

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

December 14, 2022

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 1:38 p.m.

Members present: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Mr. Hicks, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Ms. Williamson, Mr. Yeates

Members absent: Mr. Rice was present for Consent Calendar Item No. 5.

Ms. Gustafson said we'd like to recognize a former TRPA Governing Board member Roland Westergard, who passed away in October of this year, he was the director of Nevada's Department of Conservation Natural Resources, and the DCNR Appointee on our Board for 15 years. We just wanted to acknowledge his dedicated service before we can begin this meeting.

Mr. Lawrence said he first got to meet Roland when he was a TRPA Planner. He was one of the best Board members ever. Then he got to work with them in his capacity as the head of DCNR. The work he did negotiating complex water issues in particular. It's a great loss and what a great human being.

II. PLEDGE OF ALLEGIANCE

Mr. Yeates, Ms. Novasel, and Mrs. Cegavske led the Pledge of Alliance.

III. APPROVAL OF AGENDA

Ms. Regan said at the request of multiple Board members, staff suggests pulling Consent Calendar Item Number 5, Latitude 39 Mixed-Use Residential and Commercial Project from Consent onto the main agenda. They would take that item up for consideration and discussion after the rest of the Consent items.

Ms. Gustafson deemed the agenda approved as amended.

IV. APPROVAL OF MINUTES

Ms. Aldean moved to approve the October 26-27, 2022, and November 16, 2022, minutes as amended with minor clerical changes.

**Motion carried.**

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V. TRPA CONSENT CALENDAR

1. November Financials
2. Nevada Division of State Land's Excess Mitigation Fund Disbursement (\$2,605,730)
3. Yount New Multiple-Parcel/Multiple-Use Pier, 300 State Route 28, Washoe County, Nevada, Assessor's Parcel Numbers 123-211-01 & 02, TRPA File Number ERSP2022-0029
4. Annual Local Government Coordination Report and Action on Recertification of City of South Lake Tahoe's, El Dorado County's, and Placer County's Permit Delegation Memoranda of Understanding
5. Latitude 39 Mixed-Use Residential and Commercial Project, 110 Lake Parkway, Douglas County Nevada, Assessor's Parcel Number (APN) 1318-27-001-010, TRPA File Number ERSP2022-0119

Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two. Consistent with prior months, planning fees are still very high. They are now 14 percent above the three year average. Expenses are still within budget and cash flow will be negative due to disbursements of mitigation funds to the California Tahoe Conservancy. Consent Calendar Item Number Two was unanimously decided based on a report given by State Lands to disperse the \$2,605,730 requested.

Committee Comments & Questions

Ms. Aldean said Stuart Yount who used to be a member of this Board who served as a Presidential Appointee has been wanting a dock for eons, congratulations Stuart!

Ms. Gustafson said there were two items that were not reviewed by any Committee. The Yount New Multiple-Parcel/Multiple-Use Pier, 300 State Route 28, Washoe County, Nevada, Assessor's Parcel Numbers 123-211-01 & 02, TRPA File Number ERSP2022-0029 and the Annual Local Government Coordination Report and Action on Recertification of City of South Lake Tahoe's, El Dorado County's, and Placer County's Permit Delegation Memoranda of Understanding.

Public Comments & Questions

None.

Mr. Lawrence moved approval of items one through four.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Ms. Williamson, Mr. Yeates

Absent: Mr. Rice

**Motion carried.**

Consent Calendar Item Number 5: Latitude 39 Mixed-Use Residential and Commercial Project, 110 Lake Parkway, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-27-001-010, TRPA File Number ERSP2022-0119

Ms. Regan said the Agency has made great progress but still has many challenges in front of us. This project really illustrates some of them. It's time for TRPA to take a hard look at our land

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use policies and was very important to her and being motivated to pursue this job and looking forward at the next 50 years on how they can adjust their land use policies to incentivize the type of projects that they want to see. They've heard in the last week, that there are concerns about this particular project and also supporters of this project. This project was on the Consent Calendar because it's roughly the same size and units as a project in Incline Village recently approved on Consent. The project also advances several Regional Plans policies promoting Infill redevelopment in a Town Center in a walkable, bikeable area. But it's also an example of how a project can meet TRPA standards, but not necessarily advance all of the goals of the Regional Plan such as affordable housing.

Mr. Hester said essentially what both the Regional Plan and the Regional Transportation Plans/Sustainable Communities Strategy looks to do is protect the environment, and do a successful redevelopment by integrating environmental, land use, and, Transportation factors.

[CC-5-Latitude-39-Introduction.pdf](#)

The map on the left shows the sensitive lands and want to move development from these areas spread out around the basin. The middle map shows where they would like that development to move to and have redevelopment. The middle map shows that they have one high density tourist district which happens to be where this project Latitude 39 is. There is one Regional Center and a number of Town Centers. They want to see development in Town Centers, but it includes the Regional Center and the high density Tourist Center. Those are areas where they'd like to move sensitive development or development that's spread out work, more concentrated into those areas. There are a number of policies in the Land Use section of the Regional Plan, 4.8 – 4.11. They call for Mixed-Use, higher density, walkable, bikeable, transit served, and shared parking. The transportation system shown on the map on the right is designed to work with that land use pattern to make it happen. The Regional Plan Regional, level is a redefinition of the development footprint to work with the transportation system into these centers.

Typically, when staff receives a project application that implements the Plan, the Policies and the Code of Ordinances, staff by default will put it on the Consent Agenda. Because you don't want to put any more hoops in front of somebody if they're doing what you want in the Plan, you want to incentivize that. Obviously there can be reasons that the Board may want to pull it off of Consent to hear more detail.

Mr. Feldman on behalf of the project applicant to follow up a little bit on what Mr. Hester mentioned. In 2011, that was a pretty contentious time with some legislation where Nevada was threatening to withdraw from the Compact and a Bi-State Consultation Committee was formed. He had the privilege to serve on and in 2012, they brought forward the Regional Plan Update. A couple of cornerstones of the Regional Plan Update were a shift in in the direction of the Agency where they recognized the basin was fundamentally built out and that environmental redevelopment was the focus to be pursued as opposed to the historic, growth control plan on steroids. It was a seismic shift; he thinks in the direction of the Agency and another cornerstone of the RPU was the idea of trying to create some certainty and predictability in the process and was what both states wanted to see happen. The RPU was adopted kind of simultaneously with that. There was a South Shore Vision Plan which included amongst others, TRPA, the South Tahoe Alliance of Resorts, Douglas County, the City of South Lake Tahoe who tried to imagine what the Tourist Core should look like between Ski Run Boulevard on the California side and the old Lakeside Inn. That South Shore Vision Plan also contemplated many of the elements that were incorporated in the first area plan adopted pursuant to the RPU. The Vision Plan identified the high density Tourist District, the Casino Core

and Douglas County was the first county to adopt an area plan which included amongst other things the design criteria for 95 feet of height at Latitude 39.

They also convened, a stakeholder group to talk about vehicle miles traveled and shift the idea of the original 1982 threshold of maximum vehicle miles traveled to this impact assessment statement. He was also fortunate to participate in and support. That became part of the criteria under which they process a project, and this project was processed with that in mind and is complied with all of the design criteria the area plan criteria and consistent with the RPU. What is not in the permit, and not in the meeting packet is that the project is kind of a leader in in sustainability and conservation. The developer, PCS Energy, is an energy conservation company, and among the items incorporated from a sustainability perspective or hall parking, electric chargers, solar is utilized in connection with capturing, storing, and harvesting electricity at down periods.

The use of electricity is minimized. It's a vehicle to grid electric charging system, ground force heat pumps, exhaust air energy recovery and is a model for contemporary responsible development. With these green practices, compliance with all the rules and policies, they are pleased to bring forward and sadly pay the \$106,000 Mobility Mitigation Fee among other fees. Lastly, what's not in the permit, wearing another hat, he has been raising money for microtransit. They were successful in connection with the Event Center project in launching microtransit one year ahead of schedule and in some respect six years before they were required to have year-round microtransit. It's off to a robust start, and why is that relevant to this project? As he was engaged in the fundraising process, the developer of this project supports those kinds of mitigation measures and has agreed to pay \$10,000, a year, not because anybody has asked them but that was what they thought was the right thing to do. They in to support microtransit as a responsible member of this community and supporting a very important, and now addition to our mobility.

#### Board Comments & Questions

Ms. Conrad-Saydah said it's great to hear that the developer is investing in microtransit and has embraced net zero type gains for the building. How is the developer encouraging the use of the microtransit from the residents? Are there incentives or sticks to make sure that it's actually used and are there limits on parking in order to encourage that? What's the relationship with the development and the actual use of microtransit and avoidance of car travel?

Mr. Feldman said the project is located within a walking distance to the Casinos, Heavenly Village, Edgewood, and the beach. It is about as conveniently located to encourage pedestrian mobility. He doesn't expect that there'll be high utilization from this bed base for microtransit because it doesn't go to the places where these folks want to go, they can walk there.

Ms. Conrad-Saydah asked if they'll have beach access with this building?

Mr. Feldman said yes, there's a public easement to the beach at Edgewood and will be able to walk to the beach.

Ms. Conrad-Saydah asked why affordable worker housing wasn't contemplated in the development.

Mr. Feldman said there is no requirement from either Douglas County or TRPA to have inclusive housing, so, that is not part of the program.

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Ms. Conrad-Saydah said but there was no requirement for microtransit for six years, and no requirement for those net zero targets, so, why not include some worker housing or contemplate it or feed into a fund to do that?

Mr. Feldman said that was a decision by the development team. While they all are supportive of affordable housing, he has had the experience of working on several affordable housing projects including the one across Market Street here. Generally speaking, in order to make those financially viable there needs to be a very substantial public subsidy. Douglas County does not have a housing person to work with to advance that cause and so, is not part of the program.

Ms. Conrad-Saydah said hopefully, they'll have a discussion on vehicle miles traveled. The VMT analysis was what made her most alarmed, it seemed like the way it was done skating in just two below the level for broader assessment felt very suspect. That was what made her take broader notice and dig further into the VMT Assessment. She did find a number of areas where it seemed like there needed to be more work done. You'll note that there are a number of public comments to this effect, too. Based on those public comments, what's the plan to reconsider the VMT Assessment?

Mr. Feldman said perhaps he should defer that to staff. Having participated in the formulation of the Impact Assessment, the idea was to create some certainty on how they're going to conduct ourselves. In fact, the opportunity when they were over the limit to embrace the mitigation measures that were part of the menu, were embraced. That brought them below the limit. There's no gamesmanship here. The assumption was a 100 percent occupancy these units in terms of calculating the VMT. They all know that's never going to happen. There was a significant overstatement of the actual VMT but they're playing conservatively. To suggest that they are within two, he respects her being suspect but given the conservative nature of the calculation, they're probably well under that. Availing themselves of the menu, they shouldn't be penalized because they're actually invoking mitigation that has been proposed by the Code of Ordinances.

Ms. Conrad-Saydah asked staff to talk about the subtraction of the existing uses from the formula, and how that was completed and when that Assessment and Traffic Analysis was done.

Mr. Marshall said generally TRPA recognizes existing development that can be grandfathered in or utilized on site. They do it for coverage, height, density etc. When there is a change of use which is what this situation is, there was a bank, and now it's changing that bank to another use, mixed-use, residential and Restaurant. The applicant or the owner of the existing development can take advantage of that existing impact associated with the operation of the development as part of what they get to claim as credit for their development, or redevelopment in this case. But for changes in use, VMT, and trips, you need to be operating, he believes it's 90 days within the last five years. That's TRPA's rule that says, if someone could show that then you can take credit for that amount of use. In this case, it was a bank, but the bank generally closed before the five year period, but they kept the drive through ATM open.

The consultant and TRPA staff negotiated what would be an appropriate rate and decided that the best way to do that is Institute of Transportation Engineers (ITE) rate for a drive through for a bank which is a reasonable assumption to make. The original traffic report took credit for the entire bank and showed a much higher level of existing use on the property, so, when that original traffic analysis with that assumption went in, it showed a net decrease in VMT because

of that credit. But when that was submitted to staff, they said no, the bank hasn't been operating within the last 90 days or the last five years. The only thing that has been doing that is the drive through. Staff arranged a credit for the drive through. That's what they were able to use as credit to reduce or subtract from the amount of VMT generated by the 40 units plus the restaurant, a mixed-use project.

Ms. Conrad-Saydah said she read all of that and still feels like there's a miss there. Because that the amount of use of that ATM feels like the formula itself based on some of the comments and formulas, she saw yesterday doesn't quite capture the dramatic change in use with the number of bedrooms for these types of units and turning them over more regularly on a weekend. It still felt flawed, even with that explanation.

Mr. Marshall said when you get a report, speaking in rough terms, a drive through and a bank generates the same amount of VMT as the 40 residential units. It makes you stop and think, but they go back and check that they're using the right ITE category? Are they using reasonable assumptions for those units, and it worked out. Now, what's driving the additional VMT associated with this project is the restaurant. That's what is essentially generating the trips over and above the drive through that gets them close to the 1,300.

Mr. Lawrence said it does jump out, right or wrong when you read a report that says the threshold is 1,300, daily vehicle trips and generates 1,298 or whatever, got his curiosity up. He dug into it a little bit, and he wasn't on the VMT Working Group but certainly did follow along and appreciated the work that the committee did. That threshold there is for reason to make sure that it's being adequately mitigated. What if it's above the threshold, but it's also an incentive to get folks that are doing projects to do the types of transportation improvements and get credit for it in order to bring it below the threshold. The restaurant there is going to be an employee trip reduction program. Those are the types of things that they want to incentivize and have folks do as part of doing work in the in the basin. He was looking for a little more information on the analysis and what mitigation measures, and maybe it was just the trip reduction employee program. What other incentives were done in order to bring the count below the 1,300 daily vehicle trips.

Ms. Cornell, TRPA staff said staff has been working with this applicant for at least six months maybe the better part of a year now regarding the traffic related impacts. As mentioned, the initial analysis had some input in it that staff did not agree with. Staff has been working with them to not just tweak these rates, but to come up with what they feel are the reasonable trip generation rates for these particular land uses. They adjusted the one for the bank instead of applying it to 13,000 square feet of the bank, they agreed the only thing that's been operating is one drive through lane and they came up with the best information that they had. In the Transportation Planning and Transportation Engineering Industry, the accepted sources of data for an analysis like this, is the Institute of Transportation Engineers Trip Generation manual. There are now 11 editions of this and every few years, they're gathering data nationwide and provide information about the data regarding all these land uses.

They worked with the applicant to come up with what they felt were the best categories within the ITE Trip Generation Manual for this project. The 1,298 compared to the 1,300, they could go to a higher number of residential units, more Commercial Floor Area. Not just the project itself, but there have been some things incorporated, that have reduced it down to that number. Again, from the broad project, they've come up with the number that gets around the 1,300 VMT for screening. But there have been some other things that are incorporated into it,

and even though the applicant, is now agreeing to this donation to microtransit, she doesn't believe the microtransit is something that went into that. When the transportation engineer is going through these analyses, they are agreeing on input as they go along, they don't look at what the end result will be before they agree on what the appropriate input is. They agreed on the input and this happens to be the number of 1,300 which is the screening number. It is not a threshold as we all think of it, but it is that threshold for what screens and what does not. The applicant worked and incorporated some measures to get it to this point. She's not familiar take into account trips that are remaining on-site, trips that would otherwise be made off-site and be adding additional trips and VMT now can remain on site, can be pedestrian trips, transit trips, etc. A lot of credit has been given for things like that to reach this number.

Mr. Marshall referenced page 345 of the packet, Condition J has the elements of the Commute Trip Reduction Program and has some samples of what can be incorporated in their trip reduction program. Essentially, they need to show at least 20 VMT reduction and that's what gets them under the 1,300.

Mr. Lawrence said right or wrong, it jumps out. On the cynical side, the traffic analysis was formed in order to be below 1,300. After he dove into this, and with the responses here, he gets a lot more comfortable, where the traffic analysis wasn't done to get below 1,300 trips. The project working with staff was designed and mitigated in order to bring it down. Sometimes the more cynical parts of us can jump to a more nefarious thing but knowing what he knows from the VMT history, and from the project and even back to 2011 to with a desire to have some certainty when people go through the process, he is comfortable with staff has been working at least in the space of the traffic analysis to come up with a project that is under the threshold as opposed to coming up with a traffic analysis.

Mr. Friedrich said he shares some concerns about the assumptions on the vehicle miles traveled associated with ATM machines. It's hard to imagine those being equivalent to residential travel. What is the assumption on VMT per employee? There's restaurant and bar, theater, kid zone, lobby, classroom, offices, and outdoor spaces. He's thinking of landscapers, housekeepers, restaurant workers, maintenance, etc. What is the number of employees expected? They just heard that there's not housing provided, so, if it follows trends in the basin, they can anticipate it being out of the basin commuting from Carson, Minden, Gardnerville, etc. What is the number of employees that are assumed, and what is the average? What is the VMT per employee, that is baked into the VMT model?

Ms. Cornell, TRPA staff said a point similar has been raised a couple of times, that in the surveys and the data that goes into the ITE Trip Generation Manual, and the data is gathered, the data is then processed in a manner where they can calculate the number of daily vehicle trips associated with "fill in the blank" unit. Typically, what they use when a project has been proposed and evaluated, is the known factor. For them and evaluating a project generally is the size of the space and the project or in the case of a residential, it's the number of units. For a commercial space, it's the square footage of the space. For the most part, when they recommend or apply trip generation rates, those trip generation rates are based on the size, in this case, a restaurant.

The ITE rates are boiled down to a unit of per 1,000 square feet of gross floor area. In that rate, the employee trips are presumed to be a part of that. When you apply these trip generation rates, you don't apply the rates for space and the rates for employee. She presumes for a restaurant trip generation rate, you could look for the rate based on the number of employees,

but it's just a different way of getting to the same result or the same product. But now instead of saying 3,300, or however many square feet of restaurant there is in this project, they would be saying, oh, they're going to have ten employees, and it's going to be a different trip generation rate. When they do these surveys, they're just counting the number of cars coming and going to whatever the use is, and then in this case they would be dividing it by the square footage of the use itself. In the trip rate that has been applied for this project, they don't separate the employee trips from the customer trips.

Mr. Friedrich said also there's not an attempt to analyze how far they're traveling. And again, to say it doesn't matter, whether they know that there's a very diminishing supply of workforce housing, there's none added to this project, they can assume that a significant percentage of traveling, 25, 30, or 40 miles to these jobs is not contemplated in the VMT calculation?

Ms. Cornell, TRPA staff said in a general sense, it is definitely taken into account. When a traffic model is developed in the Tahoe Region, geographically, it's broken down into zones. For every zone, you look at the number of trips that would be generated within that zone. Then for those trips that are generated within that zone, those trips have an average trip length. There is an average trip link that is applied in the calculation of VMT. In this case, she believes they use an average for the zone. In Mr. Friedrich's question of are they taking into account an employee has to drive 30 miles to get to work, they're not going and surveying every specific person and applying a particular length of their commute to individual employees. Again, they are applying averages and that is the professionally accepted methodology for these types of calculations.

Mr. Friedrich asked if there is an estimate of the number of employees that will be working at the facility once it's constructed. Construction jobs are another thing outside of a VMT analysis which is ongoing service workers.

Ms. Glickert, TRPA staff said Ms. Cornell explained it well. But the Commute Tahoe Program, that's the commuter program Mr. Hester spoke of. In this requirement, they have agreed to provide an annual survey and they're going to ask their employees how far, where do they live, and that's the whole point of this program is to get better information. That doesn't mean it's upfront and included in this analysis. That's not something that exists today but that is where the future is going with the program and will help them better understand to make decisions. A part of the agreement and being a part of that program and Commute Tahoe is getting to that data.

Mr. Friedrich noted that the shuttle or was being used as to offset the VMT to get it below that screen threshold. It just seems like they're not starting from a baseline of something to subtract from. Also, do they have any data on similar commuter reduction programs at the Stateline casinos or hotels that would give them a basis to analyze expected reduction similar programs? Actual, real world data.

Ms. Glickert said they don't currently, and is what they're undertaking right now, with the South Shore Transit Management Association. They're working with them closely, so, that they can do that survey work and get a better understanding. All of that information then can feed back into their modeling efforts and transportation planning efforts. Currently, it's not in their hands but are working towards. Requirements like this, to have them be a part of that program helps to build that database.



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Mr. Friedrich said there were 119 proposed parking spaces for 40 units. Are the remainder for patrons of the restaurant, and some number of employees?

Ms. Borawski TRPA staff said 119 spaces were both for the Condominium homeowners and workers at the facility.

Mr. Friedrich said it's anticipated that there'll be a two-step subdivision that makes the units condominiums which presumably could be utilized as vacation rentals. Does the traffic analysis contemplate what the VMT would be in that scenario, if there were eight people per unit with four cars each, for example?

Ms. Cornell, TRPA staff said the ITE trip generation rate used, she believes was the mid-rise, multi-family residential, but the ITE trip generation rate doesn't decipher between an apartment or a condominium which would apply ownership, or renting. The same from an ITE perspective, or from an analysis perspective, the same trip generation rate would apply whether it was owned or rented. That distinction is not necessarily made in this analysis. Even in the ITE Trip Generation Manual there is not a separate trip to generation rate for a short term rental.

Mr. Friedrich said that's interesting, because it's not hard to imagine a family of four or five, having one or two cars for the family, versus four Bedrooms each attracting a couple that each come in their own car and each which travels the West Shore to go to the beaches, etc. Seems like a bit of a flaw in the system.

Mr. Yeates said this is very difficult because he doesn't like to be critical to staff and appreciated what they said. First, to Mr. Hester's response to this having been put on Consent. There's real value here in the discussion that's going on around how staff comes up with the VMT issue. He struggled for 18 months with staff to come up with a new VMT Threshold and feels like many of the former Legislators he used to work with when they simply looked at a piece of legislation that the Coastal Commission was implementing and said, I really didn't think we were going to do that Bill. A lot of what staff does is behind the green curtain, and they seem to be afraid to just put it out here for the Board to have a full debate whether they agreed or disagreed with what staff did. That's not fair, all he does is parachute in here once a month and have to make a decision. If it wasn't for the fact that he spent a lot of time with the League to Save Lake Tahoe and others to try to find out what's going on. Also, when he was Chair, he was allowed inside the green curtain to have those discussions with staff. He missed that when he left the chair position because now, he doesn't hear from you.

He was stunned at the agenda review and was immediately excited to start diving into this, and like his other colleagues, he felt the numbers were a little weird. Then he started asking questions, and what bothers him sometimes is when Mr. Marshall responds to some of his stuff is, this is the way they always did it. Wait a minute, they just did a VMT overhaul because the way they have been doing it. It isn't working, and places like Fodor are saying that people are sick of the people coming here in their cars and creating the traffic. That is one of the reasons they dealt with having the VMT Threshold, and a way to assess that issue to help implement the Regional Plan was to reduce VMT. He sees a project that is nine stories high in Casino core, he gets that, it's not it's not in the middle of Kings Beach. He started thinking about mid-rise residential which he sees those a lot in Sacramento and when you think about walkable and all this kind of stuff, it's so different than what Tahoe has. To a certain extent, he thinks staff lost in the numbers and not seeing the big picture here. This is a big project and as he goes through

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the numbers and deals with the way you guys handled this thing, there 40 units and this is the first time it says proposed condos for all the rest of the thing, they're talking about mid-rise, residential. They're saying that ITE doesn't make any distinction and accepts that because he looked back through how they do all this stuff. So, 40 times 4.9 then times 2.3, but for 490, he has a footnote here that refers him back to the TRPA data for the PIA Zone 43 which they worked out through the analysis for what's required. That's where they come up with the 4.9 for that but where did they come up with 2.3 for a project that has four floors in which every floor has six, four bedroom units, and four, three bedroom units. Those are fairly large. Where did the 2.3 per household come from, because there's not a there's not a footnote where they came up with that. Whereas 4.9 has backup for why it either came out of ITE or somewhere else. This is referenced in Table 10 of the traffic analysis.

Ms. Cornell, TRPA staff asked if that Table states people per household.

Mr. Yeates said it states persons per household.

Ms. Regan said staff will look that up.

Mr. Yeates said it does affect the reason. He wonders why they couldn't say 2.5 or 3, or why they couldn't say 4 when you consider the number of bedrooms. It's also his own experience having rented a three bedroom place in Jackson Hole, and he filled it up and drove a lot different than they would if they were a resident and there's a difference from a visitor. They are having a problem with all of the visitors that are coming in here and they should be making a contribution towards helping them come up with a transportation system to reduce the impact of vehicle miles traveled. Then when you multiply all that out, you come up with 450.8 and they rounded up all the others but not that one. Really, they're not two under when you start adding things up, they're only one under.

Ms. Williamson said these are good questions. She doesn't know that they're going to get an answer to these all today, if they're doing math on the fly. She suggested deferring this item for a month but doesn't know what that does to the schedule.

Mr. Yeates agreed with Ms. Williamson. He would love to see someone go back and go through these numbers so they can come back and give the Board an answer. Because first of all, he didn't have this in his packet, he had to get it.

Ms. Gustafson asked staff or the applicant what that implications that would have.

Mr. Feldman suggested having the traffic consultant's input before they discuss a departure from concluding this today.

Mr. Yeates does have problems with the size of this project of six, four bedroom units and four, three bedroom units on four floors and they only count it as 2.3 persons per household. He understands why they eliminate existing VMT. He doesn't like the five years and feels that's a little over the top and wished they'd revisit that. But it does make sense that if they're going to do redevelopment and there is an existing project with a certain VMT, and they're going to take that and add to this, that you shouldn't pay for the existing VMT twice. Initially, he thought this was weird to remove from the project, Wells Fargo's VMT. He appreciated what staff did as far as when they first came in and tried to get a deal on the whole bank and staff said no, it was only a drive through of one lane. He questioned where they came up with the number 20 and

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how would they enforce it. There's nothing in the staff report that suggests how many people are going to work in this restaurant or how many people are going to be necessary for the outfitters and all the other unique amenities here that make him think that this is something he saw in Jackson Hole and see around here all the time, which is a major vacation home rental project.

All they'd have to do is simply change that household number to 3 or 2.5 and thinks they're over 1,300. If they worked with the consultant and everybody else about yeah, we like your idea, for a target of 20 and here's how you're going to do it. Then staff signs off on it as a mitigation measure or something that they can enforce rather than being buried in the project and years from now, are they really going to follow up with a project. He appreciated all that they've done but thinks this kind of stuff is essential, that they have more of this stuff before this Board. Traffic and visitor impacts is a big deal to people. The project impact assessment guidelines passed by the Governing Board. He would have questioned the five years. He understands the principle but waiting five years and having that hangout there. It was the hard work that they got a VMT Threshold that made sense and hopefully if implemented and enforced it will reduce VMT and the impact that visitors are having if they get a more improved transportation system. That's his problem with this project and the way it was presented.

Mr. Hoenigman thinks most of them would have liked to have seen a different project here, but this project is the result of our codes and can't fault the developer. What he's trying to understand is this the way the formula that they put out to the world to calculate VMT, how it works, and you get results that don't seem intuitive, but they're the rules. If they're the rules, they can't fault the consultants or the developer. They look at a 4 Bedroom unit and say that's going to have eight people in it. That's four couples or two families with two kids each. If the rule is that you assume a unit has 2.3 people and that's how you do the estimation and it's independent of bedrooms. He'd like to know that how those rules come up or what is open to interpretation based on that design of the project. Eventually, he thinks they'll find that they probably want to change some rules. One thing that he was thinking about is it is possible for condos with HOAs to say because most of the buildings he builds, they say, no short term rentals and that's a very different VMT. TRPA's Code of Ordinances might need to be enhanced to react to things like that to more closely estimate what's actually going to happen once it's built. Going forward, he'd like when the transportation engineer talks to them, to tell them what are the assumptions that are built into these formulas and then what kind of project specific to see if those align with the reality of this project.

Ms. Diss said along the lines of the parking and what Mr. Hoenigman just mentioned about HOAs. She has familiarity with projects that sound similar to this at least in other parts of the country. The joke in her family is that they are the bad guys in the show Yellowstone, because they go to a place in Montana and are the outsiders coming in. There are mechanisms that are used to that example of a facility, is now one that is only owners can access all of the amenities. So, it is essentially de facto ended short term rentals because none of the renters can use any of the amenities. This information says that the amenities are for owners and is there a plan to write it into the HOA rules. Regarding parking, is there an assigned number of spaces per unit? With 119 total but there's 40 units. If you have eight people that might bring four cars but if they don't have place to park four cars, they're not going to bring four cars.

Ms. Novasel said when they start talking about the area plans in the South Shore or North Shore, they put in a balance. Short term rentals are not evil people. She goes out and rents and she looks for that. It's a part of our reality in our world. The idea of bringing in area plans was to bring in development to density to allow for things such as short term rental in these areas that

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have the walkable, bikable areas. To talk about taking them out, makes no sense, it's exactly why they have this here. The realization is that they are going to have this, they do need more density, they need to get them out of the cars, but this is something that's a long-term issue. This is not developers' issue at this point. They need to understand that and if they need to change that, they can do that. They've done this in local jurisdictions. Her local jurisdiction has two beds per head requirement. That means a four bedroom and eight people that stay there. Make that the reality when they're talking about data and put that in and make sure they understand the short term rentals are here whether they like them or not. The need to understand that and be able to do an analysis that gets them there. Be real about what that is going to be used for because she understands that is an issue here.

Ms. Diss agreed with Ms. Novasel and didn't mean to imply that she is anti-short term rental. Those short term rentals in densely populated areas are more desirable than having a bunch of people driving to and from a big house, all day long because they are going to make a lot more trips into town. This project sounds very walkable and access all the amenities. She was just trying to draw some questions based on the conversation at large about short term rentals. One way or the other, whatever, the answer is, she doesn't have a strong feeling right now.

Ms. Gustafson asked if the micro mass transit contribution is annualized, for how long, or is one time? Micro mass transit in the North Shore right now is serving far more employees and workforce than it is visitors. They'd like to see that change but the reality is it's the workers who are the ones using it instead of driving to work and taking up a parking spot. How long will the developers continue to provide the money?

Mr. Feldman said they're going to give the money as long as the project is operable. It's in perpetuity assuming the useful life is perpetual.

Mr. Rice said these dovetail perfectly with the project that they have going on now. One of their problems is VMT. If you're living right across the street, you don't have to drive anywhere. Plus, the fact that they already have microtransit that was a requirement for the Event Center. They're convoluting the situation by bringing in all of this other stuff. They set the rules, these people are playing by the rules, and thinks that is wrong for them to change the rules in the middle of the game. He's for this project and believes that this project will be a benefit to the entire area and reducing vehicle miles traveled because before when it was a drive through bank, they were a lot of traffic seeing that it was just about the only game in town for that branch. He believes that once the numbers get crunched because it would appear to him that they are moving this down the road when the numbers get crunched to acceptable ratios that they're going to find that this is something that is absolutely beneficial.

Ms. Hill appreciated what Supervisor Rice has stated. As far as looking at her area plan for Washoe County, she's learning new things all the time about things that need to be updated and changed.

Ms. Cornell, TRPA staff said a point of clarification regarding the five years when something is considered a previous use. It is the definition of previous use and when credit is given for previous use on a property. About 13 years ago, the definition of that was two years and that was thought to be too short. It was a very deliberate amendment to the Code of Ordinances to change that from 24 months to 60 months which was approved by the Governing Board.

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Mr. Hester said the rationale is you leave the land use that's in the model in there, until the next model update in Regional Transportation Plan. Five years may seem like a lot, he's worked in a city where it was ten years citywide, 20 years in a redevelopment area because they wanted it to be an incentive.

Mr. Shaw, Principal of LSC Transportation Consultants and the Principal that was in charge of this analysis. They are playing by the rules here and they are playing with the methodology that was given to them because it's not their job to modify that. They've worked closely with staff to work through this process. It's good indication, and like some of the comments and shows how this sort of thing plays out. Yes, the fact that they ended up one inch over the goal line is the fact that when they first ran the numbers, they were a foot or two before the goal line. They went back to the project team that more needed to be done and the mandatory CTR program list of options were provided and decided on what was going to be included. That 20 number is a TRPA number and got them barely over the goal line.

TRPA developed the VMT online tool. It's easy to use by putting in a land use, you drop a pin, and it provides the answers. That is the bottom line of and for better or worse, that is what the use on the residential side of things. Yes, they used the term Condos there, it should have said multi-family on Table 10. There are two major land uses proposed here with a restaurant and multi-family housing and they wanted it to have consistent table format. That 450 number that comes out of the software of the TRPA online tool. That software also tells them the zone VMT per capita, and they put in the 40 proposed units and the piece missing to complete this table is the 2.3. That 2.3 number is something that TRPA modelers have identified based upon the model and the land use population data that is built into the regional model as being the persons per household. He has no data separate from that to say whether it is 8 or it is 1 or 1.5. Maybe this is anecdotal, but it is easy to focus on the eight people in a four bedroom unit and forget about the unit next door that has one or two people or doesn't have anyone in it.

Circling back to what Mr. Feldman mentioned earlier, this is where one of those policy things, where it depends on the details. The TRPA VMT standard is not a peak day standard, it is an average annual daily factor over the course of the year. If you look through the data, they did look at trip rates on to identify that annual to peak day factor that you see for commercial VMT. That is based upon the relative trip generation rates on Saturdays and Sundays which are higher than a weekday rate. It's the average weekday that they had looked at before for the trip generation in Table 5. They did end up increasing it to get to an average annual there. But they end up in this analysis, not having any reduction for vacant units in the off season. Why do they do that because given how much they're discussing every one of these numbers, now, if they don't assume a 100 percent occupancy, or they assume some percentage of these are second homes versus primary homes, they are adding another level of complexity. He doesn't anyone knows what proportion of these units are going to be 365 occupied versus a few weeks a year occupied. This whole analysis on the residential VMT and on the commercial VMT, there's no seasonality built into this. They also did the VMT analysis for the 56-Acre Park and that was even more complicated because there were a lot of land uses. Also, there they had the data on the Campground at the Lake, and how many days on average each one of the campsites are used. So, they had a viable number to come up with a factor. That's a key factor here in saying that on an average annual daily basis that 450, maybe on the high side, even if the zone persons per household on a peak day, that may be a higher number which means that the 450 is on a low side. But to get to an average annual number would mean consensus around the question of what proportion of these are second home units and how many days

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per year each one of these second units are used. It shows the complexity of this whole VMT analysis process.

It is amazing how many trips an ATM generates. The 73 trips that are in Table 10, that is based upon ITE rates for a drive through bank lane. But they also have the peak counts that were conducted at the one driveway that was serving only this at the time and it generated in the peak hour 22 trips in just in one hour. They would often identify that as to say, that's means that there should be something like 150 or 200 trips over the course of a day. In retrospect he wished they had put some cameras up and had 24 hours' worth accounts on that driveway and then they would have a real number rather. He feels certain that that 73 trips per day on the existing bank if anything, is low for the existing ATM.

One of the other key factors about the TRPA way of looking at VMT which is different than Governor Newsom's way of looking at VMT is that it is only within the Tahoe Region. If you go to the top of Kingsbury and you're done in terms of VMT. In terms of greenhouse gases that's not probably the right answer, but in terms of regional planning, maybe that's the right answer. It's only four miles to the top of Kingsbury from this site. That fact that according to the TRPA methodology whether that person lives on just the far side of Daggett Pass up there or lives in in Mound House, it doesn't make any difference to the results of this this analysis. Yes, this is playing out as showing the pros and cons of the various factors that go into a VMT analysis. But yes, they've followed the TRPA methodology, as much as we can, and with staff input to get to these numbers.

Ms. Gustafson said some time ago, they had quite a long discussion about full time residents versus visitors in VMT in trips. Which one produces more?

Mr. Shaw, LSC Transportation Consultants said it depends on if you're talking on a per person basis or per unit basis. He knows the answer on a per unit basis. If it's an area that is just the typical mix of visitor versus residential use in a neighborhood, one of the more useful things they have done for Placer County is they did the Resort Triangle Transportation Plan. As part of that they actually did trip generation counts and analysis on a lot of different residential areas in the North Shore in Placer County. They found that in general and one of them was up behind Kings Beach in Kingswood. One was over on the West Shore in Talmont and so on. They found that those mixed-use neighborhoods were actually about half of the ITE rates. This was in August, and even then, quite a lot of those units are empty, and if you're a visitor, you tend to make one or two round trips a day on average versus the locals that tend to have children that need to go to daycare, soccer practice, etc. All the things that they do which is why they end up with trip rates of 9.9 to 9.5 for a single-family house. That is much higher than the trip rate that they see for a second home.

Ms. Gustafson said because often she thinks we focus on the growth in traffic in the basin being the cause of visitors and we're all at fault. It's important, the complexity of this model, and educating all the Board on all the factors that go into that and also clearing up that idea that when you are a visitor you do tend to carpool. They might come in different cars, but they might also then carpool to go to an activity because you don't want to risk not getting a parking spot. Whereas, those of them that are locals tend to fight our way in.

Ms. Cornell, TRPA staff said when Mr. Lawrence questioned earlier how they came up with this 20 VMT reduction, and then Mr. Shaw addressed that and said that was from TRPA's requirements. Recalling the days when she in developing the employer-based trip reduction ordinance, they did come up with at the time, what was called an Employer Transportation

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Plan. In this plan, there was a list of transportation control measures that each employer could implement and each one of those measures corresponds with at that time, a certain number of trips that could be reduced. At the time, they even assigned some points to them, and you had to come up with a certain number of points in your plan. She asked Mr. Shaw if that's what he was referring to, if those measures that were chosen by the applicant correspond with a specific number of VMT reduced.

Mr. Shaw, LSC Transportation Consultants said the number comes from the Fehr & Peers analysis of trip reduction options that was done as part of the VMT analysis, It says that the largest proportion you can take on employee trips, is a 21 percent reduction. They think that 10 percent of the VMT associated with the restaurant is generated by the employees and 75 percent of 21 percent of 10 percent does get them to about 2 percent reduction.

Ms. Cornell, TRPA staff said it was not actually what she was explaining.

### Public Comments & Questions

Ellie Waller agreed with Ms. Williamson that this needs to come back. There are lots of questions that probably aren't in any anybody's head yet until they get into the details into the details, her included. She's glad this did come off the Consent Calendar. In 13.7.3, Activities requiring TRPA approval: All development within the high-density Tourist District. She begs to differ that the Incline Village one is the same, it's not high density Tourist District. The Douglas County South Shore Area Plan was the first in, September 25, 2013, her new home. They're outdated, cumulative impacts. This is old stale data. The area plans all should have to come back and be updated with all the new projects. They're talking vacation home rentals. This Board should have a workshop with all the members and the public so statistics can be brought forward from each of the local jurisdictions. The Douglas County South Shore Plan was completed first and that's what applies to this.

Latitude 39 objectives, the project is a mixed-use development responsive to the South Shore directive to concentrate development in this district. This did not go before the public yet; it comes here first then it goes to the Douglas County Board. The processes are different at each local jurisdiction. On January 18<sup>th</sup> a presentation was made to the property owners within this district and the Lake Tahoe Resort Hotel at Heavenly Mountain. Again, the public wasn't addressed. Notification went out to 300 feet, who is within 300 feet of this. The VMT statistic is somewhat smoke and mirrors. She's waded through some of this, the statistic is only as good as what goes into the model. Sounds like the model is confusing enough that it needs to be reevaluated, probably another workshop for the public and the Governing Board. The project adds housing into the Town Center. It's a great objective but who determines what kind of housing needs to be in that location? There wasn't whole lot of public outreach on how that project was going to come forward. The density and height of the project is fine, it's the new complexion of South Shore. Change Is Good in some respects, but the project needs to be taken to the public.

Tiering is the other issue of complexity. The 2012 Regional Plan has had many amendments. She's been studying the amendments and where they're happening. There's lots that can go forward but the area plans have not caught up. How do you take an area plan that's stale and a Regional Plan that may have some cumulative impacts assessed. There has to be one project that's got to be the first and she thinks that this is the one that's going to have to bear the weight of what's going on.

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Brett Tibbets, 12 year resident of Cave Rock said he's opposed to this project. The Tahoe infrastructure is completely over burdening what's here. How can anybody look at the Event Center, this project, the Tahoe Beach Club, and not say we are ruining the slate. You take a parking lot that was a parking lot and build 6,000 seat arena. You take this which was an old bank and Wells Fargo nicely got rid of a branch and went to Safeway. What a mess the Beach Club is, it's just ridiculously over developed. The second reason is most of the people he knows in Tahoe, think that TRPA is just part of the Chamber of Commerce and that the Chamber of Commerce and the Hotels control the whole place. As he understands it, there was a meeting in January 2022 with the hotels, Heavenly, and the Chamber of Commerce and they all approved this project. It was never brought to the community. There's not even a sign up there saying proposed development. Most people don't even know that this project is here, and that's very troubling. It may not be fair because he loves the comments that he's hearing today from people, it's very encouraging. The third reason why he opposes this is the transportation. You guys are in favor of the Nevada Department of Transportation plan. He thinks you're behind the NDOT plan to convert a high percentage of Highway 50 from four lanes to two lanes. Yet there are these huge projects, there's no way these projects aren't contributing to trips on Highway 50. A year ago, they had the Highway 50, the Interstate 80, the Highway 395 shutdown and they all know what happened, no one could get out of here. The fires and the evacuation plans are a mess. This NDOT plan is very similar to what Placerville and Caltrans did before their fire and people died. They converted the four lane road into Placerville into a two lane road and it was a mess when the fire occurred. The fourth reason is he was appalled as a lawyer when he saw this on the Consent Agenda. It seems like the general public is in a far worse position than developers, \$106,000, was that all the paid! He knows people that have trimmed a few trees and the TRPA shows up and wants \$150,000.

Gavin Feiger, League to Save Lake Tahoe said this is the first year of implementation of the VMT Threshold. They need to make sure that this is done correctly and set the correct precedence because this is going to stick with us going forward. They can eventually change the rules but it won't be anytime soon. The League was there for the Regional Plan Update and the VMT. He spent most of his time in 2021 on the VMT Threshold Update. The Threshold Update wasn't meant to create a system that could be manipulated by shaving off VMT here and there and coming in under the screening. It was supposed to result meaningful reductions in traffic, and the associated impacts. There's a chance for that to happen and they've seen that happen with two projects. It's starting to happen this project and they're happy about that. The permit conditions require the employee and resident shuttle. The Commute Reduction Program are all great things but they would just like to see the process improved. The end result is actually looking pretty good to them despite some of the housing stuff which is a separate issue.

But the process is to put in the project description, and go back and forth between the League, TRPA, the Developers, and Mr. Shaw who also does great work, it's endless. They did this with the Event Center for months going back and forth with these numbers and finally came out on something of they agreed on. The mitigation it was super messy and that was one of the main impetuses for the VMT Threshold Update. They'd like to see the process established to set the precedent for the VMT Threshold Update process going forward. As was envisioned with by the League and thinks by the other Initiative Update Stakeholder Working Group was to measure VMT and if it was over 1,300, you mitigate and pay the fee. Now, they're talking project descriptions, permit conditions, it's just too messy, it's not clear what's going on. They want to see VMT measured, be consistent and clear matter that's understandable to the public. They want to see mitigation actually called mitigation. It's called mitigation in the process improvement assessment tool. That's a minor change.



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The big problem is the PIA tool. They're all relying on it but it's not complete. As they get this project forward, he thinks they can get the process straightened out; measure, mitigate, and pay. Then going forward, this PIA tool needs to be a real focus. There's the staff expertise and just needs some funding and outside consultants. You've already spent as much money it will take to update it on this meeting today.

Jeff Green has been a resident of Cave Rock for about 12 - 13 years said you'll hear very few comments here from the actual residents. He would assume that the majority of you and all the developers and vendors, don't even live here. Is that correct? How many of you live here, out of all the ones that are making these decisions for them? That's like 30 percent of the members here actually live. That's pretty low, so, how many people do they need to make this a ballot initiative where the public could vote on this? Can that be done? Because some of the things you're doing as the Board are good things, he's seen some good things in the community around him. Some of the ideas about the traffic are good things, but they're not what the general public and the community wants They don't want to increased development, more traffic on Highway 50, they don't even want a bike lane. There's just nothing there that is community generated. He understands that they're meeting all the guidelines of what's legal, what's proper, and what the building codes are. That's just fine but that's not what the people who live here want. They don't want more tourists, there are 60 million tourists visit the Lake area every year. This is going to add more tourists. You can't hardly get on the chair lift at Heavenly because there's so many tourists. You can't go to the Post Office, Safeway, or anywhere. Can they get this to where it becomes a ballot proposal and let the public decide, not the legal Board, governing what's right or wrong. What's right or wrong, doesn't really matter because the Board is doing what's legal. They're worried about where they live. There was a comment today "I get to go to Tahoe to work today." You are not really that concerned with what goes on in our community, if you don't live here. Does that make sense to anyone, I guess not. He understands that there's seven representatives from each state and the majority are all appointed. You're not really that in tune to what they are as a community, and the people that live here. Maybe you're doing your job well, you've done great work on the traffic flow and the type of housing. But this is just another big major development for the residents. This does nothing for them as a community.

Craig Zager resident for about 43 years said unlike the last gentleman, he does respect the process that happens and redevelopment. If you were here in the 1970s for 1980s, the commercial infrastructure in Lake Tahoe was crumbling then, it was crumbling in the great recession. The last ten years have been amazing of what's happened here including the Event Center, he thinks it's going to be a great addition. The reality is that everything needs to be redeveloped at some point, this is a very unique project and very exciting project. Maybe everybody doesn't agree that we need more condos or possibly rentals. One thing that was not mentioned today, but Douglas County is restricting vacation rentals at 15 percent of a development. He's assuming that would be the case with this development. He doesn't think that's going to be the impact, the higher end real estate does generally attract second and third homeowners, not primary. If you look at the Beach Club, that's been an amazing result of a 161 unit, absolute s\*\*\* hole mobile home park that was devastating for the Lake. He obviously doesn't know this. What they're doing now is there is a high density component going there, they had to reduce the total units that were there at one point for the benefit of the Lake and all of us. He sees this project as a very exciting new look of Lake Tahoe including the Event Center. This is a corner that doesn't demand affordable housing, as much as they need it, that's not the location for it. That's a perfect location for what they want to do.

Tobi Tyler, Tahoe Area Group of the Sierra Club who also provided written comments and incorporated here by reference. They oppose the Latitude 39 project moving forward without much more thorough public review and environmental analysis. They also suggest that this project go back to the drawing board and include a substantial workforce housing component. All they hear about is the need for affordable housing in the basin, yet this project is seven story, 40 massive luxury condominium unit development with commercial space is being fast tracked without any prior public review process. They do appreciate the item being moved off the Consent Calendar but encourage this project is not approved today. The human cry for work workforce housing just appears to be a smoke screen for just more and more development in the basin if this project as proposed is approved. Where did the development rights for this project come from? There isn't any information about this, in either the packet or the Initial Environmental Checklist which is not part of the agenda packet. Without more thorough discussion, this project is not ready for approval.

This is in fact is an example of the egregious lack of public involvement in important decision-making processes involving critical environmental issues, that your Board is approved and has led to public resentment, distrust, and outrage. They agreed with and supported Mr. Yeates' comments. There seems to be a massive development boom being allowed without regard for the limited carrying capacity within the Tahoe Basin which is what the TRPA is mandated to control. The present level of development is unsustainable. People who live in the basin are tired of gridlock on the roads and TRPA continuing to allow more and more development with no regard to the subsequent increases in density, the basins carrying capacity limits, sustainability, and Lake Tahoe's declining water quality. The current trend for placating developers is contrary to the Tahoe Compact which states that the TRPA was established because "Increasing Urbanization is threatening the ecological values of the region." They contend that current trends toward evermore urbanization and crowding in the basin is contrary to the purpose of the TRPA.

Transportation and Greenhouse Gas emissions alone should send this project back to the drawing board and the public be provided ample opportunity to evaluate a much more thorough review of cumulative impacts of increased development. Although the project is in the high density Tourist District of the South Shore Area Plan, nothing in the IEC for this development project indicates how this project would "Improve environmental conditions." The format of TRPA's IEC is also deeply flawed from the outset due to the lack of analysis of transportation, density, greenhouse gas emissions, and water quality impacts. Circling back to the deterioration in the public review process. The mitigation measures should not be allowed to be bought, between allowing development rights to be traded, mitigation measures to be bought and very confusing VMT requirements, the public is left scratching their heads as to how these complicated schemes in banking systems, truly help Lake Tahoe.

Carol Chaplin, Tahoe Douglas Visitors Authority said the Event Center is owned by the TDVA and it has been her observation from the new buildings elevated view that the proposed project site continues to be in a state of blight. They've even had an axe throwing business in that location. Latitude 39 conforms to the 2012 Regional Plan Update which recognizes the Tourist Core for redevelopment projects that encourage pedestrian friendly revitalization. It takes all of the environmental goals including reducing private vehicle dependency into account. The project checks all of these boxes. She understands that the bank has not been in operation for over five years, but during that time period, banks a real thing where people visited it to make transactions. Most people drove there by themselves, one per car. Those who did business there, drove there by themselves, more than one time per week, and yet the only

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VMT credit that is being considered is the ATM use. She thinks this needs to be explored. It is a redevelopment project, not a new project, the former Wells Fargo Bank did generate significant VMT and the Latitude 39 project will not, based on the reduction goals. She knows that they are all focused on providing workforce housing, but this is not a location that realistically and financially can support this, nor did the TRPA Regional Plan contemplate that. If there is some kind of fund that people can pay into, she would like to know what that is because she's not aware of that and thinks one of the Board members suggested that which could be explored. If the Board focuses on this issue in regard to this project, they will achieve only the results of the cost of doing nothing. No Benefit to what they used to call the triple bottom line. She urged the Board to consider what really moves the needle in regard to VMT reduction, which is meaningful transit. The microtransit system which the project applicant is willing to consider and what Mr. Feldman had suggested that they're starting with a lot of private and public partners is very exciting, and it needs to be expanded. That's where they need to focus our attention in order to move the needle on the VMT issue.

John Cahill, Vice President of Planning for Paragon Gaming, the majority owner and resort manager of Hard Rock, Lake Tahoe which is immediately adjacent to the proposed project Latitude 39. They have reviewed the project in the staff report and are here today to respectfully request the Governing Board approve this project per staff's recommendations. Latitude 39 meets the intent of the South Shore Area Plan and represents the first major private investment into residential and commercial redevelopment in the Casino corridor which was a fundamental objective of the area plan. As a neighbor, they are extremely pleased to see the redevelopment of the long vacant bank building site into a gateway land use. And as a member of the South Tahoe Alliance of Resorts, they were extremely excited that the momentum created by both Latitude 39, and the Tahoe Blue Event Center represents the beginning of the redevelopment of the Casino corridor as it was envisioned by that South Shore Area Plan.

### Board Comments & Questions

Ms. Aldean said this has been a useful and fruitful conversation. If there are some process improvements that are required, they need to be explored but it's not appropriate for them to do that at the expense of a project that has met all of our requirements. That is clear violation of trust to the people who work with us, who look for solutions, who want to do something constructive. They've made a lot of concessions, whether they were required as mitigations or volunteered, it's a pleasant combination of a lot of important and useful mitigations. She feels that they should be applauded for that.

With respect to the comments by members of the public who have testified as residents of the basin, she understands their frustration. She's been one of the more outspoken proponents of a basin user fee to try to control the number of people entering the basin at any one time. This problem needs to be looked at more holistically, but you live in a very popular tourist destination. She used to have a family home Tahoe City, and rarely comes up to the Lake anymore except for meetings because Lake Tahoe has changed. She remembers it as a child, and it has gone through some significant changes. The old saying used to be that there are only two things you can rely on, and that's death and taxes. There's actually three, death, taxes, and change. It would be a terrible violation of goodwill not to move this project forward, providing all of the questions that have been asked by the Board and public here today have been satisfactory answered. She is not in favor of postponing consideration of this project.

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This was a learning process, if the Code of Ordinances needs to be amended, then let's go through the proper process of amending it and bringing those amendments back to the Board for our consideration. Banking has changed as a result in part of Covid. There are two banks in Carson City, and nobody rarely goes into the bank anymore and rarely use the drive-up window. Now, you can do transactions at the ATM. She doesn't doubt that the use of that ATM was pretty extensive and is responsible for a lot of VMT. She doesn't think giving the developer credit for those trips isn't appropriate.

Mr. Lawrence said he's glad it was pulled from Consent for discussion. These types of discussions are important, it's good for the transparency and accountability. He understands the threshold of if it meets all of the code, then it should be on the Consent Calendar. Realistically, just about everything that comes to the Board meets the code at that point in time, because you work it out ahead of time. He thinks that they need to think about that bar a little bit differently. These types of projects do warrant a public hearing because of the complexity of the issues. After hearing the comments and doing his own research, he's a firm believer that they have a duty to review projects and make the findings based on the rules of the law. If they start moving and deciding that they're going to arbitrarily decide their own personal feelings and opinions on projects, that historically is when this Board has got in trouble. They have a contract with the public to uphold the Code of Ordinances and the Regional Plan. Part of that duty is if a project comes forward and meets all of those things, they should review it through that lens, not through their own personal biases. He's comfortable that this project checks all the boxes, meets the Code of Ordinances and Regional Plan. There are legitimate questions regarding the current model. His role in different scientific practices in natural resources, is there's always questions on those, none of them are perfect. If they need to take a look at it and this is truly a learning first year, that they need to revisit some of the Inputs and the outputs and recalculate, that's fair. But that should be more forward-looking, but it shouldn't be on the onus of an applicant that applied for a project under the current rules. He's comfortable with the project and would be uncomfortable moving it out to a future date with really no basis for doing so.

Mrs. Cegavske said she appreciated all the comments and input. Eight years ago, they sold our Condo after owning it for 24 years. There HOA fees were \$250 per month and now is \$1,000 per month. If you are going to look at something, look at HOA fees. You don't have anything to do with that on this Board, that has to do with where you live. The Code of Ordinances should be changed for one issue. She agreed with Mr. Lawrence and Ms. Aldean that it should go ahead. But if you really want to do something, look at what it is that's affecting everybody, people can't afford to live up here. You need to look at all of the issues. It does meet the code, and you can't amend the code for one project if you had brought that to our attention or given them something earlier as she's been receiving some of these comments within the past 24 hours. That's not enough time to review or research. If you do have questions about these, if that's part of the issue that they need get this out sooner that's fine, but they can't change the code for one issue. The applicant has met the code enforcement issue. There were a lot of really good questions and comments today. This was one of those items that needed to be talked about and need to be mindful of what they put on Consent Calendar.

Mr. Hicks said he's one person who has been a resident of the region, not necessarily the basin but in Reno for 70 some years. He's had a lot of experience at the Lake and also owns a home here. Everyone of the Board members has Lake Tahoe in their best interest. He's been impressed serving with this Board. It's not to say that there can't be differences of opinion and there will always be differences of opinions. He agreed with Ms. Aldean and Mr. Lawrence that

rules are the rules. This project is bigger than someone just wanting to expand their patio deck, this is a major project in a major commercial tourist zone. They've met the requirements. It would be wrong for them to tell them that there's some good suggestions out there and they really should change some of these rules, but they can't do it on the fly, and they can't do it one month. They swallow hard, if you have objections to it, and they approve it. Mr. Yeates' has hit several nails on the head here of things that need to be addressed. He's learning a lot every time he goes through these meetings. A lot of these standards that have been set by TRPA, now for ten years. He understands the basis for the standards and starting to get to know them fairly well, but also recognizes that there might be good reasons to review some of these standards, and to see, where they we are going with this. It's fair to complain about the development at Tahoe and too many tourists. And yes, Tahoe has become tremendously popular with tourists. They all have to understand too, that this isn't their own little private playground. They have all benefited from living here and they all enjoy it, but they don't own everything in the basin. They have to look at the culture and the way it's changed. They have to look at the development of the area, clearly the development of this area. When the Bi-State Compact 50 some years ago, they stopped that uncontrollable development so, they don't look like Lake Arrowhead in Southern California that have been overdeveloped. Now, that's not to say, that some of the developments have been done in the interim couldn't be improved with new rebuilt projects that meet the standards. Let's give TRPA in years past a pat on back for having stood up and done that. They can't return this Lake the natural history, it is what it is. When somebody comes into an area with project that meets all of the current requirements, they have to honor that and respect it. That's not to say, they can't change it in the future, and he would be all for looking at some of these things to see if changes need to be made.

Mr. Friedrich asked if the VMT had come in two over the screening level, what would be the process for additional analysis?

Mr. Marshall said they would have added two more VMT to their commuter trip reduction to get it under.

Mr. Friedrich said because it was under the part about additional analysis was not required. Was there a process a further investigation, or not?

Mr. Marshall said fundamentally the VMT analysis is the VMT analysis. If it shows over 1,300, the developer has several options when discussing with TRPA. They can mitigate it, or they can design the project, so they come back underneath the 1,300. That's the same thing they do with coverage, or other kind of commodity limitations, or they could have it remain over then they'd have to "mitigate" it, so, if instead of being a part of the project, it would be part of mitigation package. TRPA always puts everything in the conditions. Whether it's a part of the project or mitigation, it effectively, is going to have the same result. Fundamentally, whether it be to get it under the 1,300 screen or to get down to the 1,300, it effectively, is designing a project that has less of an impact.

Ms. Cornell, TRPA staff said the Code of Ordinances lays it out that for different land use categories that it either meets the screening or it doesn't meet the screening. If the project doesn't meet the screening, there are some standards of significance that need to be met and vary by land use category. There may have been some additional components if they did not meet this screening.

Mr. Friedrich said given how close it was, given the subjectivity in a sense, many of the variables given this a new tool. The public and the Board hadn't seen these variables, there was a question about workforce trips. They learned about that and whether vacation rental trips will be greater than anticipated. It seems to him that there'd be some merit to having this Board and the public to have a little more time to have those a part of the record and see the basis for those variables. It doesn't mean that in the end that they don't decide that it meets all the criteria, but just for the sake of transparency and understanding what has gone into the project. Also, addressing some of the public's concerns about cumulative impact.

What about housing? How many market rate developments are done that don't have any housing associated with them? Where do the workers live, how far do they travel? It may not be specifically required and maybe a fund would be supported, but there is no such item now, are there opportunities to broaden Lake Link connected to this. Are there some ways to address some of these concerns in a way that could be part of the public record and give the public a little more chance to understand how these pieces relate. He would more comfortable taking a look at those and the public having a chance to take those variables given that this was not really a part of the public record until very recently. He's impressed by how many people came out. But it would do a better justice to have a little more transparency for a longer period of time, on some of those components, that go into that. Maybe, they come out at the end and say, they checked every box there's nothing else that can housing or transportation, what have you. It doesn't matter whether or not it's going to be a vacation rental. It would be helpful to him to have that information before voting. He thought the question about the 2.3, 2.5, or 8 people was a good one and would comfortable making a decision after all those things have a little more time to be put on the record and fleshed out for, he and the public to evaluate them.

Ms. Conrad-Saydah said this is the first time using this threshold analysis and are learning a lot of lessons. It's great that they're going through this and having this discussion, and think yes, at the end of the day that they've met all the rules and done what was needed to do, but in the meantime, they do need a little bit more assessment on the VMT analysis, field-based observations. There's an outfitter included in the design plans, but the use of that outfitter is unclear, if that outfitter is only serving the people who live there or if the public will be going to visit that outfitter and if that will generate more VMT. That was not in the VMT analysis and there's a number of things that they discovered were not in the VMT analysis that would be helpful to look at whether or not they need more mitigation. She agreed that the mitigation based on the analysis they have seen has got them below 1,300. But based on the issues they've identified in the analysis, there may need to be more mitigation, and there may need additional trips given to mitigate below 1,300. Revisiting that the analysis and coming back next month. The end result may be the same, but because it's the first time they're using this threshold and this approach, it's important that they set the precedence of getting it right.

Ms. Novasel agreed that you don't change the rules in the middle of the process. If the rules need change and she agreed that there needs to be more analysis on some things but that's a part of the process. That's why they had the Regional Plan Update and is why they have had public discussions with all of their local jurisdictions and public about vacation rentals and VMTs. They've had discussions about all this, and they've come to this design. Yes, there may be flaws in it, but that's something that needs to happen in a process where they go back and look at that process, not at one development, but at the entire process. She has an issue making a decision based on what they already have set that they've already discussed and had public input on and then move forward with. Or do you just delay until they go through the

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process again, it took them how many years to get the Regional Plan Update done. Another analysis, sure, make it a part of the process. But to stop one development because of these ongoing questions, is a separate process. They've gone through a lot of public input on a lot of these questions that are being asked and rightfully, so that they need to come back and review it, but this is not the time.

Ms. Conrad-Saydah said to be clear, she's not referring to any of those other issues. She's specifically talking about the VMT analysis on this item and not revisiting the VMT Threshold, just the analysis for this item.

Mr. Hoenigman has agreed with what a lot of people have said. There are rules and if people meet those rules, they have to approve them. His feeling is that they don't know how everything works completely, but the staff are the ones who do this, and they know, and if they have any concerns or questions, then the Board needs to know that. But staff has brought this project forward and believes it meets all the rules and regulations and the Board needs to vote on it today, because otherwise they're just wasting someone else's money. It's wrong, and ultimately if they get into that culture, it will drive up the cost of every project including affordable and workforce housing that they hope to build in the future. He believes that they approve this because it meets all the rules and then if they don't like the rules, then they can change them after the fact.

Mr. Yeates said this is difficult, but he doesn't think in ten years, he's ever voted more than once or twice against something. He doesn't accept 2.3. He doesn't have an issue with process, it's been very good. He appreciated what Mr. Shaw had to say, he loves his staff that's been so great, he just disagreed with you guys. It's overlooking what this is going to be. This is a big vacation home rental that's going to have a lot of people in it that just come and go and bring more people and all the things, without any benefit at all. The other part of him that makes him not vote for this is it's not what he wants. Thinking about the fact that Barton is moving over there, and they're dealing with all the changes that will occur as a result of Barton Hospital moving to where the old Lakeside Inn used to be. It does not meet what he expected out of this kind of review and will not support this. He respected all of the different opinions and is why you got to the place you are. He doesn't want to delay this project, that's not the issue.

Ms. Williamson said she threw out the question of whether they wanted to delay. Part of what she's heard today, she's been persuaded that they should vote today. But has also heard that they have lessons learned for the next project to come forward and what they're looking for in the analysis. She's glad that they had that discussion and received public input. Mr. Hoenigman had particularly compelling arguments and thank you for bringing that forward. Thank you for all for entertaining the thought of considering this more and one of the things they learned going forward is they're going to have questions on the analysis. Thank you staff for being patient and answering those questions. Voting on this today is the right thing to do and will support it.

Mr. Rice said when he moved here 31 years ago, the TRPA was known as a royal pain. Under Ms. Marchetta that changed and under Ms. Regan he sees that change continuing, they choose wisely. But he believes that the integrity of the entire organization depends upon them following their own rules. They set the bar and the rules. When they change the rules at the last minute, it does nothing to further trust in this organization. This project meets the rules that this body is imposed. There's no reason for delaying it. He understands the reluctance of some members but believes that they need to vote on this today and approve it.

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Ms. Faustinos said this discussion has been very productive. She agreed with the many of the comments that have been made by members Ms. Conrad-Saydah and others that the analysis issue for her is one that is a very compelling argument about the need to maybe look at some of these issues that may not be as apparent in the staff report as they would like. She would like to hear definitively from staff that those issues were all considered, and they still stand by their recommendation. If that's the case, then she would be in a position to support this project.

Ms. Hill said she's happy to support this project today. Staff did the analysis they've asked them to do with the rules they put in place. She looks forward with this Board to continuing to tweak those and make them better.

Ms. Gustafson said this is not the first time they've used the VMT tool. This may be the largest and most controversial time, but they've been using this VMT tool for a year. That weighs in her decision making too, because many other projects have gone through using this same tool, but maybe not to this magnitude. Obviously, for a North Shore resident, this is a very tall project. In this setting it is in context with the surroundings and understands that. She does agree that the VMT analysis and all of the traffic, believes she has a fairly good grasp on it, is all based on assumptions that are in standards that they need to continue take a look at and probably do a workshop on with the Board of what goes into that model and why. Because there are 15 bedroom homes that are in her district of Placer County and south of her district in El Dorado County and those are using 2.3 persons per household. Maybe they sit empty 90 percent of the year, but when they're full, they're full. Many many years ago, she did a study at the Tahoe City Public Utility District asking people how many people use your home Christmas to New Year's? Because for 40 years living here, you don't move your car during Christmas to New Year's when every home is occupied. Some of the people gave them data that would show 26 people in a three-bedroom home. She understands that and it is part of the traffic pattern and how do they regulate that? How do they make assumptions on that? It's a worthwhile discussion to have for the Board to understand it so, that they can feel comfortable with the conclusions that come out of it. The staff have analyzed this and trust in LSC's analysis and have seen their work for decades in the basin and trust their analysis as well. There are enough questions here that they should put it on their workshops for the future.

Ms. Gustafson added that staff nodded affirmatively to Ms. Faustinos question that staff stands by their recommendation for this proposed project.

Ms. Regan said thanked the Board, public, and especially TRPA staff who did a fantastic job. These are very technical topics. She's harkening back some years ago, where they had soils conversations and land capability challenges. There were multiple soils experts that had differences of opinion, and they were all legitimate. Her takeaway is that they can have these hard conversations and heard that's what the Board wanted, more policy discussion at the dais. Staff will certainly vet more with our agenda review with members of the Board what they put on consent and what they don't. Also, how they talk about these new policy changes. Anytime, all of us who have worked in policy for many years, whenever there's a big programmatic shift, the implementation takes time to work out the kinks. When a big Federal bill passes, there's a myriad of technical corrections that happen over the course of a couple of years. They have had a year of working with this project impact assessment tool and they still have some work to do and let's daylight that in some workshops. The last couple of months of workshops that they've been having have been productive. To emphasize what she heard multiple Board members say is that this is an inflection point for this Agency to hold up a mirror at our own rules, and to say what are the kinds of projects are they seeing around the basin happen and what role do they



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have in the policies that they set forth and take a hard look at that. They do encourage high end development at the Lake because of lots of reasons and what can they do about that going forward? Changing the rules midstream is never advisable.

Staff stands by their recommendation and appreciated the hard work of our team that have worked on this for almost a year to get to this point.

Mr. Rice made a motion to approve the Required Findings including the Mitigated Findings of no significant effect.

Mr. Marshall asked if the Board desires to incorporate the \$10,000 per year within the permit or do they want to leave it as a commitment that they've made here at public session.

Mr. Rice said he would suggest leaving it as a commitment.

Ms. Aldean said the approval of the project wasn't based on that commitment of \$10,000 per year.

Mr. Marshall said that's correct.

Ms. Aldean said she would just trust that the developer represented by Mr. Feldman to enforce this requirement in perpetuity.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Faustinos, Ms. Diss, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Ms. Gustafson

Nays: Ms. Conrad-Saydah, Mr. Friedrich, Mr. Yeates

**Motion carried.**

Mr. Rice made a motion to approve the Proposed Project subject to the conditions contained in the draft permit shown in Attachment B.

Ayes: Ms. Aldean, Mrs. Cegavske, Ms. Faustinos, Ms. Diss, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice, Ms. Williamson, Ms. Gustafson

Nays: Ms. Conrad-Saydah, Mr. Friedrich, Mr. Yeates

**Motion carried.**

## VI. ADMINISTRATIVE MATTERS

- A. Resolution recognizing Governing Board member Secretary Barbara Cegavske, Nevada Secretary of State

Mr. Lawrence read the resolution into the record.

### Board Comments & Questions

Mr. Lawrence said he's always been impressed with Mrs. Cegavske in all the years that he's known her. She's always prepared, she thoughtful and she always takes her role in her job very seriously. That's so much needed having good public service workers, like Barbara. It's a loss to the Board to have her move on and wished her the very best.

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Mr. Hicks said it's been a pleasure working with Mrs. Cegavske, Mr. Anderson, and your staff that filled in from time to time. They've all been very diligent, positive, and helpful to work with. As a lifelong Nevada, he thanked her for what she's done for the state of Nevada. Barbara followed the law; you may disagree with the results, but she has set this the standard at least here in the Western United States for public servants.

Ms. Novasel said when they first met, she wasn't sure if they had anything in common and quickly realized they had a lot of things in common, especially the sunglasses! Her dedication is obvious and your love of Nevada and all that you've done. She appreciated working alongside her and have always been there and been a great voice just naturally how they should be thinking about things.

Mr. Yeates thanked Mrs. Cegavske for that wonderful tour of the Secretary of State's office when the Board had their retreat there in Carson City. He enjoyed her comments about all of the acronyms. Thank you for everything.

Ms. Williamson said the calls that she got from across the country, saying Nevada and the integrity you showed, the nation's eyes were upon you, and you exceeded expectations. Thank you for following the law and devoting your life to public service.

Ms. Aldean said you have a lot of very admirable qualities. You only have two defects; one, you don't like buoys, and you live in the southern part of our State! You'll be missed, thank you for your service.

Ms. Diss said echoed what so many others have said. As a Nevadan, for all the Secretary's work in her day job but not to mention all of her hard and dedicated work on behalf of Lake Tahoe. The eyes of the nation were upon us, and the Secretary pulled through in an incredible way, and showed great integrity. Thank you to her and Mr. Anderson for all your hard work on this Board and so many of the other Boards that she serves on. Coming from the Governor's office to her current role, she's lucky to have staffed the outgoing Governor on so many Boards that he served on with you and have seen time and time again, how prepared she was. Even when the members disagreed, it was always clear that she had that dedication.

Mr. Rice said it's been his privilege to know Mrs. Cegavske for a very long time well before TRPA. The definition of integrity is standing up against your friends when you know what you're doing is right. The heat that she took for doing what was right. He appreciated her honesty and commitment to doing what's right for the people of the state of Nevada.

Ms. Gustafson said she had the opportunity to watch Mrs. Cegavske before she was on this Board and see the devotion she had for Lake Tahoe, and for what she did for our nation and Nevada during the election. When she looks at what it takes to serve on this board, and the time commitment, dedication, and the commitment to protecting this Lake, it's just incredible. On behalf of all of the current residents, former residents, sometimes residents, and all the visitors, thank you for what you do to protect this, Lake.

### Public Comments & Questions

None.

Board Comments & Questions

Mr. Yeates made a motion to approve the resolution.

**Motion carried-voice vote.**

Mrs. Cegavske thanked all the Board members and what a pleasure it's been to serve on this Board and serving the state of Nevada. She thanked Mr. Anderson, Mr. Wlaschin, and her entire staff to help prepare her for all of these meetings.

- B. Resolution recognizing Governing Board member Sue Novasel, El Dorado County Representative

Mr. Yeates read the resolution into the record.

Board Comments & Questions

Mrs. Cegavske said Ms. Novasel was an inspiration to her. She's learned from about California in and Nevada. Even though they only have a fourth in Nevada, they're still a Compact. Their friendship just blossomed and is grateful for her and everything she's done on this Board and her local jurisdiction. She's an amazing, elected official.

Ms. Aldean said one the things that she loved about Ms. Novasel was the fact that she's so down to earth. In this day and age, when there's a lot of cynicism, Sue always has a very upbeat, positive attitude and is an inspiration to everyone around her. In addition to that, she has a great deal of just good old fashioned common sense, sensitivity, and a sweet disposition. She's always willing to look at the other side of an issue, and always make the right decision, and that's very uncommon.

Mr. Lawrence said he's learned so much from Ms. Novasel and it's been a pleasure to serve on the Board with her. She always had such a positive attitude, and always trying to find a solution. It's a lot of work to be on this Board and she makes it that much more enjoyable. He learned so much from her when he was appointed to the Local Government & Housing Committee as an Ex Officio member. She was always a good advocate for her constituents.

Mr. Hicks endorsed everything that's been said. Ms. Novasel has great friend and has learned so much by watching her through these meetings over the years. He appreciated all she's done for the Lake.

Ms. Faustinos said Ms. Novasel has always been so welcoming and appreciated that since she was someone who parachutes into Tahoe. Sue was her bellwether for making sure that she understood what the issues were and knowledgeable about the breath of policy issues that they deal with.

Mr. Rice said Ms. Novasel has been a doggone good neighbor and shared her thoughts with him and clarified some issues for him. Thank you for being who you are.

Ms. Conrad-Saydah thanked Ms. Novasel for elected official in California, especially in El Dorado County, and doing such a good job of representing those diverse interests for El Dorado and the TRPA Governing Board. As a fellow Californian, she really appreciated seeing her in action.

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Ms. Williamson said ditto. Thank you, Sue.

Ms. Gustafson said no one on this Board has learned more than she has from Ms. Novasel. Trying to serve on all the Boards and all the committees, the California Tahoe Conservancy, the Tahoe Transportation District, and TRPA, her eyes were not wide open when she signed on for the job. The amount of time and the challenges especially in these last three years, because right as she came on, they were dealing with short term rentals, then Covid, and then the Caldor and Mosquito Fire. They both have had so many other things going on in their districts, and communities, and trying to navigate all that and the leadership programs Sue has steered her to have paid off for governance for our county and TTD because of her leadership and so much more. She's always upbeat, willing to take a call, and willing to share advice.

Mr. Yeates said when he was dealing with how the Local Government & Housing Committee, he didn't think much of when he was becoming a chair, because it was all the local officials and they hardly ever met. He convinced staff to add housing to the committee. Ms. Novasel had the perfect personality to deal with this committee and some of these tough issues such as short term rentals. She has a nice kind of common sense way. You'll be missed.

### Public Comments & Questions

Karen Fink thanked Ms. Novasel for all of her leadership of the Local Government & Housing Committee. Sue is very enthusiastic, supportive, and encouraging.

Ms. Conrad-Saydah made a motion to approve the resolution.

### **Motion carried-voice vote**

- C. Resolution recognizing Governing Board member William "Bill" Yeates, California Senate Rules Committee Appointee

Ms. Gustafson read the resolution into the record.

### Board Comments & Questions

Mrs. Cegavske thanked Mr. Yeates for everything you taught her about California as others have. Bill has been an inspiration to her along with Sue, because you've taught her so much and that she had to look at California and Nevada whenever she made decisions because there's people from both sides of the island. She appreciated his thinking. It doesn't always agree with her, but he's taught her what to look at and how she needed to look at it differently. He's been a tremendous asset to this Board.

Mr. Hicks said Mr. Yeates has been a mentor for all of them. It's been a pleasure to work with Bill. He doesn't know how they'll ever replace him. He's been great for the Lake, and it's truly appreciated. He has the respect and the appreciation of everyone he's ever worked with and that includes all of us.

Ms. Conrad-Saydah said ditto. She thanked Mr. Yeates for initiating herself and Mr. Hoenigman on how to represent California well on the TRPA Board. Just giving them so many good things to think about and the guidance on how to think about the issues. It's only been a year, and they've learned so much from him and really appreciated that.

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Mr. Hoenigman said he was thinking back to his first experience here at TRPA. He met with Mr. Lawrence and Mr. Yeates, and after talking to them for an hour, his head was spinning. The things those guys have done and know, it was a little bit overwhelming but it's really amazing all the stuff that you've done before TRPA for California. He appreciated all the talks and advice and would like to have his presence. Bill has been a great role model.

Ms. Aldean said who is going to be my Vanna when they're doing public presentations! It's been a pleasure. They kind of tease one another, about her suspicions, because he was a former attorney for the Coastal Commission. He had a task to perform as legal counsel for the Coastal Commission and knows that he believes sincerely in the causes that he supports but, on this Board, he brought incredible balance and sense of perspective, that all of them appreciate and respect. Bill's endurance when he was going through personal trials and health issues is really amazing and is something that all of them should strive to emulate when they have similar challenges. He's a gentleman and a wonderful person.

Ms. Novasel said they've had some great conversations. What she loves most is that Bill can bring in a story and relate that to whatever it is they're talking about. It's always fascinating, and interesting to hear him speak about things that are not just things they talk about at the Board, but in the world. She appreciated his perspective and conversations they had. He's one of those senior people, that when he talks, everybody stops to listen because he always had an interesting way and edge on it that is unique.

Mr. Lawrence said it was mentioned during one of the presentations, sort of the dark days around 2011 to 2013, when the two states weren't getting along, and the Compact was at risk of being blown up, he was lurking in the shadows of different meetings, and one of those meetings, his reputation preceded Bill when he was appointed to the Board, and unfairly. There was a lot of fear at that time, the states weren't not getting along and there was a fear that here's this environmental Lawyer with Coastal Commission Work and that's not going to fit Nevada's view of things. He quickly dispelled all of that with your common sense thinking, his way of being such a leader, by being so articulate and calm. To be able to get them to conclusions and to get them to a good place, and that is a skill that he aspires to. He's been a good friend on the Board and good friend of Lake Tahoe.

Ms. Williamson said she had the pleasure to get to know Mr. Yeates a little better at the Board Retreat. Bill's a role model, mentor, and articulate statesmen and all the time he puts into this is impressive and is something to aspire to. Thank you for taking the time to explain things and getting to know all the new Board members. Thank you for the extra time he put into everything the thoughtfulness he brought to this Board.

Ms. Faustinos said Mr. Yeates made Tahoe policy ethic for her, the alphabet soup of Tahoe terminology. Her one regret was that she never got to do that drive with Bill and Clem Shute from Sacramento to Tahoe, because she knows she would have learned so much. She had the pleasure of working with Bill before Tahoe and, he has made such an impact with Tahoe and the state of California in terms of his environmental policies that he's supported how he tried to shape environmental law.

Mr. Rice said when he came onto the Board, he was told that Mr. Yeates was the "California guy." He thanked Bill for opening his mind to some areas where it might have been closed and always listening to what he had to say, but not always agreeing, but at least listening to him. Thank you for your stewardship.

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Ms. Gustafson echoed everything everybody has said. She can't exactly remember when they met but does remember meeting you and walking along the Tahoe City Golf Course to talk about what they could potentially do. He took the time as a Governing Board member to come out with an open mind and look at the challenges of redeveloping Tahoe City. Bill was do you are open, he brought credibility to this organization being that "California guy" that she's very proud of because she fought for our oceans and fought for so many other things before, he fought for this Lake. He's the statesman, you are the wisdom, and knows he's made Lake Tahoe better, and knows he's made me better.

### Public Comments & Questions

Dan Segan thanked Mr. Yeates for all of his work on the Threshold Update Working Group over the years, and most importantly, for always making himself available. About two years ago, they were in the dog days of VMT, and he was at a dinner party on a Friday night about 9:00 p.m. and he was exchanging text with Bill. He looked over at his wife, and said he had to call Bill. Her response was you are going to get fired and lose friends, you should reconsider this. He ended up having about an hour call with Bill and really appreciated everything he's done.

### Board Comments & Questions

Ms. Conrad-Saydah made the motion to approve the resolution.

#### **Motion carried-voice vote**

Mr. Yeates thanked everyone, especially staff. This has been a long day. He's most grateful for your kindness and openness to let him tinker with policies and suggest things. He didn't really know what to expect. He knows that based on what Jim said, he was told also by Senate staffers that they were worried about you, and it was in fact, that he always felt very always very comfortable here. He definitely benefited greatly by having Clem on the Board and those trips back and forth from Sacramento to help ground him. It was a wonderful ten years. He still can't believe that Ms. Aldean asked him to be Vice Chair only a month after Carol passed away, but he's glad he did. Covid was a little weird when they first had to go into virtual mode, but they got through it. He's most grateful. Thank you again for the support especially when he was Chair.

- D. Resolution recognizing former Executive Director, Joanne S. Marchetta

Ms. Aldean read the resolution into the record.

### Board Comments & Questions

Ms. Aldean she's like to say that she had something to do with Ms. Marchetta's acceptance of the executive directorship of this Agency. She was very impressed with her performance as legal counsel and knew instinctively that she had what it took to develop these cooperative relationships. Ms. Aldean was on the committee that hired Joanne as legal counsel and one of the questions she asked, "What's better, a bad settlement, or good litigation"? and her comment was a bad settlement. She knew at that point that she was focused on building bridges and not burning them and finding a way to accommodate all of the interests of parties in the basin for the best possible outcome. It's been a pleasure serving with Joanne all these years.

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Mrs. Cegavske said thanked Ms. Marchetta for her leadership. She owned a condo for 24 years at Lake Tahoe and when initially belonged to Save the Lake Tahoe, and then when stuff started hitting the fan, they pulled out. Joanne came on board and things started to change, and they reunited with Lake Tahoe. She's proud to be a Secretary of State for Nevada and to be on the Board. What she's done is created an atmosphere where there was both the California and Nevada side together. She was in the Legislature at the time, and was hearing about how bad Lake Tahoe was, and how bad it was going to be, and that Nevada was looking at pulling out of the Compact. She thanked Joanne for all that she's done.

Mr. Hicks said Ms. Marchetta is the reason he's on this Board. And it's because he got to know her back in the battle days, and when he was on the Bi-State Fire Commission. He thanked for the opportunity to serve on this Board because it's been a great experience for him.

Ms. Novasel said she was inspired by Ms. Marchetta's leadership. She wrote down all the things Joanne was talking about because she had three executive directors to hire in the past three months. Some of these things are you. Joanne has said to find someone who can leave from behind, a classic servant who puts personal growth over personal success, there's a grain of truth in all arguments but you must find the connector that binds you. She always found connectors and that is truly, one of the greatest strengths that she's learned from Joanne.

Mr. Lawrence when he started working closer with Ms. Marchetta back in what was called the dark days when the two states weren't getting along. He couldn't think of a better person that could have navigated the Agency and kept it together between the two states. She did a phenomenal job and he's so thankful. He learned a lot working with her and is thankful for that and this agency and Tahoe are better off due to her service.

Mr. Yeates said the thing that he admired the most about Ms. Marchetta was your love for your staff. She gave them the opportunities by coming up to the Board. As a result, the staff has a certain amount of strength resiliency, and Julie benefits from that big time. He knows he and Joanne had their moments, good and bad, but she generally was pretty right because she was very focused on what she felt needed to be done. If he didn't get it immediately, she made it real clear. She and Julie sold him when they went on the first tour around the Lake. All the things that he'd been told before, they pointed out. The Tahoe Keys is a problem and here's the things they need to do. He remembered the time when they tried to build a bridge between the Sierra Club and TRPA, they just didn't quite do it, but there was an absolute commitment whether the Sierra Club will ever believe it that you really wanted to find that way to work with them and it wasn't because she wasn't willing. You were clearly willing.

Mr. Rice said when he moved here 31 years ago, the TRPA didn't mean Tahoe Regional Planning Agency, rather a royal pain.....Ms. Marchetta changed all that. She made the TRPA a kinder, gentler place. Joanne continues to work hard for the Lake and won some of them over. They came to know that she wasn't that bad person sitting back taking away all of their property rights and buy points to build whatever they needed to build. She changed the whole community. Thank you for welcoming him when he joined the Board four years ago.

Ms. Gustafson said your leadership, commitment, dedication, and passion for this basin, for Lake Tahoe is beyond compare. And what she did for the staff, the Board, and she wouldn't be here today, in this seat, and certainly on this Board if Joanne hadn't encouraged her to move up. Thank you. She's led the way for this organization, and certainly sitting on the outside and

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watching it grow under her leadership, and Julie will take it from here, John did in the interim, what a team she put together, and supported.

### Public Comments & Questions

None.

The Board made a motion to approve the resolution.

**Motion carried-voice vote.**

Ms. Marchetta said she's completely heartened by the kind comments that all of you have made. Transitions are good and Ms. Aldean said death, taxes, and, change, she'll go with two of those change and death. She's greatly gratified that her legacy in this region is going to be having delivered, the culture change around partnership, and collaboration. It took them so much further than they could have gone. She's worked with so many dedicated Board members. Mr. Yeates just a diplomat at heart, Ms. Aldean is the consensus builder, and Ms. Novasel is an advocate for her constituents. She can't thank Mrs. Cegavske enough for her integrity and political courage, and your hatred of buoys. Mr. Lawrence's depth of experience and knowledge and goes over to Ms. Gustafson as well. How many decades has she been working with the issues of this basin? Mr. Hicks, she remembered the long nights after the Angora Fire. The lawyers stuck together; Mr. Marshall, Mr. Hicks, and herself.

She thanked all of you as Board members, especially those who she built friendships and long tenure with. Beyond that, her senior leadership team; John Hester, Julie Reagan, Chris Keillor, John Marshall, and more recently Angela Atchley. And what would she have done without her right hand, and Left foot, Marja, she kept me pointed in the right direction. They met every Monday morning and didn't always think alike but they got really good at thinking together and were a fabulous team. You're lucky to have them continue. She thanked her former staff; they are in the fire every day. They felt it today and they have what it takes even when they feel demoralized, and no Board can deliver without their talent and commitment and continuing to appreciate them.

Thank you to the partnership, the TIE Steering Committee. The 80 plus partners of the TIE and all the representatives on the TIE Steering Committee. and you know I could go on and on but her passion is collaboration and collaborative leadership. She will take the expertise that she gained over almost two decades ago, 17. 5 years and will take it on the road and working on bigger issues that are in front of us. Thank you to everyone for everything and all of you, it has been a wildly successful good ride. She looked back at the interview statement when she was hired and can say that she accomplished everything that she said she was going to. There's nothing better than walking away with that kind of satisfaction. Thank you all, I'll miss you all, goodbye and her parting words are keep the partnership together and maintain those connections.

## VII. PLANNING MATTERS

### A. Measuring What Matters: Thresholds and Monitoring Update Strategic Initiative

This agenda item will be deferred to January.

## VIII. REPORTS

### A. Executive Director Status Report



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Ms. Regan said she's honored to follow Ms. Marchetta and the great leadership of this Board to take us into the next 50 years and put us on firm footing. The state of our partnership is strong and getting stronger.

- 1) Tahoe In Brief – Governing Board Monthly Report
- 2) Regional Plan Update and Tahoe In Depth 10-Year Milestone

B. General Counsel Status Report

- 1) General Counsel Performance Review and FY2022-23 Salary Increase and leave accrual adjustment

Ms. Williamson made a motion to increase Mr. Marshall's base pay to \$197,609.30 per year retroactively to August 7, 2022, and to adjust the paid leave accrual to reflect the total years of service to 18 years and the \$10,000 bonus as recommended by the Legal Committee.

Ayes: Ms. Aldean, Mrs. Cegavske, Mr. Lawrence, Mr. Rice, Ms. Williamson, Ms. Conrad-Saydah, Ms. Novasel, Mr. Yeates, Ms. Gustafson

Absent: Ms. Diss, Ms. Hill, Ms. Faustinos, Mr. Friedrich, Mr. Hoenigman

**Motion carried.**

IX. GOVERNING BOARD MEMBER REPORTS

None.

X. COMMITTEE REPORTS

A. Local Government & Housing Committee

No Report.

B. Legal Committee

Ms. Williamson congratulated Mr. Marshall as the Legal Committee whole heartedly recommended approval of a salary increase and a \$10,000 bonus. They also had a long discussion about how they wished they could duplicate John because he does such great work.

C. Operations & Governance Committee

No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire Committee

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No report.

F. Regional Plan Implementation Committee

No report.

XI. PUBLIC INTEREST COMMENTS

None.

XII. ADJOURNMENT

Ms. Aldean moved to adjourn.

Chair Ms. Gustafson adjourned the meeting at 5:32 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

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