

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Tahoe Regional Planning Agency
Zoom

February 14, 2024

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry called the meeting to order at 9:35 a.m.

Members present: Mr. Alling, Ms. Carr, Ms. Chandler, Mr. Drake, Mr. Drew, Ms. Ferris, Mr. Ferry, Ms. Wydra (for Ms. Jacobsen), Mr. Letton, Ms. Moroles-O'Neil, Mr. Hitchcock (for Ms. Roverud), Ms. Simon, Ms. Stahler, Mr. Lindgren (for Mr. Stephen), Mr. Teshara, Mr. Young

Members absent: Mr. Hill, Mr. Smokey

II. APPROVAL OF AGENDA

Mr. Ferry deemed the agenda approved as posted.

III. PUBLIC INTEREST COMMENTS

Ms. Ellie Waller said she believes at some point we need to step back and analyze the existing conditions better. Without proper analysis, we may repeat past mistakes, such as not implementing a community enhancement program. I don't think all projects consider the cumulative impacts or existing conditions of an area, not just the project site. When evaluating projects, I hope the thresholds are examined more thoroughly to understand the direction they are heading. It's essential to assess whether newer projects align with existing conditions and address issues like achieving "no net zero".

Ms. Yolanda Knaak, Incline Village resident, said she is concerned about the parking issue. The first mistake made was last year when the zoning on 947 Tahoe Blvd. was changed. Affordable housing for people that work here, that would be apartments. They're not going to be able to come up with the 20% needed to buy a condo or house. So this whole program is completely ridiculous. And thinking that you have parking on the street. I'm looking at my street right now and there's a foot and a half of snow and ice along the side of the road. Even though today is a green day, you wouldn't be able to park on the side of the road. So this whole idea that you're going to provide affordable housing and that people are going to have to come up with 20% to buy a condo is unrealistic. Apartments are what is going to be realistic for people that work here.

ADVISORY PLANNING COMMISSION

February 14, 2024

Ms. Knaak continued, the other issue that you're not taking into consideration is evacuation. The evacuation plans are inadequate. They do not include visitors. We have thousands of visitors every day. So, you should never move forward on some project like this with the idea that people are going to be able to park, with the idea that people are going to be able to buy these condos, and with the idea that people are going to evacuate. I don't know if you know, but Incline Village was compared to Lahaina after the Lahaina Fire, and Kings Beach was compared to Paradise after the Paradise Fire. So you need to first be able to provide safe evacuation for the people that live here before you go working on new developments.

Mr. Doug Flaherty, TahoeCleanAir.org said he is always amazed at how the chairs of these various committees are quick to move in and attempt to silence speakers and degrade their first Amendment rights, you need to be a little more tolerant before you make judgmental opinions about what a general comment is or isn't.

Secondly, APC members in the past have basically been useful lap dogs for the TRPA staff and I just hope that based on everything that you know that's happening politically and otherwise here in the basin, that you start to ask some reasonable hard questions about what the staff is feeding you. Because you really are providing and historically have not provided leadership to protect the Lake Tahoe Basin and the clarity of the lake.

In addition, with regards to the fire evacuation issue, you the APC, various committees, the Governing Board, completely fear a data-driven roadway evacuation capacity analysis, because you know that once that analysis is published based on pure data, you will not be able to continue to saturate and degrade the Lake Tahoe Basin for your public interest partners. Those partners include public agency partnerships, non-profits, and the development industries.

Finally, you're all a product of regulatory capture. There was a news article on that recently. This is what happens; you've created this system, this repetitive system of self-preservation on the part of the TRPA since the 2012 regional plan. And now it's all about protecting your interest, digging your heels in, coming up with whatever idea of the day that you're trying to promote, and you'll take everything right into a lawsuit, regardless of what the public produces as far as data. So, I'm ashamed of the history of the Advisory Planning Commission and the TRPA since 2012. You guys need to ask some hard questions today, not just be spoon-fed by the staff.

IV. DISPOSITION OF MINUTES

November 2023 and December 2024 meeting minutes continued to the March APC meeting.

V. PUBLIC HEARINGS

[Agenda Item No. V.A. Election of APC Chair and Vice Chair 2024-2025](#)

Mr. John Hester, TRPA Chief Operating Officer, introduced the item. He said you as you may recall, at the December meeting, we announced that we would have elections at the January meeting, which was canceled, and asked for interest from those on the commission. The interest that we got was that your chair volunteered to serve again if necessary, and nobody else wanted

ADVISORY PLANNING COMMISSION

February 14, 2024

to do it. Ms. Stahler volunteered to serve as Vice-Chair if the current chair would continue on. So, that is the slate of officers that we heard about as staff. It's now up to the Commission to consider those or others. Mr. Ferry asked if anyone else care to throw their hat in the ring.

Mr. Teshara said that typically the Chair and Vice-Chair are from different states. So, the pairing that Mr. Hester announced in his view would be appropriate. Ms. Carr added that with the additional roles and responsibilities of her current job, she felt the APC could be better served by another representative as Vice-Chair.

Ms. Carr made a motion to elect Mr. Brendan Ferry as Chair, and Ms. Ellery Stahler as Vice Chair, to the Advisory Planning Commission for 2024-2025.

Mr. Teshara seconded the motion.

Ayes: Ms. Moroles O'Neil, Ms. Chandler, Mr. Drake, Mr. Teshara, Mr. Drew, Ms. Wydra, Mr. Letton, Mr. Hitchcock, Mr. Alling, Ms. Carr, Ms. Ferris, Ms. Simon, Ms. Stahler, Mr. Lindgren, Mr. Young, Mr. Ferry

Motion Passed.

VI.A. [Agenda Item No. VI.A. Notice of Preparation for Proposed Possible Boatworks Redevelopment Project](#)

TRPA Local Government Coordinator, Brandy McMahon, presented the item. She said they are here today because Placer County and the Tahoe Regional Planning Agency have issued a notice of preparation for the proposed Boatworks Redevelopment Project in Tahoe City. We are planning on moving forward with the preparation of a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS), which is going to be prepared pursuant to the California Environmental Quality Act (CEQA) and TRPA rules and regulations.

Ms. McMahon is joined by Heather Beckman, Senior Planner and Leah Chavez Principal Planner with Placer County. From the applicant's team we have Vinton Hawkins with MJD Capital Partners, Wyatt Ogilvy - Land-use Consultant, Marie Murphy - property owner, and Chip Williamson – Attorney, to present the proposed project as well as the plans for moving forward with the environmental review process. In the audience, taking notes because this is considered a scoping meeting, we have Nanette Hansel and Jessica Mitchell with Ascent Environmental, which is the environmental firm that has been hired to prepare the joint environmental document.

Ms. McMahon said the purpose of a scoping meeting is to obtain public and agency input regarding the potentially significant environmental issues, and to discuss reasonable project alternatives and potential mitigation measures that will be evaluated in the joint environmental document. Today we will highlight the potential impacts we are planning to analyze in the joint environmental document. Any comments we receive verbally today or in writing throughout the scoping process, will be taken into consideration, and then later on in the process, there will be additional public hearings where we discuss the merits of the project.

ADVISORY PLANNING COMMISSION

February 14, 2024

In addition to today's scoping meeting, we're having another scoping meeting in Tahoe City on February 26, 2024. It's going to be a hybrid meeting so people can participate in person or remotely. And then we've also placed the Notice of Preparation on the Governing Board agenda for February 28, 2024. We released the Notice of Preparation on January 31st, so we are taking written public comment through February 29th, which is the end of the scoping period.

We did send the notice of preparation to property owners within 300 feet of the project boundary. We're maintaining a distribution list for anyone who's interested in being notified of upcoming public hearings. We provided the Notice of Preparation to state and federal agencies, tribes, county departments, and public agencies such as school districts, and we provided a notice in two newspapers. With that Ms. McMahon turned the presentation over to the applicant's team.

Ms. Marie Murphy, owner and manager of Boat Works at Tahoe LLC, the subject of the discussion today, said that her operating company, MJD, acquired the Inn at Boatworks, formerly known as the Tahoe City Inn in 2018. The following year, we purchased the Boatworks Mall. Boatworks has been the hub of the North Shore for decades, and through our combined ownership of the inn, mall, and office space at Boatworks, our team has revitalized these aging structures, drawing people back to this central location in Tahoe City.

We've invested over a million dollars in renovating the Inn, and successfully leased 30% more space in the mall than the previous owners. We take pride in fostering a sense of place for the Lake Tahoe community through our investments and community-oriented events. We've introduced the first mural to Tahoe City, collaborated with non-profits and small businesses, and provided space for various activities, including art, health and fitness, wine, commerce, retail, and most importantly, environmental stewardship.

My partner, Vinton Hawkins, and I are deeply rooted in the local community while we also have an institutional mind-set, essential for navigating the entitlements we're here to discuss today. Vinton, a lifelong Lake Tahoe resident, has familial ties to the area dating back nearly a century. I am a mountain enthusiast from Utah and have been in California since 1997. Our goal has been to provide a significant time and exposure to the wonders of the Lake Tahoe Basin, especially for my daughters.

Over the past 4 and a half years, Vinton and I have diligently prepared for today's discussion, consulting with both Placer County and TRPA to align with the goals outlined in the 2017 Area Regional Plan. Our development proposal focuses on restoring the environment, enhancing community character, and improving socio-economic conditions.

We plan to enhance the Stream Environment Zone (SEZ), introduce environmentally friendly buildings and transportation options, and align our operations with environmentally forward practices. Our project is designed to create a sense of place in Tahoe City, reflecting the mountain architecture that both Boat Works and the community are built on.

As a catalyst for redevelopment, we aim to create new jobs and improve overall socio-economic conditions on the North Shore. We've conducted thorough due diligence on land capability and zoning. We firmly believe that the benefits of this transformative redevelopment will elevate a dormant town to its highest potential, benefiting the environment, the lake, and both local

residents and visitors alike.

Mr. Vinton Hawkins, Legal Counsel for MJD Capital Partners and co-owner and project manager of the Boatworks redevelopment. His great grandfather bought property in the basin in 1924 and he has spent his entire life connected to the lake. He said like all of you, I love and desire to protect Lake Tahoe, and to do so it takes vision and money. The proposed project will not only enhance the existing conditions, but will provide economic benefits to continued efforts to preserve the lake. We are proposing a destination hotel for the redevelopment of the Boatworks. Once guests arrive they can access the alternative modes of transit, walk, or bike the town, and reduce travelling in and out of the basin because they can find a hotel. Tahoe is a tourist-based economy, but the Placer County portion of the basin has a limited supply of hotel rooms. There are approximately only 1,700 hotel/motel rooms in the Placer County portion of the basin, and there has not been a new hotel of scale in 60 years. Stakeholders have spent the last 25 years studying where and how tourist accommodation should/could occur. After extensive research, we agree that the Boatworks is the ideal location for a hotel redevelopment as it fill the mission and vision of regional planning documents.

Mr. Hawkins highlighted the importance of revitalizing the Tahoe City Town Center for overall community development. Very little has occurred here in decades. The project aims to address new infrastructure, environmental enhancement, and economic growth. The proposal includes modern, comfortable, and sustainable accommodations for tourists, incorporating energy-efficient designs, LED certified construction, fire-resistant building materials, and modernized fire suppression and HVAC systems.

The project emphasizes water conservation, pollution prevention, and site-wide modernization of runoff, stormwater recapture, and infiltration systems. It will reduce the existing footprint, and some of the existing encroachment into the Bliss Creek stream environment zone (SEZ). Coverage will be further reduced with the introduction of pervious surfaces.

The redevelopment is expected to have positive effects on local businesses and residents, creating job opportunities, increasing tourism revenue, and enhancing property values. The project also integrates public and private transportation options to improve the site's transportation infrastructure, including pedestrian-friendly streetscapes, lakeside trails, shuttle services, and biking opportunities.

The project location, in Tahoe City's mixed-use town center core, is surrounded by like zoning, with no residential interface. The site comprises three structures—the Boatworks Mall, Boatworks Commercial Condominium, and Boatworks Motel. The site is approximately 75% covered by structures and impervious surfaces, with a massive asphalt parking lot, over an acre in size and covering 28% of the entire site.

The proposed redevelopment program includes a streetscape with a single-story retail band, 29 condominiums, and a hotel structure with 79 units. The design considers the preservation of a large tree to buffer the structure in the northwest portion of the site.

The project team is committed to environmentally conscious practices, sustainable design, and reducing the reliance on cars, promoting alternative modes of transportation such as walking, biking, and shuttle services.

ADVISORY PLANNING COMMISSION

February 14, 2024

The amenities of the project are positioned away from the shoreline towards the center of the site to break up the massing and adhere to the 56-foot height limit. The development team includes local expertise from Ogilvy Consulting for land use, SB Architects for architectural design, Design Workshop for landscape design, and others.

Mr. Wyatt Ogilvy said he has worked with Marie and Vinton since they were in due diligence to acquire the project site and the assemblage of properties, through to close of escrow and ultimately assembling the project team. He said they are putting together a comprehensive project in response to the Placer County Tahoe Basin Area Plan (TBAP).

Mr. Ogilvy said the site today has minimal BMPs by the consolidation of vehicles in a structured parking garage. We contain the vehicle impacts to the site and we can, not only through the use of the garage but have a comprehensive modernized BMP program for the site that's right on the shore of the Tahoe City Marina and Lake Tahoe.

We met early with the League to Save Lake Tahoe to consider both physical and programmatic elements to the development program, in the hopes of reducing trips through a destination resort to have both interaction with the community, the physical attributes of the site, and programmatic elements such as employee lockers and showers to hope to get to as close to net neutral in both the VMT, as well as based on the extended development across the site.

The site borders Bliss Creek along the Easterly project boundary. That creek actually influences the adjoining property, so we don't control the full extent of the creek, but to the extent we can, where we have control and influence, we're going to do enhancements to the creek itself and pull out development, both building footprint and impervious surface from the creek and the stream environment zone.

Through the design and analysis both under the document and in compliance with TRPA code, we will comply with the scenic resource elements. By doing so the project will help trend this segment of shoreline towards threshold attainment for scenic resources both from the roadway and the shoreland component.

And then housing, because we are net neutral or close to that neutral by the time we get to full analysis in the document of commodities, we anticipate that the housing element is going to be relatively small. However, we will, of course, comply with Placer County's adopted housing element. That said, both Vinton and Marie are cognizant of the housing challenges that our region faces and the need to operate effectively. We have to have employees and our employees need places to live, so they continue to look at options outside of the project itself. Mr. Ogilvy described the images on slide 12, showing project renderings.

The Tahoe Basin Area Plan has amendments that are being put forward by Placer County, one provision of those amendments is a provision for groundwater interception. The project as proposed, TRPA issued a soils hydro approval, and the garage is currently cited to sit above the groundwater profile across the site, and parking demand is met on-site. However, since we're going through this joint environmental document and in parallel, the area plan amendments are being considered, we're also analyzing an option that would provide for some additional parking beyond the demand of the project that could have a community benefit should those provisions be ultimately adopted and upheld. As opposed to taking a step back or having a delay, we're

analyzing this option concurrently through the preparation of the joint environmental document.

Mr. Ogilvy handed it back to Ms. McMahon who said that the project will require approval by both Placer County and the Tahoe Regional Planning Agency. For those not familiar with the environmental review process we are currently scoping. The next step will be to prepare a draft Environmental Impact Report, and Environmental Impact Statement. Once that is complete, we'll release the draft document for 60 days and have additional public hearings. We will respond to the comments we see during that period in a final environmental document and then we'll take the project through the public hearing process. So we'll go through the Placer County and then TRPA public hearing process.

Ms. McMahon said we will analyze potential environmental impacts in the environmental document. Some impacts we plan to analyze in detail, such as air quality, water quality, and noise. Other impacts will be covered with a brief discussion and analysis in the document. In addition to the proposed project that was presented today, we will be evaluating potential alternatives. So the no-project alternative or existing conditions, and then we're also considering analyzing a reduced height alternative, and then a reduced units alternative in the environmental document.

Ms. McMahon said we are accepting written public comments through February 29th. The public comment can be emailed to or mailed to Placer County, and the information is available on slide 19. TRPA is posting all the application documents on the Lake Tahoe Info Parcel Tracker. You just need to enter either in the APN or the project number. So those of you on the APC or in the audience who want to see some more information on this project, you can go to this website.

APC Comments/Questions

Mr. Alling said he had a question regarding Bliss Creek on the northeast portion of the property. In the notice it states that some enhancements are proposed to Bliss Creek. He asked if any efforts have been made to coordinate with the adjacent property owner to include enhancements for the entirety of the creek instead of just one half. Mr. Hawkins said that the site (Safeway) is going to be put on the market. They originally reached out to Safeway and attempted to acquire that property as well. That didn't come to fruition, and we don't know who will own it. It would be great if we could get cooperation from our adjoining property owner.

Ms. Stahler echoed Mr. Alling's comments. Additionally, she said that considering the proximity to Lake Tahoe, there's a prime opportunity to design and implement Best Management Practices (BMPs) that can significantly reduce sediment loads impacting Lake Tahoe. Her agency, the Nevada Division of State Lands (NDSL) through the Lake Tahoe license plate program, recently sponsored a review of BMPs, considering climate change and other factors, to determine what would work best for Lake Tahoe. As part of the request for comments, I may submit these findings to Placer County, hoping that they pass through to the project sponsors for their consideration as they plan and design the water quality infrastructure components.

ADVISORY PLANNING COMMISSION

February 14, 2024

Ms. Moroles-O'Neil said she is happy to see this development in our community, especially considering its historical significance for Tahoe City. She said she was present when the Boatworks was built, and it's been disheartening to see it not being utilized. Her question, although it may not have a clear answer, pertains to Jake's on the Lake, which has become a staple in that building. With the new development including restaurants, has there been any communication with Jake's on the Lake, or will all the current occupants be displaced? Mr. Hawkins will respond offline since the question doesn't pertain to the Notice of Preparation.

Ms. Simon said I would like more information about the consideration of reduced height, how that works, and the envisioned total buildout of the parcel.

Ms. Chandler raises two concerns. She would like to see more details on the workforce housing plan. She has many friends in the area struggling to find housing. The project might force more people to live outside the community, increasing daily commutes and vehicle miles traveled. Another worry is the lack of information about a specific evacuation plan. The increased density could significantly impact the population, and I'd like to see figures comparing current and future occupancy along with an evacuation plan for the parcel.

Ms. Carr echoed Ms. Stahler's comments regarding stormwater best management practices (BMPs). The proximity to the lake and the underground parking structure raises questions about potential groundwater interception during construction or long-term use. A thorough analysis of what would be done with the water in case de-watering would be interesting. She would also be interested in seeing a phase one environmental site assessment in the surrounding area, particularly in the upgrading areas for potential groundwater contaminant sources.

Mr. Hitchcock said he assumed that the scenic section would include a detailed analysis of the visual magnitude of the proposed project considering its location near the shoreline. Ms. McMahon said a scenic analysis has been prepared, and is available on the [linfo.org](https://www.linfo.org) parcel tracker.

Mr. Lindgren, representing Lake Tahoe Basin fire chiefs, said the fire department supports the project. North Tahoe Fire Protection District and Chief Leighton are happy with the communication received to make the public safety enhancements and evacuation considerations. He'll speak more about evacuation in commission comments at the end.

Mr. Drake said he will miss the Boatworks Mall but is happy to see a hotel redevelopment happening on this parcel, it's totally appropriate. Regarding transit, he said the Boatworks was envisioned as a hub for a future water taxi stop. This project also sits along a high-use trail, and in the commercial corridor with bus services. In the spirit of multimodal development he would like to know how they're envisioning a future water taxi stop, and moving people from that stop up to the road.

It doesn't look like that's currently envisioned in the design, and if we were to succeed at getting a functioning water taxi service going, I'd hate to have to look at a redesign or shove a square peg in a round hole. It looks like there's a bus stop called out on the road, but I would really like to see a more modern pull-out, proper bus stop with a shelter. If we're really trying to focus on multimodal that seems appropriate.

Mr. Drake asked what the vision for commercial retail is, and more specifically what's the current amount of retail square footage is, and what would be proposed in the future. Mr. Hawkins said they've been operating the mall as it exists for over four years. Currently, retail is on the ground floor, with non-profits, the snow museum, and professional offices on the second floor. While we want to fill them all, it's not pure retail. That should be up on the street. He added that it will be like any other hotel, we want to encourage the public, locals, and tourists to come and visit the site. There will be amenities that are accessible. The only area that is probably going to be private is the pool, for liability purposes, that has to be controlled. But everything else is going to be accessible. So, between the commercial floor area (CFA), coupled with the accessory uses of the hotel, we feel that we're not going to be losing anything that the mall is providing on today's basis.

Mr. Drake said that Mr. Ogilvy mentioned in his comments about parking that current parking is at 155 spaces, and proposed is 175 spaces, but that there's a possibility of going beyond that to provide additional community benefit. He asked for elaboration on that comment. Mr. Ogilvy replied that the parking as proposed today meets the initial shared parking demand analysis done by the transportation consultants, and that will be further analyzed in the joint document. The proposal you're referencing would be the increase if the area plan provision for groundwater interception was allowed. Then an additional 20 stalls beyond what meets that shared demand today. So if that provision for groundwater interception was adopted and upheld, this option would analyze some additional parking beyond the shared demand that the project generates at peak time. Mr. Drake said he was wondering where the public benefit component comes in. Mr. Ogilvy said Placer County have been analyzing elements of how to better manage parking for farmers markets etc. across the community.

Mr. Ferry said that having visited that site many times, it seems like redevelopment is very appropriate there. It sounds like you're very thoroughly approaching this process and there's a long way to go. You'll be in front of the public many times in the future. He assumes the 56-foot height proposal meets the Placer County area plan. He acknowledged Placer County staff nodding in agreement. Mr. Ferry encouraged the project team to think about locals, and is happy to hear that the property will be welcoming to all, and that pedestrian amenities will be provided, bike racks, bathrooms, all those things that the public needs. Finally, he mentioned the VMT issue, he knows they will be looking at that through the analysis, it's an important hot topic in the basin.

Public Comment

Ellie Waller said she has several points. Firstly, she asked if 3.8 acres are sufficient for the proposed uses, expressing concerns that telling us the project has 75% existing coverage doesn't tell us if the entire project will fit. She believes the Waldorf Astoria is on 12 acres.

Ms. Waller seeks clarification on the definition of discretionary entitlement on the Boatworks project, inquiring about the approving members and potential variances to codes and regulations, if any. She asked how the project will meet the no-net VMT requirements, particularly regarding trip-producing amenities and EV stations. She expressed concerns about the quantification of certain mitigation measures, whether EV stations will be accessible to the general public, and how usage by guest towards mitigation can be determined.

ADVISORY PLANNING COMMISSION

February 14, 2024

Ms. Waller questions the project's ability to determine guest use of public transportation, providing connectivity and shuttles does not guaranteed people will use them. Bicycles cannot be used 12 months out of the year, another point for reduction. Ms. Waller asks if the project will require Placer County to relax scenic standards as proposed in the Tahoe Basin Area Plan (TBAP)

Ms. Waller recommends erecting story polls along with balloon studies for public observation and questions the shared parking formula. How can you quantify the hours cited in the shared parking report – are those guesstimates. She inquires whether the hotel component will be conditioned in the first phase, it certainly should be. We all talk about 60 years, every project that we don't get a hotel, but the luxury condos go up first. How many Tourist Accommodation Units (TAUs) does the project currently have, how much of the existing commercial floor area will count as TAUs. The TAUs should be deed-restricted with no short-term rental capability. How many Residential Units of Use (RUUs) does the project have? How many units of affordable workforce housing is required? The Waldorf incorporated 13-14 units into their design, that should go into the alternatives. Ms. Waller agrees with the recommendation that one alternative should have three stories, which is what is currently there. She asks how much land will be utilized for snow storage and how much is needed for emergency vehicle turnaround.

Ms. Waller asks if there is dedicated space for a drop-off location, and how much space is going to be taken up by EV stations and bicycles. With the adoption of the area plan to ensure compatibility, she thanks Mr. Hitchcock for also mentioning the TRPA visual magnitude and all that scenic analysis. She said TRPA may permit additional square footage for that and all of that needs to come out in the environmental document. Ms. Waller asked for an explanation of the multi-family conversion to condo units.

Ms. Waller said she is still reviewing the information and will submit more detailed comments in writing.

Ms. Judith Tornese, President of Friends of the West Shore, expressed appreciation for the potential revitalization of Tahoe City through the project. However, she raised several concerns. Firstly, she expressed concerns about the mass and height of the project and public access, emphasizing the importance of maintaining public access to the recreational area around the lake. Referring to the cumulative impacts, Ms. Tornese urged the inclusion of a comprehensive analysis of cumulative impacts with other projects in the area in the Environmental Impact Report (EIR) or Environmental Impact Statement (EIS). She also mentioned affordable workforce housing, not achievable housing but real affordable housing, in close proximity to the site, preferably walking distance. Finally, they are concerned about emergency evacuation in the event of wildfire and called for an in-depth analysis of emergency evacuation plans.

Mr. Doug Flaherty emphasized the need for a thorough and comprehensive EIR/EIS. He said I don't know of anyone that's opposed to redevelopment, so let's not paint the people that are asking questions as Nimbys. No, many people are just simply opposed to cumulative impact over development, and want to make sure that we have the proper and complete comprehensive EIS/EIRs that we need. The TRPA and Placer County have responsibility to ensure that the EIR/EIS include analysis of new or changed circumstances, cumulative impacts, and other information which may result new significant impacts, not considered in a previous EIR/EIS. It must provide a comprehensive analysis of all topics they presently intend to scope out or

dismiss. Page 5 a full list of items you intend to scope out and dismiss, that's just simply not acceptable.

Mr. Flaherty continued, with regard to public safety within the unique Tahoe Basin and its extreme 306-degree high hazard severity wildfire, wildland urban interface zones, overcapacity two-lane and traffic coming roadways, and it's demonstrated wind and slope environment, the EIR/EIS must include a comprehensive analysis of new information as the discussed in the California Attorney General's October 2022 best practices for analyzing and mitigating impacts of development projects under the California Environmental Quality Act (CEQA). This information was not available during the 2012 Regional Plan or the 2016 Placer County Area Plan. Despite repeated pleas from the public to do so, Placer County and the TRPA have failed to substantially address wildfire and wildfire evacuation in relation to individual and cumulative new information and changed circumstances. Data and information regarding the increase in intensity of wildfires was not available in 2016 when the County approved the TBAP or during the 2012 regional plan process.

He said, as stated by the California Attorney General, best practices, guidelines, the changing nature of wildfires under various metrics, frequencies, areas burned, adverse ecological impacts, a number of Californians displaced, is a worsening crisis that will unfortunately be part of California future. All we want you to do is include this study in the EIR/EIS. That's all we're asking for. Let's get the data. Let's ensure that we have the data that helps us to prevent more, more, more, overcapacity in the basin, and prevent the Tahoe Basin from being the first piece of information on one of the upcoming Super Bowls like the Lahaina Fire was.

Thank you. Doug. The next hand raised is Anne Nichols and if you unmute you can address the commission.

Ms. Anne Nichols, North Tahoe Preservation Alliance, said this is 10-pounds in a 5-pound bag. What would be really nice to have, for transparency and ease for the public, is a fact sheet, including things like total square foot build out compared with the 46,000 square foot build out now. When you cover all that parking area, and go 56 feet it becomes huge, with the underground parking. She asked, what are the cuts you're going to be making? How many cubic yards of soil will be removed? How many truckloads will that be? What will the population of the site be? The 44 employees seems optimistic, but the rationale for that would be great.

Ms. Nichols said the Condotel part, as far as a hotel its 79 units – how many square feet is that? It's 57% of the project just looking at units, but what is it as far as build out? The Condotel is 43% of the project as far as units. Again, the square foot build out would be great to have.

She said, we just need to think about what the phasing is, how many years build out? Are you going to be asking for an onsite batch plant like the Waldorf Astoria is asking for in Crystal Bay? And then of course the in-lieu for workforce housing is completely unacceptable. If you really care about the community that is not the way it should go at all. Anyway, it'd be nice to see things done that are lovely. I'd love to see community access to the pool, or have two pools as a community benefit, I think it'd be a lot more than 20 new parking spaces. As far as the community benefit of less encroachment on Bliss Creek, of course that should be the case, that goes without saying.

ADVISORY PLANNING COMMISSION

February 14, 2024

Ms. Niobe Burden, Tahoe Vista resident and conservation photographer, said this is great as a redevelopment. She does have concerns, as many in the community do, about making sure it does stay at 56 feet. In order to visualize this she thinks it's important to have story polls put into place. She thinks story polls should be mandated on all commercial projects, in town projects or anything on the lake side, to really verify scenic thresholds, and give the public a visual concept of height and how it's going to look in mass.

Ms. Burden's second concern is providing affordable workforce housing in the design alternatives. How many TAUs versus RRUs, and then what sort of workforce housing component. Of course we all know this is a huge need, and it would be a great community benefit to have this for such a large project. She said having public access more delineated in the plan would be great so that we know that access is clear from the lake for the future water taxi, and the transportation hub having a turnout. Those sorts of items obviously are very important. Finally, she echoed Doug Flaherty's comments and our concerns as a community, to have the EIS updated as a cumulative study from what it's been based on in 2012. Huge difference between then and now.

Commission Comments/Questions

Mr. Teshara asked, with respect to the VMT and the no new net, does Placer County or TRPA have an analysis of the VMT that existed in Tahoe City when it used to be a thriving community? Because he doesn't think it has the VMT that it did at one point in time. So how are you going to determine if there's no new net VMT, if there used to be a lot of VMT, and now we're based on the fact that Tahoe City is largely a ghost town.

Ms. Jacobsen said she would lean on Leeah Chavez (Environmental Coordinator) to test her memory on the VMT data. Ms. Jacobsen can say they are currently undergoing an Eastern Placer County VMT threshold analysis. That's looking at using data from the last couple of years. So that has been underway. She said we could also be looking back towards the TBAP, and there would be some VMT analysis in there. Ms. Chavez added that this project falls within the Tahoe Basin Area Plan, which did have a VMT analysis that from a cumulative standpoint, determined that VMT as a whole would go down with the redevelopment proposed with the Area Plan. But this is definitely something they will be analyzing in the EIR/EIS.

Mr. Teshara said that Tahoe City is not the community it once was, and suggested that there should be some analysis that says we used to have this much, and now we have this much. He added that he will be preparing some written comments on the project, but in his mind, the team that's been assembled, the property owner, the consulting team, etc., is the kind of approach we're looking for in terms of people coming in to redevelop our town centers, and that Tahoe City and Kings Beach desperately need.

Mr. Drake said we all know that short-term rentals (STRs) have filled the need for beds for visitors coming to the Tahoe Basin. The whole intent of developing these hotels and commercial cores is to bring people back to our town centers. He knows there's been discussion in Placer County about reducing the STR cap on total number of permits, and speaking as both a commissioner and member of the public, he's curious where that's at. They would like some clarity around what the mechanics of that look like; if we get x number of hotel beds, can we

ADVISORY PLANNING COMMISSION

February 14, 2024

reduce the STR cat by at least a comparable number of permits. That would help our community get behind a project like this, and other proposed hotel projects coming down the pipeline.

Ms. Wydra said that TBPA amendments coming to the TRPA Governing Board soon do include a policy that would allow them to explore reduction of the short-term rental cap when new lodging units come into the town centers. Through that policy they will develop that program. So if the TBAP amendments get approved then that's something they can embark upon in concert with the short-term rental program, which could help feed into this project as well as future lodging projects.

Mr. Drew said that to clarify on Mr. Teshara's comment, a topic that relates to this project, but that's also a broader topic we may need to bring back, is just how we define baseline for VMT. This is the third time in the last 6 months this has come up as a part of discussions of projects that have come forward, including this one. Having a better understanding of what's defining baseline may be something we want to do for this project as well as having a broader discussion about how that's going to be defined moving forward, because the time and place of baseline is very important.

Mr. Young said he appreciated this entire discussion today. He thinks the questions today give a pretty full palette of what everybody should expect in the future regarding future questions. We should expect that almost every single question or inquiry we heard today will be heard again in the future. He added that the Regional Plan contemplated something called environmental redevelopment. That was the whole concept of what we were trying to achieve with the new Regional Plan. It's what the new area plans are all supposed to be focused on trying to achieve. And we have to expect that when we get what we asked for, it's going to look different than it looks now. It's going to function differently than it functions now. It's going to fit into the community a little bit differently than it does now. But, in order to achieve that overall goal of environmental redevelopment, that's where we have to go. He really appreciates the meeting today, really hopes to hear answers to the questions that were raised, and looks forward to seeing how this environmental redevelopment project unfolds over time.

Mr. Drake echoed comments from Ms. Carr and Ms. Stahler's comments about proximity to Lake and BMP's and looks forward to seeing the more detailed proposal about how we address stormwater runoff from the project. Speaking broadly, he's aware of many projects that have been permitted in the last few years, that are still permitting old school stormwater designs that are not addressing pollutants of concern. He looks forward to reading the study the NDSL study. He knows that it's difficult to address the fine particles, but it essentially means either super high maintenance expensive mechanical treatments or settling and infiltration. He encourages this project to take a hard creative look at the stormwater treatment design approach and to raise the bar on what we've seen recently, because it needs to happen.

Mr. Ferry agreed with Mr. Drake and added that Placer County will be looking at this from their TMDL program.

VI.B. [Proposed Code Amendments Supporting Climate Resilience Affordable Housing and Mixed-Use Design Standards](#)

Mr. John Hester introduced the item, and said it was informational only, and designed to inform the public and the commission about considerations and provide an opportunity for input. He provided a few important background points. The amendments are designed to implement the regional plan, focusing on protecting the environment and achieving thresholds. Some key concepts are walkable communities, mixed-use standards, and addressing dark skies and climate considerations. He added that the dark skies and climate components were worked on with UC Davis graduate students and some of those were already passed. This is the second iteration, and more climate amendments are anticipated in the future.

Mr. Hester said the probably most important is affordable housing. We want to ensure that higher-end developments is contributing to affordable, moderate, and achievable housing to address the extra-regional sprawl that's caused when local workers don't have an opportunity to live where they work and have to commute in from other areas. So the focus on affordable housing is driven by the need to curb extra-regional sprawl and reduce environmental impact.

Mr. Jacob Stock, TRPA Senior Planner emphasized that this an informational session with no action required today. He said that the focus of these amendments includes integrating climate best practices into our code, setting standards for mixed-use development, and introducing affordable housing mitigation for condos. He said they are seeking public and APC input on ways to improve the proposal which aligns with Governing Board and APC direction, notably stemming from the Washoe Tahoe Area Plan amendments. He added that the climate amendments have been in progress for a couple years, with ongoing efforts for finalization. All the amendments are aimed at adaptive code management, addressing emerging issues and technologies.

Mr. Stock said the proposed climate amendments originate from the Regional Plan, and from the 2013 Sustainable Action Plan, which has seen significant implementation, with 80% either completed or currently in progress. Following Governing Board direction, the focus has shifted to executing the remaining actions tied to the Code of Ordinances outlined in the Sustainability Action Plan.

In the summer of 2022, a workshop with the Governing Board was conducted to further prioritize sustainability goals from the sustainability action plan for integration into the Code. Key areas identified included efficient lighting standards, standards for renewable energy, standards supporting electric vehicle charging, and mitigations for large special events.

Collaboration with UC Davis graduate students in the environmental policy program ensued. They conducted research and facilitated stakeholder input sessions, involving representatives from local government, land use professionals, local non-profits, Liberty Energy, and the Washoe Tribe. This collective effort produced a formal proposal presented as an informational item to the Regional Planning Committee.

The initial presentation in the summer led to valuable feedback from the Regional Planning Committee, prompting further refinement of the proposal. Some elements have already been

February 14, 2024

adopted through the permitting improvement amendments presented to the board in September 2023. The remaining recommendations are encapsulated in Attachment B to the staff report.

Mr. Stock highlighted important elements of the proposal:

- Traffic Plan for Temporary/Special Events: Addressing traffic impacts for temporary or special events, akin to the requirement in the city of South Lake Tahoe for events with 500 attendees or more
- Electric Vehicle Charging: Recognizing the importance of EV charging, the proposal introduces items related to this current and emerging issue. Items include, definitions, primary use for EV charging, and requirements for conduit and large parking lots, aimed at encouraging EV charging as a distribute accessory use, while also allowing it as a primary use
- Solar Energy Generation: Designed to streamline the process for staff and property owners interested in installing roof-mounted solar, while still providing protections for scenic quality. They tried to do this through a qualified exemption (QE) for roof-mounted solar, that meets certain requirements, an important one being meeting a reflectivity standard in scenic areas, and less stringent out with scenic areas.
- Dark Skies: The proposal includes a reorganization of outdoor lighting standards with a focus on preserving dark sky resources. Long Range and Permitting staff worked closely with on this section to balance dark sky preservation with property rights and ease of implementation. This is the item that has changed the so Mr. Stock said he is particularly interested in hearing input on this piece, which includes that outdoor lighting:
 - Must serve a functional purpose
 - No splay of light offsite
 - Color temperature limit
 - Lumen limit on commercial properties
 - 50% reduction after operating hours
 - Lighting plan

Mr. Stock continued, the mixed-use proposal, as Mr. Hester mentioned, was crafted to further the goals of Regional Plan which specifically identifies mixed-use as a tool to achieve energy conservation and greenhouse gas reduction goals.

Attachment A to the staff report outlines the proposed mixed-use standards. Mixed-use involves multiple compatible uses on a single parcel, and it's exemplified by projects like the Boatworks. The idea is that placing services and residences in proximity reduces energy use and greenhouse gas emissions by decreasing reliance on vehicles.

Previously, we lacked a definition or standards for mixed-use, but it gained prominence in the 947 Tahoe proposal and the Washoe Tahoe Area Plan amendment. Directed by the APC and the Governing Board, staff developed mixed-use standards and affordable housing mitigation for condos as part of the Washoe Tahoe Area Plan. These were adopted, and the Governing Board further directed us to pursue mixed-use standards and a similar affordable housing mitigation, regionwide.

Delving into the proposed requirements for mixed-use, Mr. Stock said the standards are

intentionally general, allowing flexibility for specific local design standards while emphasizing the Regional Plan goals of energy conservation and Greenhouse Gas Reduction by creating walkable areas.

We propose a requirement for non-residential uses on the ground floor of structures, comprising either 60% of the building frontage, or 60% of the ground floor. This flexibility accommodates site-specific scenarios, ensuring that non-residential spaces, such as commercial or services, are on the ground floor and oriented towards the street for easy pedestrian access. Mr. Stock said the images on slide 7 illustrate the mixed-use concept. The top image showcases a ground-floor café oriented towards the street, with residences on the second floor. The bottom image provides a conceptual representation of how this might look in Tahoe with local design standards and architectural style.

Moving on to the affordable housing mitigation, Mr. Stock said it responds to the direction from the APC and the Governing Board following the amendment to the Washoe Tahoe Area Plan, where they recognized the need to mitigate the impact of new market rate housing on the workforce housing gap. The proposal suggests that 10% of units in condominium subdivisions should be deed-restricted as affordable or moderate-income housing. This percentage aligns with the Washoe Tahoe Area Plan adopted last year.

The 10% requirement is derived from housing needs assessments by the Mountain Housing Council and Tahoe Prosperity Center, indicating a gap of over 5,000 workforce housing units for lower and moderate-income residents, approximately 10% of the total potential units in the basin. While the proposal won't replace Placer County or the City's existing requirements, rather it will apply to jurisdictions without equivalent programs. The next phase of Tahoe Living will explore other policy options for mitigating impacts on affordable housing.

Regarding what's next, staff are seeking input today, and plan to present the proposal to the Regional Planning Committee, incorporating comments from both RPC and APC. They will conduct a final round of stakeholder outreach and then work on the IEC and conformance documents, aiming to begin the hearing process in April 2024, and present to the Governing Board for consideration in June.

APC Comments/Questions

Mr. Drew raised two points. Firstly, on EV charging, there are unintended consequences where people use parking lots for charging and not for the intended facilities, causing conflicts. More thought is needed to manage this across the basin. A good example is at Meyers Holiday Market, where a substantial part of the parking lot is taken up for EV charging, but people charging their vehicles aren't frequenting the businesses. Solutions are needed to address this issue moving forward.

Secondly, on affordable housing, flexibility is encouraged. Flatly requiring 10% of a project to have deed-restricted housing is good in concept, but flexibility is necessary. There should be an option, under certain circumstances, to allow agencies, both TRPA and local agencies, the flexibility to decide on a site-by-site basis. This would enable projects in an area to work together, maximizing the ability to provide affordable, deed-restricted housing units, even if not

ADVISORY PLANNING COMMISSION

February 14, 2024

directly on their site. The goal is to increase the number of moderate and affordable units in desirable locations and layouts. While the requirement is fine, more thoughtfulness and flexibility can lead to better outcomes.

Mr. Teshara agreed wholeheartedly with Mr. Drew's important points. He also raised a question about whether existing mixed-use buildings would be affected by the new ground-floor use requirements. Mr. Marshall, TRPA General Counsel clarified that the prospective application applies only to new mixed-use developments, not existing ones. He added that they would need to look at how the new standards might affect existing buildings that want to make enhancements.

Mr. Teshara also expressed concern about the availability of dark-sky-compliant lighting and whether it's readily accessible. Mr. Stock assured that such lighting is readily available and not a specialty item.

Ms. Stahler appreciated TRPA addressing climate change and suggested that the focus should be on reducing emissions to help address climate change rather than just adapting to it. She also mentioned a concern about renewable energy and how shade can negatively impact solar panel installations, especially considering the abundance of trees in the region. Ms. Stahler added that there may be other opportunities to achieve the same goal of utilizing renewable energy, either through participation in community-based projects or purchasing renewable energy from utility providers.

Ms. Stahler also brought up the importance of considering how technology is used for energy efficiency, emphasizing commissioning standards for testing HVAC systems. Additionally, in response to Mr. Drew's comments, she highlighted the need for EV charging infrastructure in new multi-family housing or condominium developments. If EV charging isn't available at home, people will seek it elsewhere.

Ms. Wydra said she appreciated the mixed-use standards, and had a question regarding section 36.14B, where it requires a 60% of ground floor area, suggesting "shall" instead of "must" for greater enforceability. She also raised questions about the lighting requirements, specifically exploring timers and addressing timelines for Christmas lighting. Additionally, she inquired about the definition of public safety signs and questioned the threshold for temporary events, suggesting a reconsideration of the number 500. Lastly, she expressed appreciation for the efforts in exploring qualified exempt projects and activities.

Mr. Stock said thanked Ms. Wydra for raising timers, they had not considered that but will take a look. Christmas lighting, if not addressed in the Code, is addressed in the building design standards. Regarding the size of events, Mr. Stock said the 500 number was borrowed from the City of South Lake Tahoe Ordinance, so they are certainly open to other suggestions.

Ms. Moroles-O'Neil raised concerns about the impact of cold weather on EV charging stations, citing logistical issues faced in the East when temperatures dropped. She suggested considering the potential impact on service stations and parking lots during cold weather.

Mr. Eric Young expressed appreciation for TRPA's efforts to align process and regulations with data and rational criteria. While acknowledging the rational basis behind the 10% affordable

housing requirement, he emphasized the need for flexibility when linking regulations to specific numbers. It's a trick to pull off, but it's necessary. He appreciates the need for an empirical 'number' but suggests that they build in flexibility with other ways to achieve the same goal.

Mr. Young also expressed appreciation for TRPA's commitment to seeking and establishing best practices. In the context of dark skies, he expressed interest in hearing more about TRPA's approach to incorporating best practices, whether by building regulations based on existing best practices or formulating their own based on gathered insights.

Mr. Young also raised the point that best practices may still be evolving, especially concerning EV vehicles, and charging stations. He questioned the extent to which TRPA could even identify and implement best practices for new developments, particularly in the distributed charging infrastructure space. He acknowledged the challenges in this area and sought clarity on TRPA's stance and efforts regarding best practices. In conclusion, Mr. Young thanked TRPA for its ongoing efforts and emphasized the importance of understanding how best practices, both established and evolving, are being integrated into the regulatory framework.

Mr. Hitchcock inquired about the mixed-use design standards outlined in code section 36.1.4. He sought clarification on whether substitute standards incorporated by local jurisdictions in their area plans would supersede this code section or if consistency with section 36.1.4 would be necessary. Mr. Marshall replied that unless there was something specific in the amendments, an area plan, as part of the Regional Plan, would preempt inconsistent code requirements, but that is an issue we should track – whether we want TRPA to provide minimum requirements for example. Mr. Hitchcock emphasized the importance of avoiding conflicts between area plan standards and the Code of Ordinances. Mr. Marshall said nothing precludes substitute standards for these items. Mr. Stock added that he reviewed the area plans against these proposed amendments and couldn't find any conflicts, but agreed they should continue to track.

Ms. Chandler sought clarification on whether the traffic mitigation tied to a South Lake Tahoe City ordinance would also apply to events in Stateline. Mr. Stock confirmed that if the proposed amendments were adopted, it would have basin-wide applicability.

Ms. Carr raised two points, with a focus on service station amendments and a query about rooftop solar. Regarding service stations, she delved into the language on page 62 of the packet, in Table 21.4-A that addresses primary uses for service stations. Her concern centered around the use of double negatives, specifically an exclusion that seemed to indicate service stations would not be considered a primary use when operating as a convenience store with two or fewer gas pumps. Miss Carr questioned how this provision would apply to Electric Vehicle (EV) servicing stations, particularly those with two or fewer charging points. She used the example of a 7-Eleven in South Lake Tahoe without traditional pumps but the potential for EV charging stations, wondering if they would benefit from the designation as a primary use.

Miss Carr raised a second question about the reflectivity cap in scenic areas for rooftop solar. While acknowledging the importance of limiting light reflection, she expressed interest in whether the cap could also affect/reduce heat production, especially in an environment dependent on winter sports. The concern was focused on larger solar installations and whether they might contribute to localized heat.

Mr. Ferry supported the comments from Mr. Drew and Mr. Young about the 10% threshold, suggesting more explicit information on the rationale behind the number and considering flexibility.

Regarding lighting standards, Mr. Ferry inquired if there were provisions for retrofitting when someone pulls a permit for other construction activities. Mr. Stock clarified that, currently, when a permit is issued for a home and the exterior lighting is non-compliant, the property owner is required to bring it into compliance.

Mr. Ferry also pointed out a minor wording issue in section 36.8.1.H, where "commercial operation of search lights" might be intended to refer to spotlights, as searchlights are typically associated with helicopters.

Public Comment

Ms. Ellie Waller expressed concerns and suggestions related to the proposed amendments. She said this isn't a blank slate. Asking affordable housing to be shared with developments that may take years has to be taken into consideration. She understands the flexibility of trying to get 10% somehow, but doesn't find that as achievable as putting a 10% issue on this. In the past, the larger employers, like ski resorts and hospitals, that have never had their fair share needs to be revisited. I don't know how you go back but we need to start to look at a different range of how we gain affordable housing.

Ms. Waller brought up Bliss Creek and advocated for a comprehensive Environmental Improvement Program (EIP) project that involves shared responsibility, not just leaving it to developers. She said we've all talked about VMT and how all this will relate to getting more EV's into the basin, but there are people who may not transition to electric vehicles easily and urged a broader examination of these issues.

She said she is very concerned about the visual impact of rooftop solar depending on the height of a building. She lives in the Carson Valley and has an issue with homes in Clear Creek Tahoe, where the reflectivity downhill into subdivisions is horrible. She emphasized the importance of considering these aspects from different angles, not just within scenic zones.

Ms. Waller noted the need for a tailored approach, as what works in one area may not be suitable for another.

Ms. Ann Nichols said she is confused on the agenda whether the graduate students from UC Davis did all of this work, or only night sky. She asked whether the mixed-use requirement includes office spaces in a project. That's not delineated and needs clarification. Additionally, she said the stuff about the 10% requirement of affordable or workforce housing is based on Prosperity Center data. Who are the Prosperity Center? They're very well meaning I'm sure, but they are quasi-governmental, they get paid to do this work. Can we really rely on this? For instance the Waldorf Astoria project, which is 800,000 sq. ft. has to do 14 units which is really nothing, and I'm not sure about the Boatworks, which says they only have 44 employees and don't give us a population or build out. We need to know a lot more and I hope you will ask all these questions.

VII. REPORTS

A. Executive Director

TRPA Chief Operating Officer and Deputy Director, Mr. John Hester referred to comments on the incorporation of green stormwater infrastructure in these amendments. He said staff were developing standards for consideration, in collaboration with agencies such as the Nevada Division of Environmental Protection (NDEP) and Lahontan.

Mr. Hester informed that the Tahoe Basin Area Plan will come before the TRPA Governing Board in two weeks.

Regarding upcoming items, Mr. Hester advised of the Annual Report in March 2024, and other Spring 2024 upcoming items to include a Threshold Update, a Washoe County Area Plan amendment on school uses in the Wood Creek area, and update on the Active Transportation Plan, a Meeks Bay EIS, and a couple of amendments on the Tourist Core Area Plan and Tahoe Valley Area Plan.

B. General Counsel

Mr. Marshall said the recommended housing amendments adopted at the Governing Board December meeting will go into effect 60 days, but reminded that some of the incentives are contingent on area plan amendments either opting in or opting out. As an editorial aside, he said it has been a somewhat of a tragedy, particularly in California, that environmental statutes have been used to basically block affordable housing initiatives. That brings us to this lawsuit, filed last week by the Mountain Area Preservation Foundation (MAP), seeking to enjoin the housing amendments for a variety of reasons, but essentially claiming that the agency did not look hard at the alleged environmental impacts associated with the amendments as adopted.

Mr. Marshall said, I can go through their various arguments, but essentially they focus on the adequacy of the IEC, and whether or not the IEC is supported by sufficient evidence in the record to essentially say that there was no unmitigated environmental impacts associated with the proposal. If you remember the proposal was how to use the existing bonus unit pool for affordable and moderate in workforce housing. So it didn't approve any new development, it just identified as to how to incentivize getting those bonus units on the ground in areas that are environmentally beneficial as opposed to spread out throughout the basin. Essentially MAP, who to my knowledge has not been present in the basin before on any significant environmental issues, has decided now that affordable housing is their next target.

There are some interesting things about the case. The case has been filed in the Eastern District of California in federal court. It's been assigned to a magistrate judge in the beginning so we don't know if we decide to go with this district court judge who that would be. The lawsuit is an administrative record review case. What that means is we'll first have 60 days to answer, we have 45 days to prepare the administrative record, then briefing. Then the court gets to decide on the papers. There might be oral argument but that whole process takes a significant amount of time. We'll be looking at ways to efficiently litigate, and we're planning to present a strong

defense. The rules remain in effect until a court tells us otherwise, and if you have any specific questions, I can respond to them. We provided everybody with a copy of the complaint, and we're looking forward to defending what we think is a strong decision based on a good record.

In other news, we have hired two new attorneys, together with expanding the number of hours we have from Marsha Burch. The first attorney, Graham St. Michael, will be starting next Wednesday. He's from the basin and he currently works for the California Department of Conservation as an attorney. He has also worked for the California Tahoe Conservancy (CTC), and we're looking forward to having him come on board.

C. APC Member Reports

Tahoe Douglas Fire Chief, Scott Lindgren said we know there's a ton of concern, including some comments today, on evacuation and wildfire threat. I'm representing the Tahoe Basin Fire Chiefs and want to assure everyone that all of the fire chiefs in the Lake Tahoe Basin are very concerned about the wildfire threat and about evacuations. With that being said, I think about it every day, even when we have snow on the ground, it's a big concern.

Chief Lindgren said, we've formed a group of 33 different agencies from throughout the Tahoe Basin, 13 different fire agencies, 11 different law enforcement agencies and 7 agencies that are either county DOT or state DOT, along with Nevada DEM, and Cal OES. We're having a monthly meeting, with all of those stakeholders coming together to develop a basin wide evacuation plan that could be shared with the public. We get a lot of comments that there's no plan - there are plans, but they're not one-stop-shop and they don't fit everybody in the basin. Obviously any evacuation, like we saw in the Caldor fire greatly affects all of the agencies in the basin.

Chief Lindgren continued, we're meeting monthly, we're sharing documents. Eldorado County has a deputy fire chief from Eldorado Hills who's now been assigned to Eldorado County OES that's herding the group on a document that will be a one-stop-shop for everybody. The plan is that each agency will add their specific information to this document, and it will be accessible to the public to view their particulars; the main routes in and out; shelter in place locations etc. The goal is to have this document available to the public in Summer 2024.

At a future time, we hope to be make public presentations on that document. A really important aspect is how do you notify the community. All the counties and agencies have a reverse 911 system where the public can sign up for notifications. We will incorporate that information into the document with QR codes and links.

Chief Lindgren added that there is also a new evacuation software program called Perimeter Solutions, that is very simple to use. All of the counties that touch the lake, with the exception of Placer County, have adopted this program. The program is live all the time, so in the event of an evacuation, they push out a link that shows the location of the incident, and where to evacuate. It's not an application, but it's a real-time website/link that was developed after the fires in California in the Napa area, and has been used extensively. Chief Lindgren clarified that while Placer County is not using this program, they do have something similar, and those links will also be included. Even though evacuation remains a major concern, they learned a lot of lessons from the Caldor Fire, and there are some good things happening.

He added that while the counties are different, the agencies are different, and the states are different, all are coming together to create this one-stop document to share across all websites/media.

Chief Lindgren also commented on the Tahoe Fire and Fuels team. He sits as current chair of the Multi-Agency Coordination group (MAC), that oversees the Tahoe Fire and Fuels team (TFFT). Along with TRPA, the TFFT recently hosted a 2-day workshop, and will be reporting their findings at an upcoming MAC meeting in April 2024.

Chief Lindgren informed that last year, the MAC gave the TFFT four main priorities to work on. The number one priority is fuels reduction along evacuation routes, so that we don't get caught in a Hawaii or Paradise type fire situation. We have some big concerns in the basin, so doing that fuels reduction along evacuation corridors is our number one priority.

Number two is field breaks around infrastructure. That's probably one of the easiest ones to accomplish because we've already done fuels reduction around major infrastructure, cell phone towers, radio repeater towers, so we can communicate an emergency, but it needs to be expanded and improved.

Number three is fuel breaks around communities. That's a tough one because forest service land touches our communities, and getting approvals through the forest service is complicated. But Tahoe Douglas was the first one to accomplish one in Skyland just south of the neighborhood Highway 50 as a showcase piece of what it will look like. We had some initial concern from the community, but once we did it, we got almost 100% approval from the community. Each of the fire districts around the lake is supposed to be doing the same thing so the public can see what a shaded field break looks like.

Number 4 is probably the hardest one to accomplish, and that is strategic field breaks that follow ridge lines, from the Sierra crest to the water. These are strategic field breaks that we build ahead of time, 300 feet on either side of the ridge with thinning and fuels reduction, so that if we do have a major fire like the Caldor or the Angora and it's moving fast, we have a place to get ahead of it and make a stand.

The Fire Chiefs are also actively engaging in discussions about forest land and related matters, emphasizing the need for concrete actions. The Tahoe Fire and Fuels team, established after the Blue Ribbon Commission and the Angora fire, has achieved commendable milestones. However, current efforts are focused on moving beyond cooperation and receiving awards, urging chiefs to prioritize and implement tangible solutions. Despite the presence of snow, the unpredictable weather of the past five years and the aftermath of a prolonged drought add uncertainty to the upcoming fire season. Chief Lindgren also acknowledged the importance of forest health to the lake, and they are all actively working towards its improvement.

Mr. Alling said that the East Shore Corridor Management Plan for US Highway 50 is accessible on the Nevada Department of Transportation website. A public meeting for the Plan is scheduled for February 27th at 4:30 p.m. at George Whittell High School in Zephyr Coffee. As he understands it, the plan does not involve any lane reductions. Mr. Alling encouraged everyone to get involved either by attending the meeting or submitting comments through the website.

Mr. Teshara thanked Chief Lindgren for the thorough update, especially concerning evacuation planning. He represents the Tahoe Transportation District (Tahoe Transportation District) on the board of the California Association of Councils of Government. During a recent meeting at our annual Regional Leadership Forum in Monterey, there was extensive discussion about the projected decline in fuel tax revenue for road and transportation improvements.

This decline is attributed to the growing number of electric vehicles, which, while contributing to road wear and tear due to their weight, do not pay fuel taxes. As electric vehicles become more prevalent, there is a concern about funding for essential infrastructure maintenance. It is anticipated that this crisis will be a focal point in discussions moving forward, and I wanted to bring it to everyone's attention today. Mr. Teshara said perhaps, at some point, we could arrange for a presentation or discussion on this matter either at TRPA or TTD to explore potential solutions. This is a pretty significant impact on what we have thought for many years was our source of transportation funding.

Ms. Stahler expressed her gratitude for the nomination and the vote of confidence for the position of vice chair. She acknowledged that her acceptance was contingent on Brendan continuing as chair and commended Mr. Ferry for his effective and efficient facilitation of meetings in compliance with open meeting law. She appreciates his thoughtful leadership on the commission.

Mr. Drake informed the group about the upcoming California Trails, Parks, and Open Space Conference, scheduled at Everline Resort and Olympic Valley in late April and early May. He highlighted that it's a statewide conference, and he will be conducting a workshop on recreation access and trail-related topics on the West Shore. He added that it's nice when these statewide conferences are held locally and highlight some of the things being done here.

Mr. Drake addressed significant changes in the enforcement of the construction stormwater general permit by Lahontan. The agency's recent interpretations have led to aggressive enforcement over the past 6 to 9 months, impacting various projects in the basin. Mr. Drake anticipates that these interpretations may face challenges in the future, but we need to be aware because it will put extra emphasis on large construction projects.

Furthermore, Mr. Drake raised concerns about some fuel reduction projects, that are exempt from complying with construction stormwater permit requirements, where the BMPs were essentially non-existent. He emphasized the need for consistent enforcement, especially when large-scale projects lack adequate Best Management Practices (BMPs). There is a message sent when we don't enforce the rules on projects that are very visible to people. He urged a balance between conducting essential fuels management projects and ensuring adherence to water quality standards, emphasizing the impact of visible projects on public perception and the challenges faced by regulatory and development entities.

Mr. Letton said he appreciates the comments and emphasized their willingness to respond to public concerns regarding forestry-related projects at any time. He explained that many vegetation management projects are automatically enrolled, and it's important for the public to report any issues with projects not meeting general conditions, as it would be a violation of the Timber Waiver permit.

He acknowledged the importance of finding a balance between regulatory needs and streamlined permitting for forest projects. Mr. Letton mentioned ongoing efforts to create a greater enforcement presence in the Tahoe Basin, especially concerning violations of the Tahoe Construction General Permit, which is similar to the statewide permit. The goal is to minimize the risk of discharges that could impact the lake.

Mr. Letton also encouraged public participation and input on the upcoming renewal of the Timber Waiver permit, scheduled for consideration by the board in April 2024. He underscored the need for collective input, and anticipates another APC meeting before the board's decision.

Ms. Carr expressed their intent to follow up on the water quality and fuels reduction issue. They plan to contact both water quality permitting authorities and the Division of Forestry to gain a comprehensive understanding, particularly on the Nevada side of the basin. The speaker also echoed Mr. Letton's observations regarding the challenges posed by out-of-state contractors in post-COVID development, emphasizing the importance of holding contractors accountable and allocating additional resources for construction inspections.

Miss Chandler provided an update, mentioning the previous discussion on Aquatic Invasive Species in October 2023. The matter was sent back to the committee to develop a refined proposal. The committee is set to meet at 2:00 p.m., and Miss Chandler hopes they will have a recommendation to present but the next meeting.

Mr. Ferry shared news about Eldorado County initiating a jurisdiction-wide area planning process. The Tahoe Eldorado Area Plan aims to bring the entire county outside of Meyers up to current standards. While acknowledging there is still a long way to go, he expressed excitement about the progress, with a consultant already involved in the planning process.

VII. PUBLIC COMMENT

Mr. Ellie Waller expresses gratitude to Mr. Drew for the Best Management Practices (BMPs) in general. TRPA's used to use a percentage completion as a benchmark for residential allocations. They don't do that anymore. She emphasized the importance of local jurisdictions completing BMPs on redevelopment sites, even if a project is not actively in progress, to contribute to the overall system. Ms. Waller discussed the emergence of information about taxing vacant homes and raised concerns about major employers not doing their fair share.

Ms. Waller thanked Chief Lindgren and said she had seen the perimeter demo and it's a very useful tool. Douglas County will be providing a demo to her Property Owners Association.

She said she is still disappointed in the Latitude 39 project only being an Environmental Assessment. The project size could have triggered some kind of EIR. Some of the analysis was rushed. The VMT was at 1298 with a 1300 trigger and several Governing Board members asked for that to be re-evaluated and it was not. Now that project is entitled and for sale.

ADVISORY PLANNING COMMISSION

February 14, 2024

Mr. Doug Flaherty criticizes Mr. Marshall's labeling of the MAP lawsuit as a tragedy and questioned if that is his role. He should maybe explain but editorialize reflects everything that's working with the TRPA and its continued mismanagement of the Lake Tahoe Basin.

Mr. Flaherty offered kudos to Chief Lindgren, everyone would support any attempt to assist in any way they can on wildfire evacuation planning. The fact that they're just now doing it raises some questions, where has the leadership been till this point. He emphasized the need for a comprehensive evaluation of roadway capacity. He said he didn't hear anything about the best practice of the California Attorney General. He's sure all of those items will be part of the plan, and if not we go back to the same issue about identifying roadway capacity in case of wildfire to help us decide whether increased density, coverage, and height is appropriate

Referring to the BMP issue, Mr. Flaherty expresses concerns about the mismanagement of the U.S. Forest Service, including the Tahoe Fires and Fuels Team, and the 750,000 burn piles out there. He doesn't think the indigenous people cleared the forest and put piles out there, and used thousands of gallons of petroleum product to burn them. What about the run-off when it snows? They haven't been monitored, nobody is overseeing them, just like nobody is overseeing the TRPA.

Speaking of monitoring, Mr. Flaherty said he hopes the TRPA calls for a count of East Shore Trail users. That project was approved, and we've been hit with tremendous amounts of visitor traffic, and no one is taking account of visitors, we need to monitor that.

Ms. Niobe Burden suggests using story polls as a way to improve trust, transparency, and public understanding of proposed projects' height. She advocates for a discussion on possibly mandating story polls for all proposed projects to visually represent their height and impact on views. There is no better way to judge a height. A height of 56 feet on lakeside projects is misunderstood until fully visualized.

Ms. Ann Nichols from the Preservation Alliance blamed all the bad TRPA's policies for the lack of affordable housing, runaway luxury condos, and special interest projects. The monetizing of entitlements has created land to be more valuable. Let's approve really huge projects that can't even be financed, they never happen, nothing ever goes. Then you blame it on the nimbys when its really the TRPA. She questioned if the APC has ever denied or recommended not approving a project and expresses skepticism about TRPA's accountability, transparency, and enforcement.

The meeting concludes with the adjournment at 12:34 PM.

VIII. ADJOURNMENT

Mr. Drew moved to adjourn

Chair Ferry adjourned the meeting at 12:34 p.m.

ADVISORY PLANNING COMMISSION
February 14, 2024

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
Clerk to the Advisory Planning Commission

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.

DRAFT