if we are suddenly getting taller buildings and they are up against property lines, a lot of time in cities you get blank walls, and we don't want those.

There were comments about the enforcement of deed restrictions. What are we thinking about in that area? Also, there were a lot of comments about cumulative impact. We are not talking about increasing development but rather squishing it into the town centers where it becomes walkable, transit service and replaces poorly performing properties in terms of runoff and lack of stormwater treatment with properties that are brought up to code and up to date in that area. And it doesn't increase the population or tourism or in addition to what was considered in the Regional Plan Update. Development is going on but it's in the wrong places and the wrong style. We're getting luxury developments and gigantic single-family homes that don't serve the people who work here.

Unless our changes are going to get us more affordable or achievable, he doesn't want to change any of them. He doesn't want to give any more density or change the code allowances because what we need in the basin is achievable housing for the workforce and affordable housing for the people who can't afford to live here. You can build a multi-family project in Incline Village right now but if you want to build one that's for sale, we have the need to request that some of that becomes affordable instead of luxury housing. Any FAR increases need to be tied into the provision for affordable housing. Anytime in the future that we allow people to convert from commercial or hotel to residential it should only apply to affordable for achievable housing. We need to have a mix and communities need to be flexible. That is something we are going to be working on, allowing them to figure out what that can look like and might be an option for the developer. A lot of cities provide some percentage of different levels of affordability to meet the requirements.

In the last presentation he asked if there was an analysis on what makes sense for the percentage of affordability that they are asking for and whether these changes are going to incentivize market rate developers to do what they want. He would like staff to look at what percentage of market rate residential developments should be set aside for affordable, moderate, and achievable levels so we are maximizing. We need more achievable and affordable housing than we have units left to develop in the basin already.

Ms. Aldean said with respect to FAR, in the presentation there was one parcel that was 100 percent covered. We need to reinforce the fact that at the end of the day we are going to stay within our code limitations and height limitations which will not be amended. Having said that, if you are developing an affordable housing project and its 100 percent coverage on site, that's going to require the importation of coverage or a corresponding offset. Have you thought through this?

Mr. Hester said at the retreat, they talked about maybe not using coverage but using stormwater infrastructure which achieves the same objective as coverage. That's the direction Cascadia consultants said to go. If you want to utilize the site in addition to reducing parking, you may want to put in stormwater infrastructure along with sidewalks, and curbs and build the stormwater infrastructure so it captures all the runoff that would have been captured with less coverage.

Ms. Aldean assumed that is going to require a code amendment.

Mr. Hester said it will require some environmental analysis.

Mr. Marshall said the Tahoe Living Working Group will be looking at height, density, and coverage issues with regard to providing housing.

Ms. Aldean said included in that there will need to be a financial analysis. The person who made a public comment earlier apparently doesn't use subsidies for development of affordable housing. It might affect his ability depending on the cost of the infrastructure improvement work, his ability to offer his services.

Mr. Hester said yesterday at a meeting with our Ms. Navarro, TRPA's Water Quality and Watershed Program Manager who is doing some projects with public funding. The City of South Lake Tahoe mentioned the complete street and stormwater project that they are working on in Stateline. Those kinds of infrastructure improvements that we may have to get public money for could be used as an incentive or as a subsidy. A lot of places, stormwater infrastructure is required of subdivisions, but we don't have subdivisions in Tahoe.

Mr. Settelmeyer said he looks forward to this conversation in the future and trying to balance it within the confines of people's property rights will be an interesting subject.

Public Comments & Questions

Lew Feldman said TRPA has had a mixed-use density component for decades. Recently, a mixed-use project was approved that garnered some conversation. The Latitude 39 condominium project has about 3,700 square feet of restaurant. A residential condominium generates 4.5 trips or 21 VMT and a 3,000 square foot restaurant generates 1,374 VMT. A mitigation fee for a residential unit would be \$4,120, for the restaurant mobility mitigation fee would be \$30,000. The presentation today was outstanding. The idea that parking is negotiable is an important concept because in Washoe County for example, there is one parking space per 100 square feet for medium turnover restaurant. A 3,000 square foot restaurant would require 30 parking spaces. If you have a vertical development with subterranean parking, the minimum cost you'll get for underground, covered parking is \$60,000 per space. If you complied with that parking ratio, you'd be looking at \$1.8 million just for the restaurant parking.

It's a slippery slope when we start talking about minimum floor area ratios for mixed-use development in the basin in particular because of the added cost to projects may otherwise advance environmental redevelopment. He generally likes the idea. Including within the definition of mixed-use whether it's achievable of other form of workforce housing. It's a slippery slope where the economics need to be understood and doesn't think we have any economics other than he can tell you that applying the parking ratios that would otherwise be required would make these projects infeasible for

the most part. This isn't the time to develop brick and mortar retail. The components of mixed-use are challenging now. What that mixed-use can be to support any meaningful redevelopment is where the focus needs to be and where the status quo is going to prevail. Not sure that it's broken, and we need to fix it, but it appears that the train has left the station. He agreed with Mr. Settelmeyer's comments about property rights.

Hilary Roverud, Director of Development Services, City of South Lake Tahoe said this is an important clarification in the TRPA Code. We need to ensure that these mixed-use definition components are considered within the context of all the policy change discussions. There was a discussion about the Tahoe Living Working Group and their work on housing. When you have a mixed-use project, there's often one use that is offsetting value of another use and that looks very different when the residential component of it is purely privately funded versus residential component that is affordable housing utilizing public financing opportunities and funding. As these definitions are being defined, we need to take all of that into consideration as well, which is primarily what the working group has been discussing. They would like to be involved in the conversations for the floor area ratios. There are a lot of benefits to moving to FAR as outlined in the staff report.

She would like a conversation on how that can be paired with a minimum density in areas where that is appropriate in order to ensure that all the allowable floor area isn't utilized for very low density, a single unit where they want higher density and smaller units. With respect to the inclusionary housing component, it is also important strategy in attempts to develop more housing affordable to the workforce. Placer County also has an inclusionary housing ordinance in place. The City of South Lake Tahoe is working on one. Their City Council has gone through the process of preparing nexus and feasibility studies to determine what is that right percentage. Their council will be hearing more information on that in August. If there is an inclusionary component integrated at a regional level, that we are in lock step with the local jurisdictions to make sure that we are not creating confusion about what the requirements are and making sure that those inclusionary requirements are appropriate for different places around the basin and developed in compliance with state laws.

Gavin Feiger, League to Save Lake Tahoe said they are in favor of most of this. They spoke in February and again in April talking about the Regional Plan and Performance Measures and benchmarks and how we need bold action to reach them. They are supportive in putting the remaining development into town centers as much as possible if not, exclusively. These mixed-use definitions go a long way in that direction. There needs to be some flexibility, but this is also TRPA's role as regional. Maybe there's a baseline or window that the different counties can operate within, but their role is to create some region wide consistency and to keep pushing the envelope a little bit to reach our goals. They like the FAR but the devils in the details. Also, lining up with the great work of the Tahoe Living Working Group. There's a lot of crossover between those. Most of the area plans in Tahoe are being amended or updated this year. With all the moving pieces, it's a great role for this committee to figure out how to meld them together as much as possible. There are things like parking and some of the mixed-use that were talked about today. Inclusionary zoning can happen quickly and can have a big effect while we're ironing out the rest of it. Coverage is still giving them some heartache.

Steve Dolan said mixed-use and mixed message in a way. Earlier there was a discussion about a minimum coverage including eight people or eight units and now you are talking about parking that has no minimum. Mr. Hoenigman and Mr. Feldman alluded to how the market will respond to parking and costs. His understanding is that if development can go from the sky to hell that's where the housing will be and there won't be any parking. That's a monetary concept but the other reality about this is with the minimum densities and no minimum parking. He fought the Oakland Fire and the

number one problem in Oakland at that time was narrow streets and cars on the road. And if you don't have parking for cars, they go to the road. It's pie in the sky if you think that people are not going to drive up here. There's no train access to the lake. Currently, we're trying to develop a transit system that's probably 20 years out. When you start to think about these types of densities, in fact in Incline, houses are applying to shrink their minimum parking which the fire departments say that's then just going out onto the street and they will not be able to get through. He asked them to consider these minimum values in density and parking, they are a little bit dangerous.

Kristina Hill, planning consultant and former TRPA employee said anytime she does a project, the application requires that findings be made. As with code amendments and there's many being considered by the Agency, she's not seeing any findings being made. She doesn't see that the findings required under Section 4 of the Code demonstrate that the project or amendment is achieving and maintaining threshold standards. It's important that when they look at these suggested code amendments that staff include written findings in the report so that we are assured that these new concepts and provisions are going to be in compliance with the threshold standards.

Doug Flaherty, TahoeCleanAir.org said there's always this discussion that revolves around a statement without adequate or substantial evidence that these types of changes are going to result in attainment for affordable or achievable workforce housing, etc. The discussed desired outcomes to attain or obtain affordable and/or achievable workforce housing are subjective, capricious, highly controversial, and the desired outcomes are highly unlikely. The desired outcomes would require TRPA to have a crystal ball to substantiate such outcomes based on the lack of substantial evidence.

Ann Nichols, North Tahoe Preservation Alliance said we have to stop confusing everybody with this terminology. On Ms. Fink's recent discussion and Power Point had workforce as where you usually see achievable. Then the lower income was affordable. It needs to be the same with workforce at the bottom, then affordable above that. They've realized that achievable was completely a joke because it was 250 percent of the average median incomes. You did fix that which was great but there needs to be uniform terms. In Ms. Fink's Power Point, the workforce is 180 percent of the average median income, which means it would be a one million dollar condominium. Next, get rid of the two-step process. If you approve this, that's what's happened to our housing, all these multi-family zoning with the two-step process became luxury condominiums. Once you stop that, it will be a huge boom. That's why we never got any affordable multi-family apartments. Wasn't the picture in Ketchum, lovely, it was three stories. Do we have to go so high to make this work? Full time versus part time, we have a unique economy. This is not something to rush, just because Nine 47 is coming up doesn't mean you need to crank something out that's not going to work and maybe we can change it later. With Nine 47, we need to figure it out and here's the mixed-use, a place where you can deposit a check, that's banking? Let's do this right.

Committee Comments & Questions

Ms. Aldean said the problem with eliminating the two-step process is that you eliminate the opportunity for unit ownership and doesn't think we want to do that. Some people would prefer to rent than to buy. But if they don't have an opportunity to subdivide a project that's affordable then they'll never have an opportunity to take that next step and acquire something which enables them to move upward. While she appreciated Ms. Nichols' comments, she believes her comments about revising or narrowing our focus in respect to definitions is an important one, workforce housing is not necessarily at the bottom. If you are looking at service jobs, those pay less but you are also looking at jobs at the fire or police department where those people are unable to afford housing in the Tahoe

Basin. That too, is workforce housing. There is kind of a sliding scale. To the extent that we can refine our definitions, that's a worthwhile suggestion.

Mr. Hoenigman said regarding Mr. Settelmeyer's comment about property rights. We are not in any way taking away rights, we are giving people incentives to incentivize the behavior that we like and want in this basin which is more affordable housing, walkable communities, and achievable housing for our workforce. Staff have been very sensitive to that.

VI. COMMITTEE MEMBER COMMENTS

None.

VII. PUBLIC INTEREST COMMENTS

Ann Nichols, North Tahoe Preservation Alliance said regarding the new multi-family code proposal. Mr. Cowen said the way you cap development in the basin is through height, density, and coverage which was all increased in 2012 with the new Regional Plan. Now the proposal is to do this again. It's outside town centers in the case of multi-family, which is all over Lake Forest, Tahoe Vista, Homewood, Incline Village, anywhere there is multi-family zoning. The density would go to 60 units per acre, actually it's 15, although Ms. Fink had it at 25. The stories in height would go up 37 percent, the change in density is 240 percent increase, and coverage 75 percent that would be up to 100 percent coverage. Setbacks are reduced and parking spaces are reduced by 66 percent. This does increase the population and is outside of town centers.

Mr. Hester said the way we cap growth in the basin is through a maximum number of dwelling units, maximum commercial floor area, and maximum tourist accommodation units which are hotel rooms. Those have not changed and are not proposed to be changed.

Doug Flaherty, TahoeCleanAir.org said regarding the new family code proposals mentioned by Ms. Nichols. As referenced in the attached recap to his email regarding the informational flyer by the North Tahoe Preservation Alliance, TahoeCleanAir.org is opposed to TRPA's relentless efforts to further force adverse cumulative incremental impacts upon the Tahoe Basin without an adequate environmental impact statement. Discussing among other adverse environmental and public health and safety issues a roadway by roadway wildfire and winter peril evacuation capacity evaluation. Any increases in height, density, and coverage, or setbacks will endanger the public by further exacerbating the current unsafe human and roadway over capacity peril created by TRPA during its 2012 Regional Plan Update. Cumulative impacts result from the Tierney of the incremental impact with small decisions when added to other past, present, and reasonably foreseeable future action regardless of what agency or person undertakes such other actions, cumulative impacts result from individually minor but collectively significant actions taking place over a period of time. These cumulative adverse impacts are dangerously supported by the pro-growth, pro developer mindset of TRPA and its partner counties. TRPA and its county partners are operating under an aggressive obsession to make area and Regional Plan code changes supporting increased height, density, and coverage. Such increased capacity will lead to well documented and unsafe and current human and roadway over capacity adversely impacted both residents and visitors during wildfire and winter evacuation peril. While TRPA staff and the Board may believe that they can prop up and support every single project or code change by referring to the 2012 Regional Plan, there's a lot of new information that according to Section 6.15, Supplemental EIS is an addended EIS. You must create a supplemental EIS to the 2012 Regional Plan.

REGIONAL PLAN IMPLEMENTATION COMMITTEE

May 24, 2023

Carolyn Willette representing the Tahoe Area Group of the Sierra Club. As TRPA considers changes to the Tourist Core Area Plan, consideration must be given to the overall increases in the basin wide density, traffic, evacuation, air and quality concerns. The idea of allowing increased density because it is in a designated core area does not relieve these concerns. Their concerns are increased height, scenic view threats, bigger footprints, and more density. With that comes a threat to the lake's clarity and air quality degradation. The overall impact of basin wide developments must be considered. Cumulative impacts must be fully analyzed and quantified with verifiable evidence, especially considering numerous development projects proposed in the basin. The plan that the TRPA are considering includes more retail, more restaurants, more services, etc., which will all require more employees and more housing. Estimates of the lack of affordable housing will continue to grow while a small percentage of development is directed to what is really needed. As density increases, the dangers of evacuation during wildfires become more alarming. How are dense downtown areas expected to evacuate. The public opinion has been consistent. Protecting the environment, concern for emergency evacuation in case of wildfire and workforce housing.

VIII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Mr. Hoenigman adjourned the meeting at 12:15 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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