

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

TRPA/Zoom

June 28, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Ms. Williamson called the meeting to order at 9:10 a.m.

Members present: Ms. Aldean, Mr. Di Chiara (for Mr. Aguilar), Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Holloway (for Ms. Gustafson), Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Members absent: Ms. Diss

Ms. Williamson welcomed Ms. Hays as the new Presidential Appointee.

Ms. Hays grew up in Placer County and went to UC Davis and currently lives on the east coast. She worked for the President off and on for ten years.

Ms. Williamson thanked Mr. Hicks for his service to this Board. They'll formally be recognizing Bud with a resolution in July.

II. PLEDGE OF ALLEGIANCE

Ms. Williamson led the Pledge of Alliance.

III. APPROVAL OF AGENDA

Ms. Regan said Consent Calendar Item No. 4, Appointment of a second Vice Chair for the June 28, 2023, Governing Board meeting will be removed from Consent. Chair, Ms. Gustafson is on vacation and Vice Chair, Ms. Williamson has a time commitment today and the Board will appoint a second Vice Chair to continue the meeting this afternoon.

Mr. Marshall said we received a comment letter asserting that the Board agenda was not posted in a timely manner. They went through the records and Ms. Ambler posted it at 4:24 p.m. on Wednesday, June 21st and verified it was accessible via the website. We are in compliance with the open meeting law requirements.

Ms. Williamson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

GOVERNING BOARD

June 28, 2023

Ms. Aldean provided her minor clerical change to Ms. Ambler and moved approval of the May 24, 2023, minutes as amended.

Motion carried-voice vote.

V. TRPA CONSENT CALENDAR

1. May Financials
2. Release of City of South Lake Tahoe O&M Mitigation Funds (\$25,000) for the League to Save Lake Tahoe Microplastics Beach Clean Up Project
3. Delegate authority to Executive Director to enter into contracts prior to approving the Fiscal Year Fiscal Year 2024 TRPA budget
4. Appointment of a second Vice Chair for the June 28, 2023, Governing Board meeting
5. Appointment of a TRPA Governing Board Delegate to the California Association of Council of Governments (CALCOG) Board of Directors

Item No. 4 was removed from the Consent Calendar.

Ms. Aldean said the Operations and Governance Committee recommended approval of item number 1, 2, and 3. All expenditures remain within budget and revenues are exceeding projections. The Current Planning fees have dropped a bit but are about 95 percent of average for the prior three years. Item two was to provide funds to the League to Save Lake Tahoe for the BeBot which safely removes microplastics from beaches. The League has pledged to provide the required matching funds in the amount of \$25,000 to make the project possible. Ms. Aldean disclosed that she participated in a zoom meeting with a number of members from the League's Board at which this use of this particular device and their partnership with South Lake Tahoe was discussed.

Lastly, was the delegation of authority to the Executive Director to enter into contracts prior to the approval of the 2024 Budget since the approval of this budget has been delayed until the July meeting. The committee recommended that the executive director as purchasing agent for the Agency be allowed to enter into time sensitive contracts that collectively amount to no more than \$1 million in general fund revenues. In addition, any contracts that are grant funded would also be permitted to move forward.

Item No. 5 was not reviewed by any committee.

Board Comments & Questions

None.

Public Comments & Questions

Laura Patton, Senior Science Policy Analyst, League to Save Lake Tahoe thanked the City of South Lake Tahoe staff and the TRPA Governing Board for the potential release of the mitigation funds to support the collaborative BeBot to remove trash from city beaches. This is an Environmental Improvement Program that supports the removal of trash and small debris before they can turn into microplastics and reach the lake. They found through testing in 2022 that up to ten times the number of litter items removed by traditional clean-up efforts can remain below the sand unless a technology like this beach cleaning robot is deployed on a regular basis. The funds will be utilized to complete a full beach

cleaning on the City of South Lake Tahoe beach which will help alleviate trash from betting into the lake while helping the city comply with the Lahontan Water Resource Control Board newly implemented trash amendments.

Mr. Hoenigman moved approval.

Ayes: Ms. Aldean, Mr. Di Chiara, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Holloway, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss

Motion carried.

Consent Calendar Item No. 4: Appointment of a second Vice Chair for the June 28, 2023, Governing Board meeting

Ms. Williamson said Ms. Aldean has agreed to be the second Vice Chair for today's meeting.

Ms. Conrad-Saydah made a motion to approve the second Vice Chair

Motion carried-voice vote.

VI. PUBLIC HEARINGS

- A. Tahoe Transportation District/Washoe County School District Temporary Use: Approval of Six-Month Extension 771 Southwood Boulevard and 915 Northwood Boulevard Incline Village, Washoe County, Nevada Assessor's Parcel Numbers 132-201-02 and 132-012-05, TRPA File Number ERSP2021-0673

Ms. Regan said to the community, we are very diligent in receiving their public comment. This has been an item of public comment of great interest in our community and Incline Village and have read all of them. There are a lot of concerns expressed about transportation in general around the entire State Route 28 Corridor on the east shore. This is a very narrow decision space for the Board today and would be happy to talk about the larger issues related to traffic, parking, and some of the improvements that are being done on the SR 28 corridor as well as a conversation about the mobility hub in Incline Village which has been of great concern in the community. Ms. Hill, Chair of the Tahoe Transportation District may want to address some of those in Board member comments, but this item is specific related to an extension permit for the express shuttle from Incline Village to Sand Harbor which is vastly needed in this space.

Ms. Williamson asked if there were any disclosures of ex parte contacts from the Board – None.

TRPA staff Ms. Cornell provided the presentation.

Ms. Bridget said staff approved a temporary use at each of these locations to allow for the parking lots at the old and current Incline Elementary School to be used for intercept parking serving the East Shore Express.

On May 26, 2022, TRPA Hearings Officer approved a permit for temporary use for the Tahoe Transportation District to use each of these two locations to act as intercept parking serving the east

shore express. The parking lot at 771 Southwood Boulevard would be used as the primary parking lot and when it's filled then the parking lot at the existing Incline Elementary School at 915 Northwood Boulevard would be used as the overflow. This piece of this shuttle serves from Incline to Sand Harbor along State Route 28.

The Hearings Officer approval of the permit for the temporary use would have allowed for the transit service or for these two parking areas to be used to serve the transit for the Summer of 2022 with an option to extend the permit one time to continue into the Summer of 2023. After it was approved by the Hearings Officer, citizens appealed the decision. Because of the timing of the appeal, the temporary use was allowed to operate during the Summer of 2022. In October 2022, the appeal of the decision was presented to the Governing Board and the appeal was not granted. There was a lot of public input received through that process and the Governing Board's direction to staff was to add additional conditions to the permit and bring the revised permit back to the Governing Board for approval. Normally, approval of a one-time extension of a temporary use can be granted at staff level.

There were seven items that the Governing Board recommended to be incorporated into the revised permit. A lot of these have been addressed since the appeal hearing and those that are applicable were incorporated into the draft permit. One was for improved signage to notify potential customers that the primary parking lot was full before they turned onto Southwood Boulevard. TTD attempted to place changeable message signs on the highway to notify customers far enough away. The Nevada Department of Transportation didn't support the use of changeable message signs for this purpose, but they did get an encroachment permit to place some form of static temporary signs in appropriate locations. Two, Improve staff training to educate both the Tahoe Transportation District staff and the Nevada State Parks staff at Sand Harbor for information sharing when the primary parking lot was full. Third, was to open the gates at the primary site earlier. Initially, the gates were not opened until the service was starting and cars were lining up on Southwood Boulevard and in some cases backing up onto State Route 28. For example, opening the gates at 7:00 a.m. when the service doesn't begin until 10:00 a.m. There's staff onsite during that time to direct customers and clean up the site. This was identified during the season last year and the TTD remedied that during the season. This year there are also additional things being incorporated. Fourth, was coordination with the local law enforcement to attempt to enforce the street parking and things happening in the primary parking area. Five, increase public participation for interested parties to gather additional input. Six, improve coordination with Nevada State Parks to keep them better informed of when the primary parking lot was full and when to use the overflow lot. Seven, ensure that parking is happening on the paved areas only within the primary parking lot.

When the original project was approved at the Hearings Officer in May 2022, all the findings were approved and made a finding of no significant effect. This extension is consistent with the original findings.

Mr. Hasty, District Manager, Tahoe Transportation District said this is a seasonal summer service that first started in 2012. It is part of the package of multi modal solutions on the State Route 28 Corridor especially for the summertime with somewhat of the unruly parking that happens along the shoulder with the effort to get it off as well as the path, etc. They have been working with TRPA to ensure that these extra conditions are met. They will be back to their full service, last year they only operated one bus. Traditionally they operate two buses, even with the one bus last season for the two month period they had over 29,000 people ride the bus to the park. Prior to Covid, they had ridership of up to 40,000 for the same period. It shows the demand for recreational amenities at Lake Tahoe and this is part and parcel of why they are trying to provide these multi modal solutions as options. They are in

full agreement with some of these suggestions. The idea of the ultimate plan is to be able to capture people more from outside of the basin to get them in. While they are doing that, they also need to build the network internal to the basin to be able to do that which is part of where they are at right now, is more of this internal solution while they work on the external solutions.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIA-Tahoe-Transportation-District-Extension.pdf>

Board Comments & Questions

Ms. Aldean disclosed that she had a brief conversation with Mr. Hasty yesterday regarding this agenda item. She asked if Mr. Hasty could summarize the comments and responses from the Incline Village Mobility Committee meeting on June 24.

Mr. Hasty, Tahoe Transportation District said the types of comments they've heard that they do not like the use the old elementary school site for this purpose. They should be planning for fire evacuation for any type of transit service, and they should be marketing and a lot of the players in the basin should have advertising campaigns such as if you don't show up by a certain time, don't come.

Advertising is rather difficult to do, that is a concerted effort. It is a competition for a few seconds of folks time to be able to get their attention on that. It would be something they would want to work with Parks on because they are the ones who end up closing the gates to the park. Nevada State Parks has been looking at a variety of other solutions including a reservation system. You can never do enough outreach to folks to try to educate on that. Incline is not the target and the end point for a solution for transit and visitors to come as transfer points. But like every other community it is an important node that becomes a connection point within the service area for the entire Tahoe Basin. That's what they've been working with the Incline community right now. The focus has been on the State Route 28 Corridor for the ten years plus and will probably be for a while because all of these improvements are a very long time in developing. They agree that capturing folks from outside and putting a greater emphasis on that is where we all need to go. There are opportunities for collectively working together to help make that happen which would alleviate some of what Incline experiences right now with a lot of travel that comes through there.

Ms. Aldean asked if TTD have been able to determine which corridors are being used to access the existing parking lot for the shuttle service.

Mr. Hasty, TTD said the primaries are the Mount Rose Highway and coming from the State Route 28 from the California side are the biggest access points more so than State Route 28 from Spooner Summit.

Ms. Aldean said among the sites that might be under consideration, is there a site that perhaps would be on the Mount Rose highway that would serve as an intercept lot?

Mr. Hasty said for outside the basin that is the idea of looking at.....

Mr. Marshall interrupted to state that we're getting off topic of the agenized item.

Mr. Di Chiara disclosed that community members from Incline Village have reached out to the Secretary of State. The permit does clarify that this is the second temporary extension and that a

further temporary extension will not be permitted. For the longer term, to Mr. Hasty's point that there needs to be this type of transportation inside the basin while these other improvements happen. This will get us through this summer, but would the next step potentially be a permanent plan for these sites or the TTD looking at something else.

Mr. Hasty, TTD said yes, they are looking. This is a process that they are going through the community in Incline for a more permanent location on that anchor end. The other project solution that is also working into the development because the money is now there is to build a second mobility hub and move the Spooner location and get more parking off of the highway. Those are the permanent solutions they are working towards as opposed to the temporary use permit.

Mr. Marshall is trying to draw a distinction between what's relevant to the temporary permit that's being heard. There's a distinction between generally what is the plan moving forward versus specific locations and debate over because that topic has not been agenzized. He's trying to allow the group to talk about the context of the temporary permit but not move into any substantive discussion about what that might be because that's not on the agenda.

Mr. Di Chiara said as it relates to this permit, if this is the very last time we can revisit this temporary permit on this site, it's worth considering if that element of this is potentially affecting transportation.

Ms. Holloway asked if the static signage is a permanent one-time message or are they able to manipulate that depending on if the lot is full.

Mr. Hasty, TTD asked if she meant permanent in terms of the temporary. It is not an electronic changeable message sign. The Nevada Transportation District would not allow that.

Ms. Holloway asked how they were messaging that the lot was full.

Mr. Hasty, TTD said they will be working with the Nevada State Parks staff, the ambassadors at the trailhead parking, the sandwich boards that they could modify, and the staff at the locations for this parking and the bus pick up. State Parks do have two permanent electronic signs on Spooner Summit and State Route 28 that will state when the parking is full. What they've experienced with folks is that they've come to the beach and find that they can't park there and then park on the highway.

Ms. Holloway asked how many parking spaces there are at both sites. In last year's history, how many times did they see that the old school site fill up where they had to pivot to the overflow.

Mr. Hasty, TTD said the old school site has approximately 60 spaces. About the most they've had at any one time is about 140 and is usually around the week of July 4th.

Ms. Aldean asked if the Nevada Department of Transportation could modify the signs on the highway to include information about the overflow parking lot and where it's located.

Mr. Hasty, TTD said there is always that potential of working with NDOT for changing signage.

Ms. Aldean said it's important because if the lot is full, the likelihood of the family on their way to the beach turning around and going home is pretty remote. If the lot is full, they need to be directed to the shuttle service. Making that change to the existing electronic signage on the highways would be valuable.

Ms. Cornell said this item was noticed to the effected property owners within the vicinity of both of these locations and didn't receive any comments from the effected property owners.

Public Comments & Questions

Pamela Tsigdinos Incline Village resident who lives very close to the old elementary school. In order to get to the one grocery store in Incline, you have to make the transit on State Route 28 which is very close to the old elementary school. If you want to go to the hospital, you use this two lane road where the old elementary school is. Same thing to get to the urgent care. This is not an open fallow field, there are apartments, multi-use dwellings, and people who live all around here. When you get hundreds, 29,000 to 40,000 people looking to come into Incline Village who at peak only has a population of between 7,000 to 8,000, that is a lot of competition for them to get places. Imagine a fire and what it would take to get people who are at Sand Harbor, the old elementary school, and the residents and their visitors out. This is just untenable. She asked that they think this through, there are people and their daily existence involved here, it's not just a paperwork exercise. Please do not approve this. They've been living with this, it's increasingly bad since 2012 and has gotten worse. Give some consideration for the people who have to rely on this one transit that is now being advertised to the world.

Ellie Waller, Douglas County resident said the transit service only operates mid-June to Labor Day. How many vehicle miles traveled are we really saving for less than one quarter of a full year and how much VMT should we be looking at that's being caused by the commuters coming from outside the basin? She agreed with the previous speaker that we need to look at this from a residential and tourism standpoint and find some harmony between the two. Is there gain here for just a couple of months. The future discussions of where mobility hubs will be and how much they affect the bigger picture is what needs to be talked about here, not a temporary permit that doesn't really serve the greater good in her opinion.

Helen Neff said rather than approving a six month extension for the East Shore Express, please take into consideration the following reality for the Summer of 2023. This past winter caused many transportation issues including the necessary repair of potholes, accelerating fading of crosswalks and other road markings along with a delay of starting road construction projects. Road construction has created gridlock in Incline Village and Crystal Bay. State Route 28 to Sand Harbor were affected by the affluent pipeline project. State Route 28 to Kings Beach is affected by the Nevada Department of Transportation projects and private home construction which both result in frequent road closures or one way traffic. State Route 28 through Incline Village is affected by NDOT's ITS conduit and concrete work. State Route 431 to Reno is affected by paving and other improvements. Due to all of this, they've not had their crosswalks repainted or roads stripped in Incline Village resulting in unsafe roads for vehicles, pedestrians, and cyclists. Those that live in Incline Village and Crystal Bay are held hostage during the week. Thus, they run errands on weekends and when construction is suspended, which puts more cars on the roads during peak traffic days. Numerous news reports including Channel 2 News and the San Francisco Chronicle quote Tahoe Regional State Park Manager, Allen Woodridge stating that they are facing seasonal staffing shortages to a magnitude that they've never seen. She's been at Sand Harbor for eight years and this is definitely the first year where they've sounded the alarm that something needs to be done. He goes on to say that they are short 25 percent of staffing levels and for guests that will result in longer wait times to enter the park and a line that stretches down State Route 28. If the shortage continues further into the summer, they may have to schedule park closures. Why are we sending more people to Sand Harbor when they are short staffed and facing closures? Why is TTD accepting \$85,000 from the State Parks for funding the East Shore Express

when those state funds could be used to increase seasonal staff wages or benefits for the employees? Staffing shortages at Sand Harbor result in cumulated trash and substandard cleaning of the beach and restroom facilities. This is detrimental to the environment and damages the lake. TRPA was created to protect. In addition, all the riders on the East Shore Express do not pay an entrance fee into the park, so, they are adding their environmental impact with no benefit to the park. The six month extension for the East Shore Express this summer should not be approved.

Laura Patton, League to Save Lake Tahoe said they are in support of the proposed extension of the previously approved temporary use for the East Shore Express. They've been working for decades to get people out of their cars and this extension is the minimal amount that can be done to alleviate congestion on the east shore. As stated, the service got 29,000 people out of their vehicles. This number underscores the need for more of this type of service. The leading threat to Lake Tahoe's famous clarity is fine sediment pollution which is exacerbated by auto traffic. This traffic also restricts access to recreation, impacts the quality of life for residents and the visitor experience, and restricts access to emergency services. The League has been working with TRPA and others to reduce reliance on the automobile within the Tahoe Basin. As the current public transit is woefully insufficient to meet demand. The East Shore Express helps reduce traffic and its associated impacts to Lake Tahoe and although this service will only make a dent in our transit needs, it's an important foundational service. Ideally shuttles like this will be abundant and lake wide in the near future. Please approve this extension to support public transportation.

Carole Black said please reconsider plans to continue and perhaps expand the East Shore Express service this summer. She's appreciative of the comments made by Mr. Hasty, the Board members, and the previous public comments. She respectfully disagrees with one point from the previous speaker. This service will add incoming vehicles to the already overcrowded highways and streets, further reduced by roadway construction, impeding traffic flow to and from Incline Village along all main roadways this summer. This summer is different and more challenging than past summers because of all this construction. The service needs to be paused and in addition there needs to be more patrols for illegal parking in the community. And a massive public relations campaign as mentioned by Mr. Hasty. Based on information that she's gathered in the context of the mobility committee as a member, she was able to estimate that Sand Harbor related traffic accounts for approximately 50 percent of the summer peak vehicle trip overage along State Route 28 from Crystal Bay Stateline through Incline Village. This is an accident prone area and is burdened with horrific construction this summer. The traffic jams have been phenomenal. In addition, they are looking at construction on all the other roadways in and out of Incline. Traffic jams during June have been continuous and the summer peak will worsen this. This service needs to be paused, and if it's paused there will be an additional 50 to 75 parking spaces that are made available at Sand Harbor that have historically been blocked in order to allow beach space for people coming in on the East Shore Express. Please reconsider, do not expand the service, and preferably suspend it. She appreciated the efforts that have been made to mitigate the issues in the community but none of those will deal with what they are dealing with the traffic jams and construction. She hopes for a very aggressive and comprehensive public relations campaign to redirect folks and traffic away from the Sand Harbor area and away from the trails this summer while they get through this construction.

Doug Flaherty, TahoeCleanAir.Org submitted written public comments that include that the old Incline elementary school is being used as a staging area for construction equipment in connection with the Department of Transportation activities in the area. Regardless of what Mr. Hasty may say, there is no specific permit as far as they can tell that allows staging specifically at the old elementary school. They believe that the staging is happening in violation of the current use permit which does

not allow parking on unpaved surfaces. TRPA's Code states that the staging areas proposed on an unpaved surface that a restoration plan must be submitted with the staging area request. The Memorandum of Understanding between TTD and the NDOT contractor is a 60-day permit which basically says from May 2023 to August 2023. So far, the site has been used for the past 40 days without a permit.

Doug Flaherty, Incline Village resident to make comments on safety. He sent in several photos and has about 70 to 80 more demonstrating that this is an unsafe area within feet of where the buses are going to enter during the East Shore Express activity. If Mr. Hasty claims that the staging of construction equipment is going to cease soon then this should be a condition of this extension of this special use permit. The Board must make a finding that the TTD must now allow simultaneous activity of heavy construction equipment staging while the East Shore Express is in operation. Please think about the safety of this neighborhood. It's bad enough as it is, he uses that area every day to do errands and it's very unsafe. He has a video of the skip loader that moves back and forth across Southwood Boulevard, backs up and a car almost hits it, and it dumps dust and dirt from underneath it tries a couple of times to enter the area. The BMPs in place were not put in place until after 35 days of use. For safety purposes for this neighborhood, please discuss and take it seriously and do not allow simultaneous operations.

Kathie Julian said the first public comment did not mention that the old elementary school site is on the route to the Post Office and Postal Express. These two entities provide mail delivery boxes to more than 75 percent of the population in Incline Village. She's concerned that the approval of this extension will serve as a precedent or an argument for a permanent parking facility at that site as part of the Incline Village Mobility Hub. She urged the Board to discuss that and perhaps amend the motion so that it is not used as a precedent or argument for a permanent hub there. She asked that the TTD engage in discussions with the Northstar and Mount Rose Ski Resort on the use of their parking areas during the summer for the East Shore Express. This should begin now in preparation for the Summer of 2024.

Alan Miller, Environmental & Civil Engineer and activist in the Lake Tahoe Basin. He is the one who commented that this meeting is being conducted illegally because he discovered and presented evidence that the meeting agenda was not noticed to the public until six days before the meeting. That evidence has been suppressed online until just today even though he sent that last Monday. That's illegal. He wants the public to know that this is being conducted illegally. He presented evidence and Mr. Marshall made assertions but presented nothing. If anyone wants to appeal these actions today, they will be set aside because TRPA cannot prove up on its claims. He's seen this time and time again suppression of evidence and information in the record. This is another example of TRPA's planning failures. Twelve years of temporary use, I don't think so. TRPA has resorted to all kinds of criminality to cover up the fact that they didn't public notice the meeting properly. He encouraged members of the public to understand that TRPA is going to go ahead and adopt this today despite any concerns that are expressed. Your only avenue is going to be to appeal. Suppressing comments from the record, trying to isolate people like him is forbidden by the Open Meeting Laws. Public Records Acts are being violated and wants the public to know that this is the kind of criminal organization that's being ran. They have two faces; their public face where they try to put everybody at ease about how great they are doing. He'll grant that some of their partners do great work and beyond that, he doesn't see them as a capable planning agency. Where he could point to several areas, he mentioned in his comments that he submitted that they don't have a plan for the wireless 5G rollout basin wide.

Board Comments & Questions

Ms. Hill said she appreciated the public commenters and commended staff for a good job of mitigating as many issues as were brought to them at TTD and TRPA for this temporary use for the East Shore Express. This Board is going to be willing to listen to concerns throughout the season from the community if there are things that they need to further mitigate. She is chair of the Tahoe Transportation District and the Mobility Hub Committee for TTD, and they are working to find some bigger solutions for this issue. They do believe in outside intercepts. There are a lot of players that need to come together to make that happen. The sustainable tourism plan just released is a great opportunity for them to push on the states as well as transit partners outside of the basin to step up and get folks bussed in from outside. She supported this proposal.

Ms. Conrad-Saydah asked if the Nevada Department of Transportation work was scheduled to continue for the rest of the summer or duration of this permit.

Ms. Cornell said she doesn't know the exact construction schedule. The use of the old elementary school campus as a staging area is incorporated into an Environmental Improvement Program permit for the nearby work that's being done. She doesn't know when they are going to start and stop during the season, but it is accounted for.

Mr. Friedrich said there was a question raised about State Parks staff shortages and the capacity to absorb population being shuttled to this site. Also, a concern was raised about construction and traffic and capacity questions in general as it relates to this short term extension of the service with the short term staffing situation or road construction situation. It does seem like there is a need to look at a longer term solution. How intent is TTD in finding beyond this short term extension a more permanent out of basin intercept lot?

Mr. Hasty, TTD said they would be happy to come back and share with the Board what they are looking at for the future. Regarding the staffing issues and construction, there are two seasons; winter and construction and we are now into construction season. This may be a little bit with what's going on but doesn't think it's out of the norm type of construction activity that goes on. NDOT and others become adept especially during the peak periods like the 4th of July week and modify what they are doing so everything is flowing. But that is not going to stop people from coming. Everyone has staffing shortages. State Parks is on board and are expecting them to do this. It will be a challenge for them like it will be a challenge for us. That is Tahoe's visitation situation right now. They'll be working all the more closely in order to coordinate and make sure that they are doing it as well as possible.

Ms. Holloway echoed her support for this project and overall mobility improvements. There is a long plan for transportation improvements in the basin and we get there incrementally. Placer County is also working on a number of different mobility options and they all feed together eventually. All the comments heard about interceptor lots outside the basin, increased service at peak times are all things that help them move forward from a transportation perspective. She drove by the site this morning and is concerned about the construction joint use on the property. She echoed coordination with NDOT as they are working forward on that. The site looks like it's in the construction phase right now with the fence around it. Just awareness that there could be some conflicts there.

Mr. Hasty, TTD said they'll work closely with them. They are two separate areas. One is a 6.5 acre parcel. They will be coordinating with and is mostly to store materials.

Ms. Aldean said on page 79, paragraph 12 in the permit it looks like some residual language from a construction permit. Part of the permit doesn't include any construction work, but it states that TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects. Can we eliminate any reference to construction? It would state the TRPA reserves the right to amend any portion of this permit if it is determined that the project is causing significant adverse effects.

Mr. Marshall said it is a standard permit term and can delete the word "construction."

Ms. Hill made a motion to approve the proposed extension of the Tahoe Transportation District/Washoe County School District Temporary Use, subject to the conditions in the draft permit with the changes made by Ms. Aldean.

Ayes: Ms. Aldean, Mr. Di Chiara, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Holloway, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Absent: Ms. Diss

Motion carried.

B. Amendments to Washoe County's Tahoe Area Plan to Allow Single Family Condominium Uses in Special Area 1 of the Incline Village Commercial Regulatory Zone

Mr. Marshall said the reason they are not asking for ex parte contacts in this context like they did for the other agenda item. That was a project vote and is a quasi-adjudicatory process. This is a quasi-legislative process and are not required to disclose the ex parte contacts when acting more as a legislator than an adjudicator of facts that apply to a permit.

TRPA staff Mr. Stock provided the presentation.

Mr. Stock said this proposed amendment would allow the condominium form of ownership in Incline Village Special Area 1.

Washoe County requested an amendment to the Tahoe Area Plan in response to the Nine 47 Tahoe development approval. This was an approved 40-unit multi-family development that is seeking the ability to subdivide into ownership condominiums. This proposed amendment would allow multi-family to be subdivided into single owner condominiums in Special Area 1 of the Incline Village commercial zone. This is a distinction of ownership and no proposed changes to the physical building approved as a multi-family project.

The amendment was approved by Washoe County Commissioners. It was then brought to the Advisory Planning Commission and the Regional Plan Implementation Committee who raised some issues regarding the definition of mixed-use development and the impacts of condominium subdivision on workforce housing in this special area. Staff were already working on minimum standards and a definition for mixed-use which they recently presented to the RPIC on some of the concepts that they were looking at for the basin as a whole. This area plan amendment is coming forward with mitigation measures. These measures are aimed at addressing the issues that were brought up by the APC and RPIC and to allow staff to make the required findings for an area plan amendment.

Special Area 1 is in the center of the Incline Village Commercial Town Center.

The goal for the mitigation measures was to implement existing policy that's already in the area plan. In particular, it's this special policy in Land Use section 2-9 which states that single family dwellings in this zone shall be limited to mixed-use developments or if they are affordable housing. Based on this policy It would only allow a multi-family structure to subdivide into condominiums if it's part of a 100 percent affordable housing development or if it's part of a mixed-use development. These mitigations clarify the requirements for the mixed-use option to subdivide and see it as an adaptive management to implement the intent of this existing policy in the area plan.

Mixed-use supports active transportation in commercial cores and it reduces vehicle miles traveled by integrating compatible land uses along with pedestrian oriented design to create a community where people don't need cars to access their basic services. The goal is to clarify what the standards and requirements are for active mixed-use.

Mixed-use is about the proportion of non-residential uses and the location of non-residential uses. They are asking for non-residential uses to occupy the ground floor street frontage of a mixed-use building. They are also including this concept of floor area ratio which is an industry standard for regulating building mass. It's a way to measure mass or multiple uses, that's proven to be more reliable and predictable than density. The proposed 1.3 is based on what was already permitted in this zone and is consistent with best practices that are recommended by the American Planning Association.

Minimum standards were set for mixed-use as well. It includes what types of uses can be included in a mixed-use structure which is defined fairly broadly. They set a no minimum parking standard. This would be a TRPA standard and in the case of the area plans, particularly the Washoe County Area Plan a more stringent standard parking minimum that the County poses would take precedent. And designed to promote active transportation and pedestrian accessibility.

Affordability is a key component of viable mixed-use development. Mr. Stock will provide information on TRPA's deed restriction program since it comes into the mitigation. Slide 9 show definitions for Affordable, Moderate, and Achievable housing. The achievable definition was recently changed two months ago and the achievable definition builds on the lessons learned from our history regulatory and enforcing deed restriction. It includes asset caps and audits. The goal is to make sure that these achievable units are occupied by local workers.

The mitigation requires that a proportion of units in a subdivided mixed-use structure will be deed restricted. The result of this requirement is that ten percent of the residential floor area and at least ten percent of the residential units are deed restricted at one of the deed restricted categories.

There are two options for a developer to meet these deed restriction requirements. Option A allows for a mix of affordable and moderate deed restricted units at ten percent that must be built concurrently with the condominium development. The result is that they get at least ten percent of the units built with an income cap deed restriction. Option B is ten percent deed restricted achievable which is the workforce category. In addition, the requirement for an offsite parcel of equal unit capacity to be deed restricted affordable. If a development is proposing 40 condominium units, then they need to deed restrict an offsite parcel with the capacity for 40-units. There is an additional option that they will release the deed restriction onsite if housing is built on that offsite parcel. The result is they would get ten percent unit of the units on site for workforce and potentially in the future a larger

development for affordable housing.

The Nine 47 Tahoe development initiated this amendment and how do these mitigations impact this approved structure if they propose to subdivide. The development is already approved as mixed-use multi-family and would not be required to comply with the new mixed-use standards. They would not be required to redesign their project in order to subdivide but would be required to comply with the affordable housing standards in the mitigation.

Presentation: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIB-Washoe-County-Tahoe-Area-Plan.pdf>

Board Comments & Questions

Ms. Conrad-Saydah thanked Ms. Fink and Mr. Stock for helping her understand the iterative process to get to where we are today and the way the team took in public comments and adapted their process. Mr. Hoenigman said what we're really talking about is allowing a different type of ownership in this project. This project could be built as apartments today. They are looking at whether they should allow it to be built as 'for sale' product. In exchange for that ability to make that jump to for sale, they are getting achievable units now and potentially up to 40 affordable units in the future which would be an amazing 1:1 relationship. It will be a little bit of a load to get those built but hopefully this is a great win for the basin. Staff did a good job of getting us to where we are.

Mr. Di Chiara understands that it would be at least three separate revenue generators that were open to the public. Whatever was on that floor, a component would be revenue generating.

Mr. Stock said they don't require that in the mitigation. The three revenue generating uses that he presented in the slide was part of a definition from the American Planning Association or Urban Land Institute. They don't impose that requirement as part of the mitigation.

Mr. Hester said the concept is that there are three different types of activity that are together. People living, working, and recreating. Living may not generate revenue, for example, but the point is that you get those uses together and people don't have to drive to each one.

Mr. Di Chiara regarding what are the mixed-use components, are there restrictions around what could constitute that mixed-use or requirements for around what would constitute that mixed-use. One of things that jumped out was a sales office which he understands would be an alternate use to just living or recreating but is not necessarily a public use.

Mr. Stock said in the mitigation measures, they included sales offices, gymnasiums, lobbies, and management offices. They say they may be included when they are open to the public. The reason is to understand that in some cases uses like retail and restaurants what they normally think of as the non-commercial uses rather than non-residential use in mixed-use. In some cases, they are in-viable based on the specifics of the parcel. They wanted to allow some other uses in the case that those were in-viable with the understanding that if retail or restaurant or these more traditional mixed-use non-residential uses are viable, that they would be included by the developer.

Mr. Hoenigman said we have received some public comments about this because this current project does have a small amount and is allowing some of these other uses. As a developer, if you can make money on retail, you'll put it in because it is money generating. But to be required to do it in a

situation where it doesn't make sense is a cost to the project that keeps affordable housing from being built or makes it more affordable. He asked staff about the specific project to get this in. Even if a project doesn't have its own retail this area that it is in is a mixed-use area. Even if you can't go straight downstairs to get coffee, you can get everything you need within an eighth or quarter mile. Having these units downtown in this mixed-use area should reduce vehicle miles traveled as opposed to having them spread around the basin, which is what's happening today.

Mr. Di Chiara asked if it were correct that there would be other uses is an understanding but is not necessarily included in the mitigation.

Mr. Stock asked if that was in reference to the three revenue generating uses.

Mr. Di Chiara said for example, if there was something like sales offices, gymnasiums, there was an understanding that those would be included in concert with other types of use for that mixed-use area. He wanted to clarify that "understanding" and whether that was included in the actual language of the mitigation or that's just an understanding between us and the developer.

Mr. Hester said it is included in the language so that it's not left for interpretation.

Ms. Hill commended TRPA staff for their work on this project. This was something that was deliberated at the Washoe County Board of Commissioners. They eventually decided that the downtown should have condominiums in them. They put on the condition for mixed-use for workforce housing if they are going to condominiumize in that Special District 1, but they couldn't do the inclusionary zoning aspect because the Board had decided earlier this year not to do inclusionary zoning. Even though that is something that she is for personally. For TRPA to be able to step in and do that is great because they were listening to the community of Incline Village and Crystal Bay and able to implement their jurisdiction under the Compact. This is a great compromise.

Ms. Laine said she doesn't share the same enthusiasm for this project mostly because she's seen this two-step process used throughout the basin multiple times. People come in and dangle the carrot in front of the local elected officials saying they are going to build a multi-family project and it gets permitted and they subdivide, and they are left without the option of objecting to them creating these condominiums. For example, behind the Forest Inn a developer came in and provided a project that was going to be multi-family and is now million dollar condominiums and there is no way of stopping the train. This area of Incline Village in particular is a very central location and is ideal for workforce housing and its near transit. There's no downtown that she would identify in Incline Village. We're having a problem all around the basin where police officers, teachers, etc. cannot find housing. The fact that they got a permit and realized that they couldn't do the two-step process because it was not an allowable use. Because they already received a permit, items 1, 2, 5, and 6 that are a part of these mitigation measures would not apply to Nine 47. Was there discussion around reapplying for the project so that all of the mitigation measures would pertain?

Mr. Marshall said they have an existing permit, so they didn't discuss with them giving up the permit and reapplying. He personally doesn't think they are interested in that. Part of the permit that they issued to them was recognition that they were a multiple-use facility with that relatively small amount of square footage dedicated. They are permitted as a mixed-use building. TRPA has already made a judgement that they met at that point the definition of mixed-use. There was a discussion that since they've already permitted them as a mixed-use to exclude any development that's already received that determination. You can decide not to do that, but that was the thinking of staff as to why to allow

at least this one existing permit that's already been determined mixed-use to go ahead.

Mr. Hester referred to page 111 in the packet, number one states 60 percent of the first floor has to be pedestrian oriented non-residential and number two describes what those are including ones that Mr. Di Chiara asked about. This project has 925 square feet of mixed-use. It's not 60 percent of the first floor but does have some mixed-use. That's the difference you'd get if they were to redesign and reapply. Staff didn't think that justified asking them to redo that. The important part going forward is the affordable housing units. Staff have improved their enforcement process significantly and are in the process of issuing a request for proposal to get best practices to make it better. They're confident that somebody won't turn these into market rate units without either doing the 40 offsite or TRPA not allowing it.

Ms. Laine asked what TRPA's confidence that the 40-unit deed restricted affordable housing will be built in her lifetime.

Mr. Hester said he believes that they've put as many incentives into the way they've constructed this as possible to make that. They are going to have to put in four achievable units and deed restrict this offsite parcel. They can take those four and make them market rate and that would make a lot more money off those four units if they do the offsite project. He suspects that the offsite project will require some subsidy from some source whether it's land or money. The analysis in the Tahoe Living Working Group with the Cascadia Partners was market rate. You can get achievable but you can't really get below that without subsidy. It depends on how many subsidies they get.

Mr. Marshall said he thinks you should assume that it's not going to be built and determine whether or not given that, you still have four achievable units and deed restricted land that at some point can only be utilized for affordable and whether or not that's an appropriate balance from public policy wise. The Board is in their legislative mode and can decide whether or not that is a good trade off or not. A lot of factors have to line up under our current situation to get large affordable projects online. They're trying through a bunch of different efforts within the Agency to incentivize and to provide the necessary density, coverage, and height that allows that to move forward but staff cannot guarantee or give a good estimate of when that next project might happen.

Ms. Aldean said in all fairness, it's her understanding that the developer of the project made their intentions clear to Washoe County staff that they intended to go through a two-step subdivision process. Then the Washoe County staff realized that they had to go through TRPA to perfect that two-step process. There was no mechanism for them to do that under their own permitting process. She doesn't fault the developer in this instance.

Mr. Marshall said either the developer didn't do their due diligence to look at TRPA's rules and determine that this area wasn't subject a two-step subdivision because they didn't have the permissible single-family use. Notwithstanding that they still got a mixed-use permit from TRPA. That is what the Board should balance as to whether or not they should apply these rules to that particular project or should existing permits that are mixed-use be allowed to move forward with how they were approved by TRPA. They either made a mistake or forgot to look at something but doesn't think there was any purposeful or negligent response by the County to do that.

Ms. Aldean said she was not implying that. But they didn't realize that they had to convert a single-family dwelling into an independent parcel for sale purposes or you need to go through the two-step subdivision process. Mr. Feldman is familiar with the rules and it's hard to believe that he would

overlook that essential step in the process, but she cannot speculate on that. Not everyone wants to rent a unit, some people like to buy a unit. If you don't subdivide the units, you can't sell them. There's a long history about the two-step subdivision process. Predecessor to Mr. Marshall, Susan Scully was the legal counsel and there was a compromise in an effort to avoid further litigation. The Board can reconsider the applicability of the two-step subdivision process. Her perspective is that if you can go through that process, you can make affordable units for sale, and you would otherwise be foreclosed from doing that if there wasn't the two-step subdivision process.

Ms. Hill said Washoe County is doing the Washoe Tahoe Housing Plan and had a great meeting with the Rotary Group and a community group in Incline Village. Hearing from folks making \$188,000 to \$205,000 per year want to buy in Incline Village and Crystal Bay. They are committed to the community and want to raise their families there. To Ms. Aldean's point, there is room in this workforce housing discussion for buying and renting. She agreed they need more rentals on the market and is optimistic that is something they can get online in the next few years with this housing plan. Folks also want to buy in the community that they work in.

Mr. Friedrich asked if there is a sense of what the developer intends to deploy there. It seems based on comments today, that it is likely to be some of the permissible uses that fit within the proposed condominium subdivision with lobbies, sales offices, etc. Is there any indication that it would be more public serving mixed-use elements?

Mr. Stock said in the case of Nine 47 development they wouldn't be subject to the second article in the mitigation. They wouldn't be subject to the new mixed-use requirements. As proposed, they would be allowed to develop based on their current approved permit for mixed-use. They would be subject to item 3. They've indicated that it's likely to be Option B but cannot speak to that specifically.

Mr. Friedrich said in Option 3-b to Ms. Laine's comments, there is no tie between the development of offsite units and the permit to proceed with construction.

Mr. Stock said the permit to proceed with subdivision would require that they deed restrict the offsite parcel and that they construct the achievable units on site concurrently with the market rate units. The construction of that offsite affordable development isn't a contingency, but they do have the option to lift those achievable deed restrictions if they do build that offsite development.

Mr. Hester said they will have to deed restrict the other site to affordable and will have to build four achievable to be able to do the project.

Mr. Friedrich said then there is no consequence if the units are never built, they just have to deed restrict the parcel.

Mr. Marshall said correct.

Mr. Friedrich said regarding short term rentals, would current approved use allow them and presumably the condominium subdivision would.

Mr. Hester said short term rentals are managed by the local governments. The City of South Lake Tahoe had a voter initiative, Placer County deals with them differently and collects revenue for transit and housing. Douglas County and Washoe also have their processes. TRPA doesn't get into that other than it affects their allocations.

Mr. Marshall said there is nothing in this particular Regional Plan change that would restrict short term rental use to the residential units that either exist as rental or as for sale. Washoe County rules allow one short term rental per parcel. If it's a multi-family, one parcel development there is one short term rental available. When it goes to condominiums, there are 40 parcels available and could have 40 short term rentals associated with that development. Nine 47 has indicated that they are going to put something in their CC&R's that would not allow short term rental use of their units. That is their own independent determination as to whether they are going to allow that. That conforms with how generally condominiums are addressed in other areas of the basin. They are a residential use, therefore, under TRPA rules, they can have a short term rental use unless it's further restricted by local government requirements.

Ms. Aldean said CC&R's can be amended and to her that isn't sufficient. At a public meeting, Mr. Feldman said the developer would deed restrict those 40 units to exclude the use of those units as short term rentals.

Mr. Marshall said that would be their choice.

Ms. Aldean said a deed restriction is on the title as opposed to an amendment to the CC&R's which can be amended by a certain number of members within an association.

Mr. Di Chiara said something that they are all concerned about is affordable housing in the basin. His understanding from Mr. Hester is that this component, ideally that the offsite element where there would still be 40 affordable units built inside Special Area 1. That would be great if it were to happen. Is the inability for TRPA to require that contingency for construction of affordable units in conjunction with the subdivision? Is that inability of us to make that requirement? Is that related to this specific process and the process that this development has gone through or is it a complete inability of TRPA to require that type of contingency?

Mr. Marshall said there is a mix of policy and legal analysis associated with the question. From the legal side, Mr. Hester can address the policy side, perhaps whether that's a good idea or not. The mitigation measure is applied to the subdivision. There is already a multi-family approval and then want to subdivide to go to for sale instead of for rent. That's what they are trying to mitigate because there is going to be potential impacts from going to higher costs for sale which essentially would be in our determination offset by ten percent of the units being created to provide potentially the workforce or contribute to the workforce housing in Incline Village to offset the creation of this for sale portion. What Mr. Di Chiara is essentially saying is could we require 40, 1:1 requirement for the offsite option. If they wanted to go offsite fully, they would need to do a 1:1. The answer is yes and is what's part of the mitigation measure that's in the package. If they apply, subdivided, and deed restrict for achievable units, the difference is that they're going to achievable housing which allows a higher income rate, but it also has to be workforce. There are additional requirements that at least one occupant be working within the basin. Because it allows additional costs recovery or they can sell them for a higher amount, they've added on to that a requirement that if you are going to do four achievable within the built units, you have to deed restrict offsite additional capacity. The third option is to just to deed restrict for affordable units in the parcel. If he understands the question, is when you go down that line, can you instead say, first off you have to deed restrict 1:1 basis offsite if you want to subdivide as a mandate.

Mr. Di Chiara said in the legislative mode he wouldn't personally use the word mandate. If we are

giving them the option between these things and the option that the developer seems to be going with is securing the potential 40 offsite affordable units. That must be economical for them somehow. Mr. Marshall said to do that they also have to deed restrict for built units onsite.

Mr. Di Chiara said yes, onsite. Then when the other 40 offsite are constructed that would lift the deed restriction on those four units.

Mr. Marshall said correct. All those 40 have to be deed restricted.

Mr. Di Chiara said they would have to deed restrict and obtain the potential to build those 40 units but there is no requirement for construction. The lack of a requirement for construction, is that due to the process that they followed for this subdivision? If they had come about wanting to build out these 40 parcels in a different way, if they had done things right the first time through, is that offsite option something that we could have mandated, or would that be outside the ability of TRPA to do?

Mr. Marshall rephrased Mr. Di Chiara's question to say is it legal to impose a 1:1 requirement if you are building 40-units for sale at market rate, could they impose the requirement to build 40-units offsite deed restricted, 1:1. That is a particularly sophisticated analysis in terms of whether or not, under our constitutional principles in the cases are Nollan and Dolan nexus as to whether or not you are mitigating a true impact associated with the construction of those units. Most, if not all the inclusionary zoning that they looked at, are percentage based, not 100 percent. The reason is that as you get close to 100 percent or more, that connection becomes more tenuous. For example, if you are mitigating how many workers are going to be required, what kind of units are they going to need, it's more difficult to get to the 1:1, 100 percent.

Mr. Hester said coming from the policy side with some rough numbers. We have a needs assessment done for all of the South Shore and needs assessment for Washoe County and the North Shore. The Tahoe Prosperity Center did one for the South Shore and now are doing Washoe County. The Mountain Housing is doing one for the North Shore. It's roughly about 4,500 to 5,000 units which is about ten percent of the basin. If you look at the percentage that Placer County has established is about ten percent. When Mr. Marshall mentioned Nollan and Dolan that seemed roughly proportional. Ten percent needs to be one of these three categories: achievable, affordable, and moderate. They need achievable, and they are willing to do achievable. Then they also need affordable and moderate. They are willing to deed restrict this site for 40 affordable and moderate. But they know from their analysis with the consultants that market rate without subsidies they can't get below achievable. If they want to take these achievable and turn them into market rate, they can get some more money from that and use it with subsidies over on the 40-unit site. They've tried to set it up policy wise so we achievable but also have incentives to go to the lower income levels if the global "we" can find some ways to subsidize that because the market is not going to do it. From a policy perspective they think they've hit all three and the ten percent is roughly proportional.

Mr. Friedrich confirmed that the Mountain Housing Council forecast was 4,500 to 5,000.

Mr. Hester said it was taking those three studies because it was for different parts of the basin and putting them together. Ten percent of any development needs to be some affordable, achievable, and moderate.

Mr. Friedrich asked how many residential allocations are remaining in the basin.

Ms. Fink said about 2,000 allocations.

Mr. Marshall said allocations are set on a 20-year basis. When that allocation ends, then those additional residential allocations can be authorized by the Board if they choose to do so.

Mr. Hester said when they went to the Regional Plan Implementation Committee and discussed the mixed-use measures, they came up with around 33 different things they'd like staff to look at. One of the things they asked staff to look at was things like should they go back and discuss if conversions to residential be limited to only bonus units that go for affordable housing. There are some other things that they'll probably talk about in the next phase when they look at development rights is do we want to direct more development rights to housing and affordable, achievable, and moderate housing and not let them go into the market.

Mr. Friedrich said there's a finite supply of allocations. Until further Board action, there's 2,000 and this project will take 40. Plus, there's the Latitude 39 project to consider. In the past year, how many allocations have gone to condominiums, vacations rentals, or very large homes? Anticipating what's in the pipeline, if this is the development pattern that persists, are we concerned about taking the finite pool of available allocations with the intended parking, coverage, traffic, and other impacts that go with any kind of development and squeezing out what might be needed to satisfy those 4,500 to 5,000 units and using them for purposes like this?

Mr. Hester said there is a pool of units that are available for local governments to get allocated to use however they want and then there is the bonus unit pool which TRPA controls which is for affordable. If you build affordable, achievable, moderate, you don't have to get a development right, TRPA gives you a bonus unit. That's what they want to add more to. We are drawing down that pool and will need to replenish it at some point and is what they are looking at for phase three.

Ms. Fink said there are about 1,300 bonus units remaining. About 700 of them have been reserved for projects that have submitted applications such as Sugar Pine Village.

Ms. Holloway said she understands that we are not debating the project specifically but has a question related to the current occupancy of the multi-family. We're talking about a rental versus an ownership switch but wants to understand the current occupancy.

Mr. Marshall said it's not been built yet. It's a two-step where they get authorization for the multi-family and then they can subdivide then they go to construction.

Mr. Marshall said there is also an errata that moves the proposed mitigation measures out of the Tahoe Area Plan and into the adopting ordinance at the request of Washoe County so that the Tahoe Area Plan is consistent with TRPA and the Regional Plan and Washoe's area plan.

Ms. Regan thanked the Board for this discussion and acknowledged to the public that they read all of the public comments. What you'll hear in public comments is about the policies that we've had on the books going back more than 30 years ago with the two-step subdivision. A lot of these policy questions are embedded in this decision today. We're in a place in time for an urgent need to modernize our land use system. The discussion around the two-step subdivision is part of that but that is the policy they've had for 30 – 40 plus years. A lot of comments will disagree with that. This is something that they'll need to fold into the larger work being done. They are fast tracking that work in terms of modernizing our policies for housing and to support more housing. Also, thank you to the Advisory Planning Commission for being a part of evolving this package and remind the Board about

how much conversation they've had about this item. They've worked closely with Washoe County staff and listened to the community. The first time we've brought this through the Regional Plan Implementation Committee, it's changed a great deal based on public comment and consultation with Washoe County and best practices research. There was a comment from Andrew Strain when he worked at TRPA in the 1990s when they did the community plan that it was not intentionally excluded to his knowledge of having the ability to do the two-step subdivision in this area. Part of the challenge is that a lot of time has gone by from when they originally visioned this community in the 1990s through the community plans and plan area statements to a Regional Plan which then set the framework in a different way for area plans. We're in this adaptive management process and it's important not to lose sight of that. We're trying to find solutions that have cropped up that this was unexpected and doing our best to solve problems. She thanked the planning team under Mr. Hester's leadership and Mr. Stock for bringing you creative solutions to this. Thank you to the public for weighing in. In Ms. Waller's comments, she put in articles from 20 plus years ago where we were debating affordable housing challenges. That underscores the need to think differently because we've not been able to offer enough incentives to grow affordability in our market which is a national problem.

Mr. Feldman said in response to a question by Mr. Friedrich he said the units of use for condominium projects are not coming out of the pool that are allocated or metered out over the 2,000 units. They are acquiring development rights elsewhere that are existing development and relocating them. There is no impact to the availability of resources of future housing projects.

Public Comment

Alex Tsigdinos, Incline Village resident urged the Board to oppose changing zoning in Special Area 1 to accommodate a four story luxury condominium development. First, describing Special Area 1 as an urban zone ripe for high density, high rise development is specious. There are currently one and two story strip malls along State Route 28 occupied by local businesses such as supermarkets and restaurants that serve our community. There's not much "village" in Incline Village, it's unwalkable six months out of the year due to snow. Second, Special Area 1 is now zoned for mixed-use commercial and affordable housing. If this change is made, it's highly unlikely that affordable housing will ever be built in this area. It's highly likely that the existing small businesses will eventually be replaced by more lucrative luxury developments. That would set a bad precedent for Incline and the Tahoe Basin. Like the rest of Tahoe, Incline has a lack of affordable housing. There is no shortage of luxury condominiums in the \$2.5 - \$5 million range that this project has advertised. The vast majority of these condominiums will be part time vacation homes and short term rentals. This amendment answers a question no one has asked. Please look at the website advertising this project at <https://nine47tahoe.com>. The positioning is very different than what they saw in the presentation. Third, ingress and egress from the Tahoe Basin is highly constricted. In the North Shore there is a single two lane road in and out. In an evacuation, one of those lanes will be dedicated to emergency vehicles. This is just one of 15 to 20 large commercial development proposals you will review in the near future. Given the wildfire risk you must also consider the impacts of these projects in sum and not just on an ad hoc basis. In the interest of public safety, this former Navy shipboard fire fighter ask you to start planning on how to get people out of the basin and not on just packing more in. Please vote against this amendment to a bait and switch permit.

Ellie Waller also submitted written comments. This should be denied and processed to reevaluate the Regional Plan. It needs to come to the level of priority because these projects are coming forward finding loopholes that have needed to be closed for many many years. On page 87, it states "When a

regional definition and standards are adopted, the proposed mitigation measures for Special Area 1 will be repealed and replaced.” That’s a huge issue and is something you need to consider as you are doing this. California and Nevada South Shore numbers always need to be divided. That statistic called South Shore really gets mucky. She attended a recent meeting where the CEO of the Tahoe Prosperity Center said that she of a CEO of a nonprofit and her husband can’t afford to live in Incline. That’s in your face. The new job listed for the Stewardship Plan Coordinator is \$95,000 to \$115,000 per year. Where is that person going to live? We have to take a step back. She embraces that there are land use planners and developer applicant agents that understand how to play the games here. We need to be looking at these projects from a future vision standpoint. Today, made her think with all the different discussions and questions asked and to have legal counsel weigh in on how you are going to approach your decision making today. We want to see things on the ground. The other piece is that we never discuss price points when we’re looking at the initial projects. Developers need to be forthcoming. If this is what you want to build, fine but bring that forward and have the public understand that this isn’t for achievable.

Pamela Tsigdinos, Incline Village resident said she is for community engagement and public safety and is why she opposes this Tahoe Area Plan Amendment. She explained more fully her opposition in the Reno Gazette Op Ed. Within 48 hours, the one thousandth member, Tahoe Area Group, Sierra Club and more than 60 Nevada and California Tahoe Basin residents reached out. Most of them could not be here because of work and other commitments but gave her permission to include their names in a letter asking the Board not to approve further development or Tahoe Area Plan changes until they lead a comprehensive executable Tahoe Basin wide fire evacuation plan and strategy. We need verifiable times and routes that are reflective of the current resident population and peak visitor numbers. You’ve heard about congestion and gridlock, it’s real and that’s before adding more density. Kudos to your wildfire awareness campaign. It’s a great start but we need far more than slogans to get people safely out of the basin. As the federally funded bi-state Tahoe Basin authority, you hold the power, the funding, and the responsibility to protect the lake, land, residents and visitors. We rely on you who are the representatives of California and Nevada and the Department of Natural Resources, the county leads to do the right thing. What greater project priority is there than saving lives. This means a lot to all of us who live here. Wildfire season is upon us. It’s time to stop focusing on how to pack people into the Tahoe Basin and instead focus on how to get us out. Please prioritize public safety, we rely on you to save lives. Do not approve this area plan change as presented.

Dale Smith is in support of these proposed amendments. He’s a 45 year resident of Incline Village and architect here for 34 years. The community has elected him Director of the North Lake Tahoe Fire Protection District to three terms and past President of the Tahoe Incline Rotary Club. Also, President of the Homeowners Association for Country Club Center. A mixed-use development comprised of 36 residential and 36 commercial units. Their HOA Board joins him in supporting approval of this agenda item. Allowing single-family condominium use within the Incline Village Commercial Special Area 1 and enabling the Nine 47 project to move forward. This amendment is in accordance with the Washoe County Master Plan and promotes feasible development of the remaining parcels in Special Area 1 consistent with the TRPA Growth Management goals. Development of residential units within this regulatory zone where very few exists now helps the Tahoe Area Plan deliver on its goal of concentrating development in town centers creating walkable communities and is what is ideally a mixed-use commercial area. As a business owner, he speaks to the need for affordable housing. Denying this amendment is not synonymous with approving affordable housing. High real estate values of the remaining parcels of Special Area 1, coupled with extreme construction costs and low return on investment prevents developers from constructing or financing such projects. The Regional Plan promotes a form of redevelopment described as environmental redevelopment to meet the

economic and environmental goals. The Washoe County Tahoe Area Plan envisions redevelopment as the primary tool for achieving environmental goals while simultaneously contributing to the redevelopment of aging urban cores. Redevelopment of parcels within the regulatory zone will include water quality improvements, controlling storm runoff, promote economic activity, create energy efficient safer structures, reduce greenhouse gas emissions, and provide infrastructure for non-motorized transportation. To achieve these goals, the Washoe County Tahoe Area Plan recognizes the need for removal of redevelopment barriers. Vacant parcels do not advance these improvements. Please support the Washoe County Tahoe Area Plan Amendments.

Larry Wardowski, owner of Incline Property Management who provides commercial maintenance and property management services to commercial properties and HOA's in Incline Village for the past 44 years. He supported the proposed amendment. If and when the amendment is passed and the project is built, it will be an HOA. It's important to note that the developers have the resources to both manage and maintain this homeowner's association when built. They won't need the services of his company and is here to advocate for the 36 small businesses that they do provide services to that are within walking distance of this project. The project will provide these homeowners with the ability to help these small businesses create sustainability year round. The most impactful feedback that we receive from the small business they serve is that there is a need for more full time homeowners in Incline Village. Their company is not involved in short term rentals and never will be. He understands that the developers will deed restrict this property against STR's. The amendment and this project will bring another level of economic viability to the Village and increase population density for the small businesses and will allow for some vibrancy along this mainstreet in Incline Village which has been needed for a long time.

Hang Ngyuen. Incline Village resident for over 16 years and small business owner with five to seven workers in her salon. We need to have a change and is in support of the proposed amendment. It's hard to keep workers with the seasonal business and makes it hard to provide for their families. This will help to provide a stable economy. It's a small town and we have to protect it.

Stacey Hanna supported the Nine 47 redevelopment project and the code amendment to allow condominiums. She represents the 53 letters and members of their community. A resident of Incline Village for the past 43 years, she has deep roots in this community. Her husband is a retired Fire Chief for Tahoe Douglas Fire and has raised a family here. They volunteer for local organizations and grew a business. She currently represents Nine 47 Tahoe as the agent on record for Chase International. The Nine 47 project and proposed amendment align perfectly with TRPA directives for environmentally beneficial redevelopment. They prioritize reducing vehicle miles traveled and creating a walkable town center by catering to the evolving needs of our community as outlined in the Regional Plan Update. By identifying and removing barriers to redevelopment within the town center, these initiatives provide necessary amendments to the Tahoe Area Plan along with the appropriate mitigation measures. This comprehensive approach not only revitalizes Incline Village but also stimulates economic activity for small businesses fostering an inclusive and vibrant community. By providing 40 new units, the Nine 47 project helps to alleviate the housing shortage and offers a viable alternative to owners renovating existing properties. With a central location and a focus on walkability and bikeability, Nine 47 Tahoe is designed to be an ideal place for everyone generation. The project takes into account the needs of our residents with convenient underground parking, ease of maintenance, and especially elevators which are essential for those of who wish to grow old in our beloved town. Many potential owners of Nine 47 Tahoe are already homeowners in Incline Village, not part time residents. This underscores the demand for housing options that meet the needs of our community members and their desires to remain in Incline Village. By approving the ownership

amendment, they can address our housing shortage and create solutions that preserve and enhance our existing workforce housing. She urged the approval of this code amendment for condominiums. Kristina Hill, Incline Village resident for over 32 years, land use planning consultant, and former TRPA employee. She's also submitted written comments. You've heard the facts as to why you should deny this proposal. Now to common sense....None of you reside in Incline Village and were not part of the Tahoe Area Plan process that the people crafted carefully. Even Ms. Hill wasn't part of that process several years ago. They crafted the area plan to not allow single-family dwellings in the town center but instead the County made multi-family dwellings which are rentable housing units as an allowed use. The County now wants to change our plan by allowing condominiums and short term rentals in our commercial downtown area. This amendment is a result of one owner applicant making a mistake. They thought they could get approval for multi-family dwellings then use the two-step subdivision process to subdivide the units into single-family dwellings. Please don't make their problem, our problem. The people that are speaking in favor of this will all financially benefit from this project. Incline has enough million dollar condominiums. Please heed our plea and deny this absurd proposal.

Lisa Fleischer has owned a home in Incline Village since 2013 and has lived here full time since 2020. Also has a few commercial properties in the Tahoe Basin area and Pilates Studio in Special Area 1. She's speaking as a resident and business owner and is also the spouse to the developer. She supported the Nine 47 project and the proposed change in zoning in this area with the addition of mitigations. The Nine 47 project meets the criteria of the TRPA directives of developing an environmentally beneficial and tasteful project that will reduce vehicle traffic and help create a walkable town center. A project like this will not only help small businesses like hers but also many businesses in the area. They rely on full time residents but also rely on second homeowners who visit often. We are skeptic saying that we only walk this six months out of the year. She lives on Southwood Boulevard which is very close to this area and walks to work in all seasons. It's a walkable area and where this is being built can definitely be walkable. She doesn't see a difference in condominiums, multi-family, or apartments. To response to the question if this is ever going to be built, they have a parcel and had architecture's draw up proposals for us. They are serious about this and aren't taking it lightly. They know that workforce, affordable housing is needed. They are not anti-community people; they are trying to help this community. This area is almost completely developed.

Randy Fleischer co-developers of Nine 47 Tahoe said they also own another parcel of land on Adler which is next to Christmas Tree Village and the Chevron Station which they are targeting for 40 affordable or workforce housing units. They need some assistance from the County on that project. When they closed the contract for the land, they were under the belief that they were entitled to do for sale condominium development on that project. It was when they came for their permit that they were not allowed to do the condominiums and had to go through the two-step process. They will either deed restrict four units or build the Adler project. They feel that they can bring a walkable community to Incline Village which will provide for the critical needs for the shortage of housing in all spectrum levels.

Lew Feldman on behalf of Nine 47. He thanked Washoe County and TRPA staff, the public comments that have helped inform the evolution of this proposal. The Advisory Planning Commission's governance and the Regional Plan Implementation Committee's input. What has come to the surface is the absence of workforce housing which is endemic to the basin. It's not just Incline Village. He's also cognizant of TRPA's significant undertaking as evidence by the June 14, 2023, phase 2 proposed housing amendments which were designed to again to try to create economic viability for workforce housing. The greatest barrier to workforce housing is land. Ninety percent of our land is publicly owned, and ten percent is privately owned. Of that, two percent is in the urban areas. Land is scarce.

What has evolved in this collaborative effort is a paradigm shift. We have a closed market rate project that can be built today whether this amendment is approved or not. In the paradigm shift, include inclusionary housing. Something that hasn't occurred in Incline Village. That is a step forward. The other component to this which has had some legitimate questions about if you deed restrict land, what does that mean? Because land is the scarcity, if you deed restrict it for its only use as affordable housing, the question is not if it's when, it's not going to set fallow indefinitely. He served on the Tahoe Prosperity Board for nine years and is passionate about workforce housing. He participated in the entitlements for the 64-units across the street. These projects are difficult, they are challenging but we're coming together to make them feasible. He applauded the team effort that has created the mitigation aspects that were not attenuated, not attached to the original Washoe County proposal but the developer has embraced those. Not a lot of developers are in a position to permanently deed restrict and make available land. What Mr. Fleischer didn't say was that they started on the development of the affordable housing on the Alder site before Nine 47, it was sincere. He urged the adoption of the proposed amendments.

Susan Lowe, President and Corporate Broker for Chase International who have 14 offices around the Lake Tahoe Region. She's lived, worked, and raised a family in Lake Tahoe for the past 45 years. She supported the amendment to allow condominiums at Nine 47 redevelopment project. On behalf of herself and her company of 375 independent contractors and employees, we support this amendment. Importantly, it helps the housing inventory shortage. For years, our region has experienced extremely low inventory which has driven prices higher, contributing to the lack of affordable housing in the Tahoe Basin. By adding 40 new living units concentrated at the town center which the Tahoe Area Plan directs, they can preserve this trend. They expect many buyers to come from existing residences in Incline Village. Which in turn, allows more inventory for these vacated properties to be put on the market and used in more affordable or attainable housing. It will also supply affordable housing as this developer is planning for Incline Village at the Alder Avenue site, another walkable area. It implements the goals of the Regional Plan to be responsive to the unique needs and opportunities of our communities. This amendment would allow the division of multi-family in mixed-use projects for individual ownership. For example, single-family is airspace condominiums as an additional option for redevelopment in a town center. There are only 4,750 square feet of single-family residence out of 453,000 total square feet in Special Area 1, one percent of the total square feet in Special Area 1. Businesses need residential. Environmentally it creates a walkable, vibrant community by reducing dependence on cars and bringing direct access to trails. This project significantly reduces trip generation and vehicle miles traveled from previous uses of 1,700 daily trips to less than 200. It will also deliver much needed stormwater management controls. Economically it contributes 45 million across two years from annual taxes, jobs created and new economic activity. Incline businesses need this revitalization and investment. This site has been an eyesore for more than 20 years, not reflecting what the Tahoe Basin has to offer.

Ronda Tyner said she is not against the Nine 47 project but that is not what is being voted on today. We are changing the Tahoe Area Plan. She won't repeat any reasons given by her fellow Incline residents to deny this amendment. Neither will she dive deeply into a critic of the threshold gain analysis which claims the amendment will allow improvements to replace substandard development with more energy efficient and environmentally friendly structures and create more compact walkable and bikeable town centers. Every one of these threshold gains could be achieved to the same degree with apartments instead of condominiums. Environmental redevelopment of apartments would achieve the same gains without the one major drawback of allowing single-family dwelling air space condominiums. What is this major drawback, as Mr. Stock's analysis clearly shows on pages 147-148 "The proposed amendment could result in additional development or the potential conversion of

existing development. The ability to create individual ownership air space units generally allows for higher per unit sale prices creating a potential incentive to develop condominiums over other uses. In addition, Washoe County currently allows one short term rental per legal parcel." Under the proposed amendment the number of short term rentals would increase. Mr. Stock goes on to say, "The remaining 35 plus developed commercial properties could be redeveloped and converted into short term rentals." "And as a result of the proposed amendment there could potentially be additional single-family dwelling condominiums that could be rented as STR's." "And allowing multi-family dwelling projects to be subdivided into single-family dwelling condominiums as per proposed in this amendment could increase the number of STR's in Special Area 1." Mr. Stock goes on to say that the potential impacts of STR's would be "Less than significant." She's previously informed the Governing Board that in the 2021 Tahoe Prosperity Housing Study, STR problems were the most mentioned issue by Incline employees looking for housing. In a recent flash vote survey asking what problems the city of Incline might resolve, the second most frequently mentioned was STR's. Mr. Stock's conclusion doesn't reflect Incline Village reality. In their case, air space condominiums equal Airbnb. Deny this amendment, it will not solve our affordable housing problems, it will increase them.

Carole Black thank you for all of your efforts. She also submitted written comments. She agreed with Ms. Tycer's comments. TRPA has a responsibility to protect the lake, the land, and the people. She doesn't agree that TRPA is not responsible for some of the STR situation because TRPA did allow STR's in the distant past which is part of what has sparked some of their concerns. We need affordable housing in Incline Village. They do not need more marketplace condominiums. Yes, brand new is nice and will help the tax revenues. It's not this specific project that's the issue, it's the land availability, it's can we deliver on the affordable housing that we need. She believes that the mitigations are helpful but insufficient. One is the mixed-use definition that's been spoken about. It needs to be restricted to address only commercial and retail services for the community. It excludes services related to adjacent housing such as property management sales, rentals, etc. the achievable definition includes a work requirement but needs to include an income cap. The absence of parking requirement is ridiculous. It's impractical and dangerous and will increase on street parking. The STR issues need to be addressed and the accessory dwelling units must be restricted. No changes to the Tahoe Area Plan zoning except those required to directly support workforce affordable housing. The proposals and mitigation are ill advised and additional high end purchase options which would be created are not needed. Strengthen your approach to STR's and maintain existing protections to avoid potential housing loss such as the one acre lot requirements for ADU's in Nevada. Since Washoe County does not seem to support that sort of change. This project has been on the books before this owner and was addressed as the Tahoe Area Plan was being developed. Don't approve a massive zoning code change based on this one project. Get affordable housing on the limited land left.

Kathie Julian said she's not against Nine 47 Tahoe but is against rezoning the entirety of the 37 acres of Special Area 1. This comprises 40 other parcels that are vibrant to our community, Christmas Tree Village, the theater, and the convenience stores. A vast corridor through Incline that provides space for our small businesses at reasonable lease rates because they are older properties. One concern is that when you allow single-family condominiums to be built here, you will incentivize luxury condominiums, high end developments and there will not be space for the smaller businesses. The mixed-use definition has a loophole that you could drive a tractor trailer through and that allows lobbies, gyms, sales offices, management offices to be considered mixed-use. This doesn't afford space for our smaller businesses. If you build high rise expensive condominiums, even the retail space below will be costly for businesses to go in. Step back and have a comprehensive review of the Washoe Tahoe Area Plan for Incline Village to determine how best to contribute to improvements along State Route 28 to improve the walkability while enhancing opportunities for affordable housing

and viable commercial retail space.

Sadly, the mitigation efforts are very weak because essentially you could end up because the achievable definition does not have an income cap. And because the moderate and affordable definitions do not have a work in basin cap, you could end up with all the deed restricted housing going to individuals who make up to \$105,000 but don't work in the basin or they work in the basin but could make \$300,000 or \$400,000. This doesn't make sense in terms of providing housing solutions for the vast majority of the Incline workforce. The average median income of these service workers is \$46,000 per year. She's not against development but we need to revisit this.

Elizabeth Lernhardt, Zephyr Cove resident attended last week's Advisory Planning Committee meeting when a consultant from Cascadia presented a model on how to increase affordable housing by changing building restrictions. He could not provide the basis for his plan such as average household income in the basin, building costs, or land acquisition. Those and land availability are the main drivers of affordable housing. The median income in the basin in 2019 is \$38,337. The highest is \$69,000 with Incline at \$65,000. A far cry from his proposed \$104,000 per year for the low income category. Then there's land availability in the basin. Only 11 percent is private land, and the remaining is federal, or state owned. He proposed the new rules would only apply to five percent of land in the basin, which is misleading because by doing so, this is half of the development of private land. Why is housing so expensive in the Tahoe Basin, because over 80 percent of the land is owned by the government? Property taxes are an additional contributing factor. Nevada and California are all around five percent. Greenspan said whatever you tax you get less. Another reason is that the local household incomes have lagged behind national levels, 11.7 percent versus 5.6 percent on the Nevada side over the last ten years. During the same time, house prices have risen 38.7 percent nationally but 81 percent in Northern Nevada. The massive population growth in Nevada, 18.3 percent in the Reno area. Then 80 percent nationally and 81 percent in the Reno area have contributed to this. You have forgotten your ways and want to please foreign investors and stakeholders. Your own staff stated last month that you do not consider the California Environmental Quality Act (CEQA) and you leave it to the communities. When she contacted South Lake Tahoe, she was told that they don't follow CEQA. A recent publication from Placer County also deemed themselves exempt. Fire evacuation is on everybody's mind and is a required component of CEQA. How can any building be approved without considering it? How can you take away two lanes from Highway 50, the only four lane road of the six roads into the basin and at the same time propose to increase the population density. They were notified by the Nevada Department of Transportation last week that is back on track and are going to reduce the lanes starting in mid-July as another plan to see if we like it. We don't.

Diane Becker Heirshberg full time resident of Incline Village and retired lawyer after 43 years of practice in California. She also holds a California Real Estate license and Nevada Real Estate Broker. She's also practiced real estate law and represented a number of affordable housing developers. What is the urgency for the amendment of the Tahoe Area Plan? It is only Nine 47 Tahoe Boulevard. The conclusion of one of the recent Regional Planning Implementation Committee was a recommendation to divide out approval of Nine 47 Tahoe and work on the rest of Special Area 1 to get it right. Instead, you have rushed forward where there is no community input on Exhibit A to Attachment C, the proposed mitigation. She has significant issues with those mitigation issues. If you move forward only with Nine 47 Tahoe, she urged a deed restriction of no short term rentals since the developer is willing to do that and tie in a formal contract and covenant that the developer will develop the other project. There is no reason that a project should require you to rush forward with what is recommended as mitigation. You have recommended no minimum parking requirements. This is a disaster for our community. When it was built many years ago, a number of the projects had no parking. There was no

much land people parked everywhere. In the winter there is such inadequate parking that you can't even find parking in Raley's parking lot because people park their extra cars there. You can't have a no minimum parking requirement, figure out how to address parking and will take time. You will need to have less parking requirements for workforce or very low income affordable housing to be built. Secondly, the way mixed-use is defined is a disaster for their community. Several commenters explained that small businesses will be nonexistent. Mr. Hoenigman stated that if a developer is going to make money, they'll build it and if they are not, they won't. There is going to be no place for all of the small businesses and those that live here full time need public restaurants, dry cleaners, hairdressers, shops, and locksmiths. The way that you've addressed affordable and workforce housing is not sufficiently thought out. She hopes you will separate these two projects.

Philip GilanFarr, Incline Village resident since the 1960s appreciated the comments made today. One of the comments made by Ms. Hill is near and dear to this heart. They were involved in the original Regional Plan and the recently updated Tahoe Area Plan. In all cases, in that development, they were focused on Incline Village Commercial Regulatory Zone Special Area 1 as a town center. It was important that they had a community that was not designed with a downtown core. It was designed with nodes of downtown communities. This was difficult for them to wrap their heads around to figure out how they could develop the community plan to enhance the downtown core. Allowing single-family in Special Area 1 in Incline Village commercial core is going to be a tremendous negative impact to the community and its future. The town center is for commercial businesses, retail, and restaurants. During that first development they focused on that Special Area 1 and in the Tahoe Area Plan update that area was shrunk to a certain degree. Now to go back through this and allow this amendment, they are further complicating the downtown core and the development of the goals and policies in that. Goal LU-2 create land use patterns consistent with the vision to increase travel and walking in the community, focus on development towards town center, manage the town center overlay districts to provide a more focal point on commercial and specific activities, increase retail restaurant use, office and commercial use. This update that is being proposed has some of those characteristics, but it was never their intent to have residential in the downtown core area. Yes, in the downtown core area but in Special Area 1. If this is going to be done, then they have to find a way to make sure the commercial elements associated with the single-family in a mixed-use development are on the street level enhancing that downtown town center core. Adding ten percent of affordable units to the percentage is not acceptable. If you are going to do that, in the original Regional Plan it was over 20 percent with that percentage but that is much more not in the town center Special Area 1 but in the area surrounding the town center. Because if residential is allowed in the town center, we are taking away from that opportunity for that development and vibrant community. The downtown core, many of these developers are landowners that have commercial uses now, will tear those buildings down, remove the commercial elements with them and build condominium projects but all they have to do is throw in a single or a double unit in there.

Chris King full time resident of Incline Village who is concerned about this change to the plan. First, please go into this change with your eyes wide open. It's easy to predict how this is going to play out. Incline Village is going to look like Palisades in 20 years. It's going to be dominated by very expensive condominiums that no local will be able to afford. The interest in Nine 47 is coming from people who want to keep their \$3 million dollar houses in Incline and buy another \$1 or \$2 million dollar condominium as an investment. It's going to displace Christmas Tree Village and other small businesses because it will be more profitable. His second request has to do with workforce housing. One thing to consider is to eliminate Option 3b which is an enormous loophole. It's come up in discussion that those units will never be built. The economics won't work, and no one will enforce those and years from now people will forget that those promises were made. The last request is to not

approve the amendment. There are so many problems with it.

Alan Miller, Civil and Environmental Engineer and activist who testified earlier for Agenda Item No. VI.A that his public comments were suppressed online for that item. He submitted public comments for this agenda item which have also been censored and suppressed by TRPA staff to deliberately defraud the public in criminal violation of open meeting law. This suppression of critical public comment is standard operating procedure based on his experience. This meeting is being conducted in violation of open meeting law. His comments included the reputation of Mr. Marshall's unsupported assertions earlier today that the agenda was properly noticed. It was not available despite repeated attempts online until June 22, a day late under open meeting law requirements. He provided evidence which was suppressed for this item of the illegal noticing. He will testify by affidavit by sworn oath which is more than you'll ever get from TRPA. He can be reached at P.O. Box 7526, South Lake Tahoe, CA, 96158. He supported the comments in opposition to the approval today, particularly those of the League to Save Lake Tahoe and community residents. Ms. Regan spoke of 20 years of planning failures. TRPA is a criminal organization and doesn't care about these concerns of the community and public. TRPA will approve this project. There are appeal rights on the basis of illegal agenda noticing under open meeting laws and criminal suppression of that fact from the public view. Thank you to the public for their time and attention in this matter.

Ann Nichols, North Tahoe Preservation Alliance, 53 year resident, and California/Nevada Real Estate Broker. What is conspicuously absent in this discussion is how much are these four condominiums going to sell for? Her calculations are that it will be over \$1 million dollars. How does this meet the definition? She's happy today that there is a real discussion going on with the Governing Board. There's some skepticism by some of the members. She was a little unnerved by Mr. Hoenigman's comments, which were very pro sales pitch, not an assemblance of neutrality, he shouldn't be selling it. Ms. Hill said that there were great meetings and that all these people are for, what about all the meetings Ms. Nichols has been to where the community isn't for it. Then there was the conflict of interest with Ms. Hill and Ms. Gustafson. Ms. Hill is on the Tahoe Prosperity Center Board, the Tahoe Transportation District Board, TRPA Governing Board, Chair of the Washoe County Commissioners, Tahoe Living Housing, TRPA Local Government & Housing Committee & Regional Plan Implementation Committee, Federal Advisory CAB, and the IVCBA business association. Ms. Hill is voting on all of these issues with housing. And she says she's not taking money but she's voting. She wouldn't be on these things if you weren't a member of the Governing Board. I know you are trying your best, wonderful person but this is not neutrality. This is not a good idea and there are lots of loopholes.

Helen Neff said she is in favor of smart growth, smart development, complete streets, and vision zero. Parking parameters require more thought before implementation. There are many plans for improved mass transit in the Lake Tahoe Basin, but the reality is that currently residents don't have ideal mass or microtransit options for every situation. Especially trade workers who require a vehicle for work. Nor does alternative and municipal parking exist or should be built for extra vehicles. Winter restrictions regarding street parking for snow clearance and storage hinder the availability of street parking. There's no real parking enforcement in summer or winter leading to widespread illegal and unsafe parking. Removing parking requirements for affordable or achievable housing without taking current transit and parking conditions into account, creates inequity. She hopes TRPA recognizes this and doesn't penalize residents that need vehicles in order to work in the Tahoe Basin. Please think of think of the equity factor. Regarding enforcement for deed restricted housing, she appreciated the comment that said this is being addressed. It's important to have enforcement methods in place and policies regarding income requirements that may change over time defined before the term deed restricted is made part of any plan. Parcels formally identified as deed restricted in Washoe County

have fallen through the cracks due to non-enforcement and if enforcement is not addressed you are enabling that to happen again. Regarding walkable town centers. They will not be created with this amendment. In Incline their town center is divided by State Route 28 which is a highway with speeding vehicles going way over the 35 mile per hour speed limit. This has been proven with the Nevada Department of Transportation speed analysis that shows most drivers are travelling 42 miles per hour or more and that is not a safe walking environment. Safety needs to start with the intersection on the east entry to town at State Route 28 at Northwood and Southwood Boulevards. It's a dangerous intersection for vehicles, pedestrians and cyclists. There is no signal and is adjacent to the proposed condominium development. She witnessed a youth trying to cross at this intersection this morning. Cars whizzed by totaling ignoring the flashing lights if they were even working. She waited for a break in the speeding vehicles and used the car to block the intersection so he could cross. She was hit by a car when trying to cross State Route 28 in 2021. This situation happens all the time. Please do not approve an area plan amendment on the basis that it will create a walkable town center without addressing safety first.

Doug Flaherty, TahoeCleanAir.org said the proposed far reaching Tahoe Area Plan Amendments apply to over 40 plus parcels within Special Area 1 will open the flood gates to short term rental proliferation up and down Incline Village's Tahoe Boulevard, thereby, creating a significant, cumulative increase in human and roadway capacity, and vehicle miles traveled. This will further exacerbate the already unsafe roadway over capacity and will significantly and adversely impact resident and visitor public safety during a wildfire evacuation. Secondly, this is not about Nine 47 Tahoe, you are listening to red herring comments, this is about spreading over 40 plus parcels. The developers own paperwork states that there are approximately 44 trees proposed for removal with the project, 20 of which are greater than 24" in diameter. It's important because Code of Ordinances 61.3.7 states private landowners may fell, treat, or remove trees larger than 30 inches dbh in the westside forest types and larger than 24 inches dbh in eastside forest types provided the landowner follows one of the planning processes set forth in subparagraph C.

Subparagraph C requires an active or limited Forest Management Plan which the developer has not produced. There needs to be a Forest Management Plan that stretches and addresses 40 plus parcels. You cannot approve this today without some sort of cumulative impact assessment of how many 24" diameter trees are going to be cut down across 40 parcels. Until TRPA requires an area plan cumulative environmental impact statement in connection with the proposed Tahoe Area Plan Amendments and a supplemental cumulative environmental impact statement to the 2012 Regional Plan including a discussion regarding short term rental impacts and a roadway by roadway wildfire evacuation capacity evaluation, the proposed area plan amendment should not be approved. Over the many years, you have continued to use a desk top environmental checklist and here we are talking about an area plan, and you are escaping even an environmental assessment which is only one step above the initial environmental checklist. It is completely avoiding an environmental impact statement. It's reckless and dangerous.

Madelaine Gunders, 15 year resident, supported statements of the difficulty of ingress and egress from Incline Village. No recent analysis has not taken in tourism in the summertime when there could be a wildfire. We need to have a better understanding of that before we start building things on State Route 28. Looking at the maximums for affordability for affordable housing seems way above what they need to be looking at for the people who need affordable housing. Look at this past winter for the ability for people to walk around the area. Walkability is not major, no one is able to say that another winter of what we just had won't occur again with climate change happening.

Royal Kuckhoff, 53 year resident of Incline Village, supported the plan amendment to allow condominiums at Nine 47 parcels in Special Area 1. Incline Village is in desperate need of this investment. Without it, we can't improve the lake or our community. This area has been stagnant for more than 20 years due to old development code. The Nine 47 project and this amendment do everything required to deliver on TRPA's directive to incentivize environmentally beneficial redevelopment to reduce vehicle miles traveled and create a walkable town center. To be responsive to unique needs and opportunities of communities per Regional Plan Update, identify and remove barriers to redevelopment within town centers by providing amendments to the Tahoe Area Plan with mitigation. Promote economic activity for starting small businesses in the community, increase opportunities for economically viable projects that support housing options for a mix of income levels such as SFD's as air space condominiums. Don't let this empty parcel keep sitting there. It's time to bring environmental development and economic infusion to this area. There are dozens of people in their letters of support of this amendment and project who were not be able to be here today. Please listen to those of us who are part of the solution to improve our community as we raise our families and have full time jobs here.

Board Comments & Questions

Ms. Conrad-Saydah said the public comments provided today have been helpful. When they were discussing another project last year, they received a guarantee from the developer that we could receive annual funds to add in transit. With this proposal how can we potentially get more of that moved towards a certainty that the affordable housing will be developed. If there is anything that they can do to add that into the motion or get some voluntary commitment to that. As many have expressed today and she has concerns about, we need affordable housing. She would like to hear from other members of the Board about decisions made in the past and the developers what certainty can they provide that these other units will be built in a reasonable amount of time such that they can ensure that workers can find affordable housing in the basin.

Mr. Hoenigman said he is an advocate for this because when they first said that they had this other parcel and they intended to make it affordable, he thought that may not ever happen. The commitment that they are making to take a piece of land that they own, he doesn't know what a piece of land in Incline Village would assess for. Certainly, more than \$1 million and they are committing that because that land when you deed restrict it for affordable housing is not just zero but rather a negative value. You cannot build on it without putting more money into it. They are committing to at least these four units and a piece of land that can eventually be used. He wants every remaining unit to be affordable or achievable in the basin, but we need to be practicable to figure out what we can get. The Board recently voted for a community college dorm room at \$800,000 as a subsidy with free land. Sugar Pine Village was hundreds of thousands of dollars a unit with free land. These things are very expensive to build. We are now basically getting free land. Land that will be able to be used for this. We're not there, it is going to be a lift to get it there and find other sources of money. But we've cut out possibly millions of dollars of it so, we are a step closer. This is the right place for units.

People worry about units being added to the basin, those units are being added right now all over the forest. Trees are being cut down and luxury homes being built where they will never be walkable or transit service and being used as short term rentals. If we are going to do any units, he hopes that they are confined to the downtown areas because those areas need redevelopment. We need walkable communities, places where transit can stop to take people to the ski resorts because you can't just drive down the highway and assume someone is going to pack their stuff multiple blocks from their house built in the forest to get to that bus. This isn't a perfect deal but to him it's a good deal for us.

The developer made a big commitment to pledge this land. He's for this because it's a much better deal than we had a couple of months ago when they were considering approving it. He hopes we will do it and hopes we can help them make sure that those 40 units get built as affordable housing. And then get the rest of our units all affordable or achievable in our downtown areas in the future but we are going to need to provide more incentives than are available today, it doesn't make economic sense as things are today. He appreciated the staff's work, the developer coming to the table, and the comments of opposition that have helped them push for more from the developer.

Mr. Di Chiara asked if it were correct that there was no affordability provision in the current multi-family, if it were to be built as a rental, there's no affordability provisions?

Mr. Marshall said correct.

Mr. Di Chiara thanked the staff who worked on this. On behalf of the Secretary, a lot of the work that we've been doing over the past six months since he took office has been coming to terms with decisions that were made decades ago and then coming up with ways to modernize those systems. That is a priority of the Secretary and thanked Ms. Regan for wanting to take the Agency in that direction. It is important to get more affordable housing in the basin and we have to get whatever wins we can. This is clear that this is not everything that everyone in the community would want or even every member of the Board but in terms of building four story luxury apartments for rent versus including some affordable housing is the direction we want to go.

Ms. Aldean asked if any consideration was given to making single-family dwellings a special use. Previously, it was not included, but we went from not including it to allowing it. The concern seems to be what's going to happen to the rest of the 40 parcels and this would provide in pre scrutiny at some level.

Ms. Weiche, Senior Planner, Washoe County said that was not considered. The County processed the application as presented by the applicant which did not propose that as a special use. It was something that was brought up at the Board of County Commissioners meeting as an idea, but it was not something that they processed and put through the Planning Commission recommendation and Board of County Commissioners.

Ms. Aldean asked if the only reason that the idea of basically separating the two parcels that encompassed the Nine 47 condominium project from the balance of Special Area 1 was because of a concern about spot zoning. Was that the only reason the Commission or Washoe County was opposed to that?

Ms. Weiche, Senior Planner, Washoe County said correct. They reviewed a couple of different options and approaches. The amendment before you that was adopted by the Board of County Commissioners seemed like the cleanest and most appropriate way to move forward in order to look at the whole Special Area 1 and not piece meal or only add the permissible or allowable use to just two parcels. There was a concern from their legal counsel that would be considered spot zoning.

Ms. Aldean asked if the Commissioners talked about some of the concerns that have been expressed here today about the loss of commercial. If we are going to meet our thresholds with respect to vehicle miles traveled, they want to provide as many essential services as possible within the developed area of Incline Village and other areas around the lake. Was there any discussion about how we are going to address the concern that it might be more profitable to convert those

commercial uses to another use that is higher end and perhaps more lucrative?

Ms. Weiche, Senior Planner, Washoe County said that was brought up. She deferred to Ms. Hill who served on the Board of County Commissioners at that time.

Ms. Hill said that is a concern and was discussed. She doesn't want to speak for the full Board of County Commissioners but for herself she felt like they did as much as they could to require either a mixed-use development with single-family condominiums or that workforce housing piece as part of the area plan change that staff brought the Board of County Commissioners. Certainly, there are concerns about those commercial uses and are discussing some ideas and strategies with community members and business owners about how they can support them. What TRPA has done today to require additional floor area for commercial will also help even more than what the County Commissioners adopted.

Mr. Marshall said you can only subdivide if you are a mixed-use with a commercial component or 100 percent affordable. Those are the only two instances that they can move ahead with a subdivision.

Ms. Aldean said that is true, but they've provided a lot of latitude within these mitigation measures.

Mr. Marshall said correct.

Ms. Aldean believes that is the concern of the public. Some of these permissible uses really don't provide services to the general public. Some of them are specific to the development. Thinking about the importance of not letting the pursuit of excellence be the enemy of good. We are making some headway as the result of these amendments. It's not ideal but there's just so much we can control as an agency and as members of this Board. As Mr. Hoenigman pointed out, a lot of it has to do with economics. Just because you will it to happen doesn't mean it's going to come to fruition. She believes that the intentions of the developer are good and will to the best of their ability pursue this affordable housing opportunity with the assistance of Washoe County and perhaps with the assistance of TRPA looking for additional funding. According to statements made by the public and some of the online marketing information, if they are worth \$2.5 million each, that's a lot to sacrifice if it is deed restricted for achievable housing. That's an additional incentive for them to move forward with a truly affordable housing project on the land they've identified.

Ms. Laine said her concern is with this achievable. Is it correct that the slide showing achievable has no income measurement, it only requires employment in the area?

Mr. Stock said the achievable definition can be accessed if one household member that works at least 30 hours for a business or organization registered in the basin. Or alternatively if a person makes below 120 percent of the area median income. There is the work requirement option and the income cap option.

Ms. Laine said she gets a bit sideways on why we do area plans. We put so much energy into them and in this particular case, we decided in this area the preferable product was affordable housing. Then a developer comes along and buys the property. Thank goodness for the developers and stated that she's pro development. Then they have no way of requiring a couple of things such as ensuring that they are not short term rentals. They've been told that there is going to be some kind of agreement but what if the developer sells, maybe that agreement only pertained to this developer. She is concerned about how that is going to be enforced. Requiring the affordable to be built, there is no

way of doing that. She's seen so many examples in town. Near Safeway in town where they rebuilt and they had to retire some property to do it and they turned it into a little park, fenced it and it's now housing. This is where we get lost sometimes in our good intentions. The other concern is there a way that they could make this only applicable to this particular project if the Board chose to do that. Although, she's not totally in favor of that either. As opposed to the entire special area.

Ms. Holloway asked whether the applicant is proposing to limit short term rentals on the property.

Mr. Feldman said the applicant is proposing to deed restrict the property to prohibit short term rentals. Even if the CC&Rs which would provide against short term rentals were to be amended, they still couldn't be implemented. It is a deliverable from the developer's perspective. There's a multi-million dollar contribution of land here that can only be developed for affordable housing as the result of the deed restriction. He doesn't believe that has ever been done in the basin and Incline Village in particular in a commercial area. It is not a token gesture, it's a multi-million dollar commitment. Prior to much of this conversation, the developer reached out to Washoe County and proposed entering into a development agreement because this was an independent pursuit. The sincerity of bringing real workforce housing happened to get married to the project but its genesis was independent of the project and they welcome the opportunity to work with TRPA, Washoe County, and the state of Nevada to bring this to fruition.

Mr. Marshall asked if Mr. Feldman's client would object to a condition placed on the subdivision that would require a deed restriction for what Mr. Feldman described as no short term rental use.

Mr. Feldman said correct.

Ms. Aldean said which is an incumbrance on title for each of those units.

Mr. Marshall said it's something that they couldn't mandate out of this process because we're just talking about an area plan change but if there's a commitment here, they can take that forward and move it into the subdivision if this amendment were to be approved. They could then proceed with a subdivision for this project which under this agreement contains a condition for the requirement for a deed restriction against short term rentals.

Ms. Aldean asked if the subdivision is a staff level approval.

Mr. Marshall said unless directed otherwise.

Ms. Aldean said the Board could request that staff bring it to them for action.

Mr. Marshall said yes if the Board would like to hear this again.

Ms. Conrad-Saydah said with that restriction comes the need for TRPA or some organization to enforce and then there is no funding for that enforcement. She would like that requirement to come with enforcement authority and funding to ensure that those units are not used as short term rentals. If the developer is making that commitment in the same way that the developer made that commitment with funding for transit for other luxury condominiums that were approved. She's not sure that she would want it to come back to the Board. She's torn over this decision in part because while she recognizes that we need more housing in commercial corridors, the idea that the first 40 units will be luxury units in the same way they approved in December and cuts to the quick for our

need to put affordable housing in. It is a challenging decision to make and wants the public to know that they are weighing all this very carefully. She wants the short term rental requirement and to have TRPA or the County have the authority to enforce it.

Mr. Feldman said the developer will fund the enforcement and collaborate with TRPA to make sure that is an enforceable condition.

Ms. Aldean assumed that might be able to be added to the CC&R's. Will they have a manager for the association who can monitor the use of those units?

Mr. Feldman said correct. There will be an HOA and will be contained within the governing documents.

Ms. Conrad-Saydah said one other thing that they'd heard a lot about is the use of that multi-use for a sales office was a source of concern. What would it take in this motion to remove the sales office as an allowable mixed-use and or is that splitting hairs to do through a motion.

Ms. Aldean said there can be offsite sales offices but there is an advantage to having them onsite. Maybe the commitment should be to re-tenant that space when all of the units are sold to something that is more community oriented.

Ms. Conrad-Saydah said that could be acceptable.

Mr. Marshall said that could be an amendment to the Mitigation Exhibit B to Attachment C which is the adopting ordinance. That would be just for going forward. That particular requirement would not apply to the Nine 47 development unless the Board decides to change that term as well.

Mr. Hester said that's correct.

Mr. Hoenigman said when you build a condominium building the retail space is a condominium itself and someone will have to own it, pay taxes, and it could be sold. Once the building is sold out, it will become something else.

Mr. Hester said they could add after sales offices something like "only until all units are sold."

Mr. Friedrich said to clarify the current mitigation measure says lobbies, sales office, management office, and leasing office. Are we differentiating between those types of uses?

Ms. Conrad-Saydah said that would need to be clarified.

Ms. Aldean said when all the units are sold, it may be an association office or a management office for another project. She's unsure how much micromanaging we necessarily want to go through.

Ms. Conrad-Saydah said the challenge is there are some definitions in there but not all definitions. It seems like it might be better to be collapsed as a continuously occupied business intended for regular use rather than defining and splitting hairs over a lobby, a sales and management office. She agreed if you are going to have multiple units there will be a management office, but a management office doesn't provide retail in a mixed-use way that a commercial corridor was intended. If we really want to get to the purpose of the intent of this to keep this as a commercial corridor with mixed-use and

add housing in an area where we are not making a fire risk in the wildland urban interface to meet that intent. By defining some of the uses but not all of them or by not collapsing it to something that's more open, we're putting ourselves in a dangerous middle ground.

Ms. Aldean said sales office, management offices, and leasing offices kind of fall into the same category. She suggested defining it as a project office that would be specific to this project. And when all units are sold, they will be converted to a compatible commercial use.

Ms. Conrad-Saydah said that works.

Mr. Hester said lobbies, gymnasiums, project offices (only until all units are sold) maybe included if they are open to the public.

Ms. Aldean wants to ensure that the project office is not converted into a residential use. The objective is to have some retail component.

Mr. Hester said they'll still have to have 60 percent.

Ms. Aldean asked if the Board wants to make it specific that when all units are sold, the project office will be used for a community oriented retail purpose or do we want to just hope that's the case.

Ms. Hill said this is going to be owned by someone and they are going to do commercial use that works for the market. She wants to be careful that we are not restricting it so much that there are going to be issues later even though the Governing Board had good intent. She wanted to ensure that we are not doing something that will be detrimental to commercial use in the future.

Ms. Aldean suggested they indicate that once it's no longer used as a project office that it will be used for commercial purposes.

Ms. Hill said that is fine.

Ms. Conrad-Saydah said with Latitude 39 they didn't get the commitment for transit in the motion. Do we need to put that commitment for short term rentals and enforcement in the motion?

Mr. Marshall said they can't condition that project on your legislative action to approve this plan area amendment. When they get to the permitting spot, they will put those conditions that Mr. Feldman on behalf of the applicant has already agreed to.

Mr. Di Chiara said without bringing it back to the Board, can the approval be contingent on staff being able to secure that item so we're not making it a requirement but making staff approval incumbent on getting that provision.

Mr. Marshall said no. That's the same problem of conditioning this approval of the legislative act on a specific project decision. Staff could also report back to the Board. In general, the subdivision application will come to TRPA before they build the building.

Ms. Regan said she's heard the will of the Board and when that comes in, staff can make sure they are in communication with the Chair and Vice Chair to ensure that all these provisions are included.

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Ms. Aldean said she doesn't know the applicant but has known Mr. Feldman for many years and he's never failed to honor a commitment. Staff is also very diligent about making certain the direction given to them by the Board is upheld and carried out. She's comfortable that will happen.

Ms. Holloway commended TRPA and Washoe County staff for what she heard earlier referred to as inclusionary housing and a step towards that. She also sits on the Tahoe Truckee Workforce Housing Agency Board and although it does give her a little bit of heartburn to talk about a conversion of a multi-family product into a single-family, she does realize the opportunities that it presents. Multi-family is a product that is affordable by design. There's a bit of hesitation from her perspective on that. Agreed that the additional affordable housing units in the future is a win for the basin. Also recognizing that this is a town center, Placer County is working hard on redevelopment of their town centers and that takes economic vibrancy and vitality. It's going to take a balance of not only housing, commercial, and all of the mixed-use components including residential to provide for the patrons for the town centers. This is a good balance and compromise for this project.

Ms. Regan said we've heard a lot of public comments and wanted to address two today. One is thanking staff, there was a lot of public comment which is loaded onto the meetings page of the website and is not something we did in the past. They've been available in writing, but we are trying to raise the bar on transparency. As has happened in the past related to web browsers, it's important for everyone to hit refresh in their browsers to clear the cache. If you go to a website frequently, it may not show what's just been uploaded and that is on the user's end. When looking at our website, particularly because it is a content heavy website to refresh that often.

At the Governing Board retreat they spoke a lot about evacuation and fire. A lot of work has been done by Dr. Kat McIntyre and other members of the Environmental Improvement Program team working with law enforcement which is the lead in any fire evacuation. Also meeting with sheriff representative throughout the basin in addition to the fire district agency professionals. We'll be doing a briefing in July on forest health and wildfire. There's a lot more work in the community that TRPA is helping to convene under the banner of the EIP and the catastrophic wildfire. They acknowledge those concerns and there is some good work that is being done.

Ms. Aldean said there was a suggestion made by Ms. Waller that we incorporate short term rentals into our tracking system; is that possible so we can see what the ongoing trends are?

Ms. Regan said they are tracked, and staff will get back to you on that.

Ms. Hill made a motion to approve A motion to approve the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff report.

Ayes: Ms. Aldean, Mr. Di Chiara, Ms. Conrad-Saydah, Ms. Faustinos, Ms. Hill, Mr. Hoenigman, Ms. Holloway, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Nays: Mr. Friedrich, Ms. Laine

Absent: Ms. Diss

Motion carried.

Mr. Marshall suggested Mr. Hester read his version of what the staff has captured. This is an amendment to Ordinance Exhibit B in the errata.

Mr. Hester said item number two, which is referred to as what can go into the 60 percent in item number one. It would read "Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums and, only until all units are initially sold, project offices may be included if they are open to the public."

Ms. Laine said it states that requirements one, two, five, and six and two was what Mr. Hester just read. It says that if a permit has been received from TRPA on or before June 30, 2023, that these requirements one, two, five, and six do not pertain.

Mr. Hester said correct.

Ms. Laine said this change being discussed is going forward, it has no effect on the current development.

Mr. Hester said correct.

Ms. Aldean read the motion: A motion to adopt Ordinance 2023-___, amending Ordinance 2021-06, to amend the Washoe County Tahoe Area Plan as shown in Attachment C as set forth in the Errata distributed to the Governing Board as amended.

Ayes: Ms. Aldean, Mr. Di Chiara, Ms. Conrad-Saydah, Ms. Faustinos, Ms. Hill, Mr. Hoenigman, Ms. Holloway, Mr. Rice, Mr. Settlemeyer, Ms. Williamson

Nays: Mr. Friedrich, Ms. Laine

Absent: Ms. Diss

Motion carried.

Ms. Aldean thanked everyone, including members of the public for being patient and participating in this. This may not be the outcome that some wanted but she's hopeful that this will provide us with some incremental progress towards more affordable housing in the basin.

VII. REPORTS

A. Executive Director Status Report

Ms. Regan said today's meeting was productive and appreciated the Board's discussion and the public participation. Next month, we'll be bringing a resolution for Bud Hicks and if you'd like to share any anecdotes, please send them to her.

Last week at Round Hill Pines about 20 partner entities came together to launch the Destination Stewardship Plan. Included in the plan addresses a lot of what they heard today and is an important element that underlies a lot of the public comment and frustration heard in the community. We need to work on these challenges together. All of us who have lived in the community for a long time have made a choice to live in a resort town. It's not always easy and the Destination Stewardship Plan tries to address that in a holistic way. She's proud of TRPA for the leadership in bringing that plan and working with about 15 to 20 partners. Collaboration is challenging with public, private, nonprofit, local

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governments, the US Forest Service, etc. to get everyone on the same page to deliver that plan. it's now a priority for our basin partnership to put this into action.

She's now had the second of her "Coffee Talks with Julie" last week in Tahoe City. They'll continue those and engagement with the community with a lot of these concerns. Her commitment is to keep doing that and talk with the community ahead of our Board meetings to be more thoughtful in our dialogue. The Tahoe In Depth Summer issue is now out. We received our first \$2,500 contribution as a subscriber. Every issue, we receive financial support from subscribers. This shows the value of the paper.

There are three promotions being rolled out this week. Mr. Segan is going to be our new Chief Science and Policy Advisor who will be a part of the Executive Team. She made a commitment to elevate the role of science in policy making and to link our policies back more to evidence based policies. Ms. Fink will now head up our Community and Housing Plan under the Regional Planning Long Range Department. Karen has an incredible background at TRPA. With everything we talked about today, it's going to take skill and talent to modernize those land use policies and promote more workforce and affordable housing. Ms. Friedman who has worked both in the Environmental Improvement Program and Permitting and Compliance Teams will take on more responsibilities related to the Environmental Improvement Department.

1) Tahoe In Brief – Governing Board Monthly Report

B. General Counsel Status Report

Mr. Marshall said everyone should have received an email regarding the Measure T litigation for the City of South Lake Tahoe. If you have any questions, please contact him, Mr. Hester, or the City Attorney.

In addition, he thinks we have finally got a settlement agreement and dismissal with prejudice in the Dobbin's case which is a Glenbrook buoy appeal that had been brought to the Board. That should be resolved in the next month.

VIII. GOVERNING BOARD MEMBER REPORTS

Ms. Laine thanked Ms. Regan and TRPA for partnering with El Dorado County last week. The County along with the California Tahoe Conservancy and the League to Save Lake Tahoe sponsored a delegation from the state. They had three legislators visit and took them on the lake and discussed Aquatic Invasive Species and demonstrated how they measure lake clarity. TRPA led the way on that and appreciated their time and professionalism and was well received.

IX. COMMITTEE REPORTS

A. Local Government & Housing Committee

No report.

B. Legal Committee

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No report.

C. Operations & Governance Committee

No report.

D. Environmental Improvement, Transportation, & Public Outreach Committee

No report.

E. Forest Health and Wildfire Committee

No report.

F. Regional Plan Implementation Committee

No report.

X. PUBLIC INTEREST COMMENTS

Ellie Waller said this is about pent up issues. At several meetings she's recently attended, she's experienced varying degrees of lack of decorum and disrespect to the general public and misrepresentation of facts. For example, we pick on you all the time Vince Hoenigman, outrageously calling us vocal minority. Steve Teshara at the April Advisory Planning Commission meeting stated that the public was misinformed. She says, agree to disagree, not misinformed. Mr. Teshara is on several boards and allowed nearly unrestricted time. His disdain for citizens using three minutes to express opinions needs to be addressed. At a Douglas County Regional Transportation Committee in April, a very disturbing profane conversation took place about her between two committee members; Governing Board member Mr. Rice and one member that doesn't know her. At a meeting, Mr. Hester stated that he didn't attend a legislative hearing on ACR 5 which supports the 7-7-7 plan. Mr. Hester understood that there was support by Board member Settlemeyer. She was there in person; she doesn't know if he was in another room. She's asked for written documentation of support to no avail. A member of the public spoke before the Natural Resources Committee to make sure the Incline Village citizens were heard and state that they were not represented by Ms. Hill who stated that citizens were in favor of the Incline Village Mobility Hub. Governing Board Chair Gustafson is trying to placate the public after a member of the public had asked to go first because she had another engagement. We all have other engagements. Is there a new process? You could be opening Pandora's box. At the March 22 committee meeting, Mr. Hoenigman said that there has been a lot of public comments on certain issues which has been pushing the Governing Board to the point where they don't have a quorum and have to stop the meeting. She sees issues with applicant representatives like Lew Feldman given unrestricted time which pushes public comment to another area. Someone had Douglas County slapped by a Senator for not playing nice in the sandbox about a request for funding the South Shore Transportation Management Plan for the Events Center microtransit. That Senator pulled that after being enlightened. From the history books, in Placer County, when the Tahoe CEOs office representative hit "all" by mistake when answering an email and called citizens a bunch of F...ing idiots. A perceived disrespect to your own board member. Bill Yeates made a suggestion for reevaluation of VMT with a 1,298 count that was too convenient under the 1,300 count in her opinion,

requiring more scrutiny. It was suggested that it be reviewed before, and a robust discussion ensued, and Chair Gustafson had Gordan Shaw consult and many were not convinced. The continued poor behavior and mistreatment of the public must stop. And facts not supposition or assumptions must rise to the level of competence of our elected officials. She started in 2007 with the Pathway which led to the Regional Plan Update in 2012. The public comment environment was much more friendly. In 2017, there was a cast of a dark shadowed note In Placer County. Then Commissioner Uhler summed it up, thank you for your input were going to take the maximums on this area plan. Why would anybody want to continue to make public comments? She cares about Tahoe, it's now her backyard. She attends many meetings in many jurisdictions. Many of you wouldn't know Mike Donohoe who passed but wearing this badge today, she didn't know how important that badge would be to her, Tahoe is her backyard and is where she lives now.

Ms. Aldean said on behalf of the Governing Board and staff, we all appreciate your engagement. You are very considerate; you are not vitriolic and don't call us offensive names and we hope to return that favor by being respectful and allowing you time to express your concerns. Ms. Aldean spends a lot of time reading all the comments received and appreciated the history lesson Ms. Waller provided regarding things that have occurred in the past and the links to various communities who are experiencing similar issues with tourism. Those things don't go unrecognized.

Ann Nichols, North Tahoe Preservation Alliance regarding the Destination Stewardship is being promoted by 15-17 organizations, six of which are tourism businesses. Three of the five consultants are tourism organizations. Then civitas which is the entity that circumvents required referendums or votes by the public to increase taxes. The funding proposals are three and the only one that is possible is a PID, a tax on properties in certain districts. They want to tax our real estate owned properties to fund transit, infrastructure, whatever. This is so ill conceived; she can't imagine why TRPA is doing this. TRPA is funding tourism or promoting this association of people for tourism, for more more more. They've assigned things to the Tahoe Prosperity Center, what is TRPA doing anymore. It's all the same people on the same committees and boards. It seems to be an abuse; this is not going to help transit. It's just money and being ran by tourism agencies and they say that the public generally thinks tourism is not helpful and not good for the quality of life. Why are they in charge? We're not buying it.

Doug Flaherty regardless of the pat on the back comments from internal bureaucracy, the Lake Tahoe Basin it out of equilibrium and out of harmony. You've morphed into a pro tourism, pro growth, pro builder stance in almost everything you do, including the Tahoe Transportation District. He agreed and applauded Ms. Waller. Her story is not unlike many others from the abuse that the boards and committees dish out whether it's body language or disdain. The public has a right and a role to make comments. He'd like TRPA to consider that they've strayed from their mission statement. TRPA must cease and desist any future approvals of any projects that promote increased height, density, and coverage until you do a supplemental environmental impact statement connected with the 2012 Regional Plan that supported previous increases in height, density, and coverage. Talk to staff and ensure that when staff address your commissions and committees that they speak truthfully and objectively and not twist the facts. That has been happening for years. The supplemental EIS needs to include a roadway by roadway wildfire evacuation capacity evaluation and any future height, density, coverage, capacity increases need to be stopped until supplemental EIS is completed.

XI. ADJOURNMENT

Ms. Conrad Saydah moved to adjourn.

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Ms. Aldean adjourned the meeting at 1:34 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Marja Ambler". The signature is written in a cursive, flowing style.

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.

DRAFT