

November 14, 2023

Tahoe Regional Planning Agency  
Regional Plan Implementation Committee and TRPA staff  
128 Market St, Stateline, NV 89410  
Submitted via email

Re: Proposed Phase 2 Housing Amendments

Dear APC Chair, members, and TRPA staff -

The League to Save Lake Tahoe (League) is dedicated to protecting and restoring the environmental health, sustainability and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of sound, environmentally-friendly policies contained within regional land use and planning documents.

We have been the only environmental group actively and continuously participating in the Tahoe Living Working Group, and the efforts leading up to its formation over the last few years. It has been great working with the Working Group and TRPA staff, Karen and Alyssa especially. We feel that our concerns have been heard, and many of them have been addressed.

Our concerns have been the same from the start - coverage, density, and transportation impacts - which directly and indirectly impact Lake Tahoe's natural environment. Addressing the housing issues at Lake Tahoe is a top priority but any effort to improve housing must also ensure that we are protecting the environment.

Please consider our comments on a few specific aspects of the proposed Code and Regional Plan changes, and the Initial Environmental Checklist (IEC) as you develop your direction to staff on November 8<sup>th</sup>. Our comments are based on the proposal included for the November 8<sup>th</sup> APC meeting and the presentation and discussion at RPIC on September 27, 2023.

### **Coverage**

As we've been saying for years, we would prefer that TRPA look at using its authority to reduce or eliminate parking minimums to reduce the coverage needed (and reduce transportation impacts) instead of, or along with, allowing more coverage. *We remain concerned about proposed coverage exemptions due to the small amount of attention given to reducing parking requirements compared to the large increases in coverage allowances.*

We are concerned about allowing more than the current base allowable coverage through an IEC. The Code language as proposed is limited to deed-restricted housing using bonus units, and the commercial aspects of mixed-use development that supports those bonus units. Our concern is that a finding of no impacts from additional coverage if a project builds or ties into an area wide stormwater system, could open the door to requests for Code and Plan changes to allow these same coverage allowances for other types of development, making the case that an environmental analysis has been done.

*With the changes to parking management described below, we are comfortable with the coverage changes as proposed, only for the 946 bonus units, with the requirement that stormwater must be treated onsite or through an area wide stormwater treatment system that*

must be managed and maintained by a government agency (new Code section 30.4.2.B.6). To ensure that a broad environmental finding is not made, but instead is limited to the currently remaining 946 bonus units and associated commercial aspects of mixed-use, the Code, Regional Plan, and IEC language must make it abundantly clear that the purpose of these changes and the accompanying environmental review is to respond to a dire urgency for deed-restricted housing and that this effort cannot be used as justification for future changes or interpretations. We suggest the following changes:

1. For areas outside of Town Centers, the “BMP” inclusion for getting up to 70% coverage needs to be removed. Residential BMPs are not regularly monitored or enforced to make sure they have been implemented and are still functioning as designed. We would prefer the same language for allowing more than base allowable coverage inside and outside of Town Centers for consistency and to ensure stormwater collection and treatment systems are in place and monitored and maintained by a government agency. The staff report (page 5) states that the proposal for outside of Town Centers is “consistent with the center coverage proposal.” Specifically, we recommend removing the proposed Code section 30.4.2.B.5.b which has the reference to BMPs. The same goal may be achieved by TRPA taking on BMP auditing and compliance for all bonus unit development.
2. Update the discussion in the IEC for questions 1(Land).a(compaction) on page 8 of the IEC (page 25 of the agenda packet) and 3(Water Quality).b(absorption) and g(quantity of groundwater) to make it clear that this analysis is only for the current 946 bonus units, and the commercial needed to support those units in line with “mixed use” definition, and does not condone and cannot be misconstrued to support additional coverage above base allowable for any other type of development.
  - Include a discussion about, and reasonable estimate for, the commercial floor area that is anticipated to be needed to support development of the 946 bonus units, and update the estimates (example from 1.a, but also needs to be included in 3.b and 3.g):
 

“As such, under current transfer rules, approximately 7 to 11.2 acres of the calculated maximum land coverage total of 14 acres for buildout of the 946 bonus unit pool would require transfer. This range of potential land coverage transfer equals up to approximately 488,000 square feet of land coverage, a potential benefit to equally or more sensitive lands outside of the urban boundary that would no longer have development potential. Based on data included in the 2012 RPU EIS (Table 3.7-5), over 4,700 acres of high capability land coverage is available for development region-wide. Thus, not only would the additional 7 to 11.2 acres of additional land coverage within the Centers and multi-family housing zones require transfer from other areas (offsetting exceedance of existing land coverage limits in those locations), the total increase in these areas equates to less than 0.3 percent of the total remaining allowable high capability land coverage in the region. Under the current development caps, there is no possibility that even under full build-out, the region will exceed regional land coverage limits.”
  - Our suggested language changes (last paragraph of 1.a, page 8):

“Based on the relatively small amount of high capability land coverage needed to incentivize 946 units of 100 percent deed-restricted affordable, moderate, and achievable housing (bonus units) and associated commercial aspects of mixed-use development that includes only bonus units for the residential component, and the requirements to transfer land coverage over base allowable and provide equally effective stormwater management to current water quality requirements with area-wide stormwater treatment systems, the impact of this change is considered to be less than significant. This finding does not condone and cannot be misconstrued to support additional coverage above base allowable for any other type of development.”

## Parking

As the Cascadia background information found, parking requirements must be reduced for height, density, and coverage incentives to work. Parking must be treated similarly to the other incentives – along with the proposal to get rid of maximums for density and coverage, parking minimums should be eliminated for deed-restricted housing in Town Centers. The 0.75 minimum should be applied to the multifamily areas outside of Centers within the bonus unit boundary area. To be clear, these are not currently parking *maximums*, which means that a developer can choose to build as much parking as they desire.

There was a thoughtful discussion around parking management and TRPA's role at the September 27<sup>th</sup> RPIC meeting. Our staff left that meeting feeling hopeful that TRPA was taking a regional role to help reduce dependence on the automobile; and we believed that RPIC had given staff direction to include the 0 and 0.75 per unit parking minimums, as described above, in the proposal. We are disappointed to see that the currently proposed code language requires a parking study to be able to apply those minimum parking standards. Requiring a study counters the analysis underlying the proposed amendments which specifically recommend the 0 and 0.75 parking standards. Requiring a study also creates a barrier to developing deed-restricted housing, which opposes the underlying goal of the Tahoe Living effort. There was a good discussion about this at the APC meeting last week – see our proposal #3 below.

*In order for us to be comfortable with the coverage allowances, with the changes described above, parking requirements must be reduced.*

Our suggestions for reducing coverage needed for parking:

1. Do not require a study to apply the 0 and 0.75 parking minimums, or TRPA conducts a region-wide parking study to support reduced parking minimums, or even maximums, that any deed-restricted housing developer can utilize to achieve lower parking requirements if they choose to.
2. Change the language in the new Code section 34.4.1 to match the language in the staff report on page 4 of the agenda packet which would allow more flexibility in the type of parking study or analysis that would be required:  
 "In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that the anticipated parking demand generated by the project, as determined by a parking analysis or information from similarly situated projects, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements, unbundling parking and rent, or providing or contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development."
3. Any coverage over base allowable cannot be used for parking spaces. For example, a project subject to these amendments cannot get more than base allowable coverage if they are proposing more than the local jurisdiction's current parking minimums. *Note: there seemed to be support for this proposal at the APC meeting last week, which if implemented along with the language suggested in #2 above, would make us more comfortable with the coverage-parking tradeoff.*

## Height

We do not see the need for increased height allowances. Sixty-five feet in Town Centers is a large change and additional height outside of Town Centers does not align with the goal of concentrating development in Town Centers, and may not be a good fit for those neighborhoods and communities.

### **Town Center Adjacent Parcels**

We are still not generally supportive of incentives outside of Town Centers. We would prefer to start by providing incentives only in Town Centers and then expand them if community and environmental goals are being met and the need is demonstrated. We are willing to make some exceptions to help address the housing crisis in our region, with the changes described above, but *we are not at all supportive of incentives for parcels adjacent to Town Centers.*

A lot of time and thought went into the Town Center boundaries. Giving the Town Center incentives to parcels adjacent to those boundaries should be looked at more holistically in Phase 3.

Thank you for considering our suggestions as you develop your direction to staff.

We look forward to our continued work with the Tahoe Living working group and complementing efforts to increase affordable and workforce housing while minimizing environmental impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", with a long horizontal stroke extending to the right.

Gavin Feiger  
Policy Director  
on behalf of the League to Save Lake Tahoe