

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLANNING COMMITTEE

TRPA/Zoom

March 27, 2024

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 1:10 p.m.

Members present: Ms. Aldean, Ms. Diss, Ms. Gustafson, Mr. Hoenigman Ms. Leumer, Mr. Settelmeyer

I. APPROVAL OF AGENDA

Mr. Hester stated there are no changes to the agenda.

Mr. Hoenigman deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean moved approval of the January 24, 2024 as presented.

Motion carried by voice vote.

III. Discussion and possible recommendation on the proposed amendment to the Washoe County Tahoe Area Plan to add "Schools – Kindergarten through Secondary" as a special use within the Wood Creek Regulatory Zone, for those parcels equal to or greater than three acres in size (APN) 093-010-015, TRPA File Number ERSP2023-1371

Mr. Hoenigman said the committee has received a lot of public comments both for and against.

Mr. Hester said this is an amendment to allow land uses that would permit schools to use churches with a special use permit. We're not voting on specific school projects at churches; rather, this is a plan amendment. Approval of this amendment would pave the way for future projects. Currently, St. Francis of Assisi Church seeks to establish a St. Clare Montessori School. They've been granted a temporary permit expiring in September 2024. Similarly, Village Presbyterian wants to have Village Christian Academy, with an application pending. The fate of these projects' hinges on the approval of the amendment. If this passes, it will be forwarded to the Governing Board. There's been a deviation in the process sequence. This committee discussed the matter in September 2023 but couldn't present it to the Advisory Planning Commission before bringing it back here today. The next steps include an April 10th discussion at the Advisory Planning Commission and a decision by the Governing Board on April 24th. Approval today would only enable these applications to proceed, subject to obtaining a special use permit, typically that happens at the by the Hearings Officer and can be appealed to the Governing Board.

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Ms. Brown, TRPA, and Ms. Weiche, Washoe County provided the presentation.

Ms. Brown said the proposed change would permit an additional land use for kindergarten through twelfth-grade schools on sites that are 3 acres or larger, with a special use permit, in the Wood Creek regulatory zone. TRPA staff have prepared a staff report summarizing this proposed amendment, which has been determined to be in compliance with the TRPA Regional Plan and in conformance with the Code of Ordinances.

This item is scheduled to go to the Advisory Planning Commission on April 10th and then to the Governing Board on April 24th. It's important to reiterate that today's discussion is not about approving specific projects but rather a request for a zoning amendment to an area plan. However, there are currently two active temporary use permits within the Wood Creek zoning regulatory zone that would be affected by this proposed amendment. One is for the St. Clare's Montessori School located on St. Francis's Assisi's property, which is currently operating under a six-month extension expiring on September 7th, 2024. If the proposed amendment is approved, a special use permit will be required for it to continue beyond the extension.

The other active temporary use permit was granted to Village Presbyterian Church in November 2023 to establish the Village Christian Academy on their site. Again, if the proposed amendment is approved, a special use permit will also be required for the church to continue this use.

Ms. Weiche, Washoe County said the subject request involves amending the Washoe County Tahoe Area Plan, Section 110.220.275 Wood Creek Regulatory to include kindergarten through secondary school use types as permitted with a special use permit on parcels equal to or greater than 3 acres within the Wood Creek regulatory zone. This would encompass kindergarten, elementary, and secondary schools serving grades up to 12.

The Wood Creek regulatory zone is highlighted in bright green on the map, located west of Mount Rose Highway, south of College Drive, east of Village Boulevard, and north of Tahoe Boulevard. It is one of 16 residential regulatory zones within the area plan, primarily focusing on single-family dwellings but allowing for other use types such as multi-family and public service uses.

The request for the amendment follows a series of public outreach efforts and processes. A community meeting was held in June of the previous year, attended by approximately 20 individuals who expressed concerns including traffic, noise, parking, environmental impacts, fire safety, and potential negative impacts on existing public schools.

In September 2023, TRPA held a meeting where they received nearly 100 written comments, with approximately 36 in opposition and 55 in support of the amendment. The Washoe County Planning Commission held a public hearing in November 2023, where they unanimously voted to recommend approval of the development code amendment to the Washoe County Board of County Commissioners.

The proposed amendment is intended to address the needs of St. Clare's Montessori School and Village Church, which have been operating under temporary permits and seek to establish permanent locations for their schools. The amendment would require obtaining a special use permit through a site-specific review process to address potential adverse impacts on surrounding land uses, transportation systems, public facilities, and environmental resources.

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The verbatim language of the proposed amendment includes adding schools' kindergarten through secondary as permitted with a special use permit on parcels equal to or greater than 3 acres within the Wood Creek regulatory zone. This language clarifies that the special use permit process involves neighborhood notification, a neighborhood meeting, and a public hearing, both at Washoe County and TRPA.

Since June of the previous year, there have been over 200 public comments received, with a mix of support and opposition. Public concerns mainly revolve around traffic, noise, parking, environmental impacts, fire safety, and potential negative impacts on existing public schools. No concerns or comments in opposition were received from Washoe County departments or agency partners.

Presentation: [Regional-Planning-Committee-Agenda-Item-No-3-Washoe-County-Tahoe-Area-Plan-Amendment.pdf](#)

Committee Comments & Questions

Ms. Aldean said TRPA's conformity review response regarding uses in established residential areas says that the requirement is to preserve the character of established residential areas outside of centers. She understands that one of the applicants is proposing to bring in modular buildings, how does that square up with maintaining community character?

Ms. Weiche said that's the first she's heard of that and is because Washoe County doesn't have a special use permit application. The county has not had an opportunity to review design or materials or how they plan to address parking, etc. with the proposed additional use at these sites. At that time, they'll review to ensure consistency and is complementary to the existing residential environment in that regulatory zone.

Ms. Aldean said it's alleged by one of the commenters that some of these temporary buildings have already been moved on to the site with or without Washoe County's permission.

Ms. Weiche said that might be in response to the temporary use permit. It's not uncommon for schools to bring in modular style classroom units. It may be temporary solution until they have assurance that they'll have long term use. Any modular unit would have to be permitted through the county.

Ms. Aldean said that would have potential coverage implications and will this project come back to TRPA for review?

Ms. Weiche said it would be subject to a special use permit by both TRPA and Washoe County.

Ms. Brown said a lot of the comments were pertaining to the potential project that would come from this area plan amendment and today is just looking at the land use zoning amendment.

Ms. Aldean said the conformity review indicates that there is no problem with the amendment but implicates the project.

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Mr. Marshall said there is a subsequent decision making process. If it's a special use permit under TRPA rules it would have to go to the Hearings Officer. At that point, you would look at the design of the project for consistency with the character as one of the special use findings. It's those special use findings that allow you to make that finding of conformity at this amendment level because that would have to be an affirmative finding at the project level.

Ms. Aldean said only if the Hearings Officer decision is approved and appealed to the Governing Board.

Mr. Marshall said it's correct that it would go to the Governing Board.

Ms. Aldean asked if the secondary St. Clare's Tahoe facility is closing in Kings Beach.

Ms. Weiche said her understanding that where they were previously operating was on the California side and were looking for a new location.

Ms. Aldean said that could compound VMT and should have subsequent review and consideration if parents are driving their children to Incline Village from California.

Mr. Marshall said those are project level concerns and related to the findings today.

Ms. Aldean suggested that Washoe County take that into consideration as they go through their special use permit process.

Ms. Lane, DOWL represents St. Clare's and the Church on the proposed code amendment request to Washoe County. If approved, St. Clare's and Village Church will be submitting a special use application. At this time, both of those special use permit applications are to operate those schools within the existing building. If there was an expansion of the building footprint it would require an amendment to that special use permit. Although, that is not in the current plans for either of these special use permit applications. There is no modular unit on site, it is a temporary storage that has been approved on St. Clare's to house educational materials during the summer months.

Ms. Lane said there's never been two locations for the school. One was closed because the lease was not renewed. They obtained a temporary use permit and have been operating of the current location at St. Francis for the last two years. Regarding the concern that the school will increase traffic to Incline Village by serving out of town communities. That is not true. Of the 42 students enrolled in St. Clare's, 37 of them are Incline Village residents.

Public Comments:

Tim Gilbert, applicant for the Village Church said the motive in doing this is to teach children about Jesus Christ and have a relationship with him. And part of that relationship is to be good neighbors. These churches have been here a very long time and have been good neighbors. Any comments from the from the neighborhood are acted upon immediately.

Shawn Comstock, 30 year resident of the Wood Creek neighborhood on Mount Rose Highway. They've been great churches until there was more and more traffic and school noise. The neighborhood is outraged by proposed zoning changes to allow two churches within a block of

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each other on our fire evacuation road to expand their schools. One of which plans to drop the modular buildings in an already crowded parking lot. We submitted a signed petition of over 60 neighbors and are concerned about increasing noise, hazards due to illegal overflow parking, and reduced property values. She has pictures of the last two years with the four temporary permits that have been granted. Wood Creek is a neighborhood of single family residential. You don't change zoning to accommodate a few handfuls of families. No one is opposing these churches' rights to develop faith-based private schools, it's just where the location is on our fire evacuation route within a block of each other. Both schools have been operating under severely limited use of existing infrastructure. Both have been operating under ongoing temporary permits by the TRPA, which has become nightmare. They have joined forces both wanting to expand pre-K through 12 with each campus holding up to 120 students each. They've hired DOWL Engineering and have concluded this rezoning was justified as a public service and there were no adverse effects.

Developers of Incline Village had well laid out plans as to where schools would be located and sold properties based on this zoning. A recent St. Clare school update outlines plans to establish modular classrooms. In the past, assurances were made by the Catholic Church that this would not occur, that this is only going to be a temporary spot into they find a good place to expand their schools. There were six months of temporary operating permits granted by TRPA and it's been two years now. Residents complain that these churches condone illegal parking along Mount Rose Highway, Kelly Drive and McCourry Boulevard. It's only a matter of time that someone will get hurt, ran over or killed. There's also a runaway truck ramp right across the street from the church where we've had two deaths.

Will Phillips said there are no modular units being used for schooling. What the previous speaker may be referencing is some church storage. Regarding the comment about maintaining community character. These churches are at the edge of the zone near the highway and not in the neighborhood. They are part of the character of the community and are not changing or impacting the community character. He supported this permit. This is about two monolithic community issues: Religious freedom and school choice. The permits aren't going to say religion specifically, but the impact is unmistakable. This permit is essential to preserving both for the families of Incline Village. The concerns of a handful of homeowners about their property values are valid and should be heard but there is no safety issue here. There have been children at these locations for decades. In supporting the public good where there is conflicting interest, we must look at the greatest good for the greatest number. And that is the idea that government action will never make everyone happy. But allowing for K through secondary education in the Wood Creek Regulatory Zone supports the greatest good for the greatest number of people in our community. It doesn't just add schools, it allows us to go from no options for faith based education to having the ability to educate our children. This isn't about bringing kids in from out of town, it's about supporting a community need and no one's being bussed in.

Debbie Larson, 25 year full-time resident of Incline Village. She supported the proposed amendment. Characterizing that this will suddenly pose safety dangers is an exaggeration. Approving the rezoning would not have a significant impact. St. Francis has been in the neighborhood for nearly 60 years. It is part of the existing character of the neighborhood that drew many of the residents to the neighborhood in the first place. While the parish has not always had a school, it has had religious education on site for decades involving dozens of children. In addition to religious education classes, the church has held weddings, funerals,

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concerts, and weekly masses. There's never been to her knowledge a traffic incident related to the church. And neighbor complaints have been rare except for a very vocal few. St. Clare's director said they have a fully vetted emergency operation plan that has been reviewed by local police and fire and are confident they can respond in an emergency or evacuation situation. Thirty Seven of the 42 families live in Incline Village. We already have a school zone because there was the elementary school on Southwood Boulevard.

Peter Larson, 25 years old that has lived here his entire said he's supportive of this amendment. Parking on the shoulders of Mount Rose Highway has not been any school staff or parent, it's only been members of the church. They received a noise complaint a couple of weeks ago from a Mariachi band that was playing for a funeral here. The root of this comes down to school choice. The opposition is pushing this idea that they're not against faith-based education, but just not here. If you are for school choice and faith-based education, it has to be at the church.

AnnMarie Lain, DOWL said that this proposed development code amendment is a direct response to the increased interest in private schooling and the limited regulatory zones in the Tahoe Area Plan that allow for school use. Until 2021, private school enrollment across the state of Nevada averaged at about 20,000 students. In the 2021-22 school year we saw a drastic increase of 1,466 enrolled in private schools across the state, which was a 7.6 percent increase in private school enrollment compared to the previous year. That growth repeated at approximately the same rate for the 2022-23 school year which added another 1,506 students enrolled in private schools.

The average student teacher ratio in Nevada's private schools is just under 12:1. Regarding the traffic concerns, DOWL traffic engineers prepared a trip generation review for the Wood Creek Regulatory Zone to compare expected trip generation of the K through 8 school with existing generation of a daycare center/preschool. Private school K through 8 educational facilities operate very similar to daycare centers on a daily basis. This review concluded that adding a school land use to the list of acceptable special use permit land uses would be consistent with currently allowed uses. The proposed amendment does not include any provisions or changes that would alter the special use permit process to evaluate traffic at a site and project level to ensure transportation, parking, and traffic generation consistent with the expected applicable limitations and regulations. Future projects implemented under the proposed amendment would require a traffic and parking plan to ensure all the regional and local requirements are met.

Conditions of approval for a special use permit can include restrictions on student capacity and hours of operation. The proposal would not alter requirements related to noise levels nor would it alter the community noise equivalency level standards as set forth in the existing area plan. The special use permit process would require additional review to consider the potential proposed uses to create increases in noise. The proposed amendment promotes the purpose of the Tahoe Area Plan by supporting the general welfare of the community, lessens traffic congestion by providing a mechanism to allow faith-based education to establish this within the communities that they serve and facilitates the adequate provision of schools and promotes the social advantages gained from an appropriately regulated use of land.

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Committee Comments & Questions

Ms. Weiche clarified her earlier statement about no public comments being made during the last Regional Plan Implementation Committee meeting. There were no comments in opposition and about ten comments in support.

Ms. Leumer asked for clarification that this is an amendment about zoning to allow schools and is not project specific or is not about religious choice or school choice.

Mr. Marshall said correct. There's nothing in the proposed amendment that makes a distinction between public, religious, or private schools. But you can anticipate that the two school's religious schools that are currently operating under the temporary permits would then come in and apply for permanent status under these under this change.

Ms. Aldean said for the checklist to find that the proposed amendments would not result in significant effects on the environment is correct that the amendment would not unless the amendment is acted upon through the project review process. Then our analysis may be different. There is a nexus between approving an amendment which permits a project that could have environmental impacts. Just adding these uses to this particular geographical area, does not have an environmental effect but it doesn't discount the possibility that the project itself may have environmental consequences.

Mr. Marshall said correct. As a way of determining the impact of the plan change, you must consider what projects would result from the change from the code change or the plan change because that's how you determine the impacts associated with that change. When you do that, you can reasonably assume that those projects coming forward will comply with all requirements, including the special use findings for compatibility, for example. Then you can base your determination that there's no significant effect on the conditions that the individual projects under that code section would have to meet.

Ms. Aldean said some of those environmental consequences are currently unknown because we don't understand the full scope of the project.

Mr. Marshall said you can make reasonable assumptions that those projects will comply with the rules in effect and if one of the rules is that the project won't go forward unless it's compatible with the neighborhood then you can rely on that.

Ms. Aldean made a motion to recommend approval of 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 summary.

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Leumer, Mr. Settelmeyer, Mr. Hoenigman

Absent: Ms. Diss

Motion carried.

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Mr. Settelmeyer made a motion to recommend adoption of Ordinance 2024-___, amending Ordinance 2021-06, to amend the Washoe County Tahoe Area Plan as shown in Attachment C.

Ayes: Ms. Aldean, Ms. Gustafson, Ms. Leumer, Mr. Settelmeyer, Ms. Diss, Mr. Hoenigman

Motion carried.

IV. Informational Presentation on Adaptive Improvements to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominiums, and Design Standards for Mixed-Use Development

Mr. Hoenigman said the committee has received written public comments for this agenda item.

Mr. Hester said this package of amendments is a potpourri of amendments that didn't rise to the level of strategic priorities but are being carried forward by staff as promised. There was an informational meeting held at the Advisory Planning Commission to gather input. After the Regional Planning Committee input today, staff will start the formal process. The committee has seen some of these items before. The affordable housing and condominiums, the 10 percent item in the mixed-use definition both came to the committee when the Tahoe Area Plan Amendment on a condominium project there. And some of the more minor climate amendments were part of a package that was approved with the process improvements for Permitting and Compliance and were presented along with these by some University of California, Davis students. These are not really new but would like input from the committee and public before staff starts the formal process.

Mr. Stock, TRPA provided the presentation.

Mr. Stock, TRPA said we're discussing adaptive management improvements to the Code of Ordinances that includes a number of topics such as implementing climate best practices into the code, updating outdoor lighting standards and reorganizing that section, establishing standards for mixed-use development and affordable housing in condominiums. You might find this familiar because these have been presented in previous sessions, last spring and last summer. Now, we have a more fleshed-out proposal with code language for review and input.

These initiatives are in response to board direction. There are two parts: One is the climate code amendments, which include dark sky preservation. The other is mixed-use and affordable housing component that arose during the Washoe Tahoe Area Plan amendment discussion last year. These efforts are aimed at adapting the Code of Ordinances to new issues and technologies as they arise.

To provide some background on the climate code amendments, these efforts trace back to the Sustainability Action Plan of 2013, which outlined numerous recommended actions. Currently, we've successfully implemented 80 percent of these actions, or they are in progress. Staff sought direction from the board to implement the remaining aspects of the plan. Staff held a workshop with the board to discuss integrating climate best practices into the code. During this session, we identified priorities such as efficient lighting standards, support for renewable energy, and infrastructure for appropriate charging facilities and large special events.

Following this prioritization session, a group of University of California, Davis graduate students joined delved deeper into the details of climate best practices in these priority areas, helping to

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develop draft code language. Additionally, they facilitated a stakeholder input process involving representatives from local government, land use professionals, nonprofits, and Liberty Utilities.

The result was a draft proposal, which was presented to the committee last June. We further refined and vetted this proposal based on feedback, engaging with members of the business and development communities to gather additional stakeholder input. Some of the recommendations from this process have already been adopted through our process improvements amendments. The remaining recommendations constitute what is being presented today.

This proposal draws from various sources, including local codes, the experience of our permitting staff and applicants, the California Green Building Code Title 24, and the Dark Sky Alliance. One item we're proposing is a transportation plan for large special events, which is already a requirement in the city of South Lake Tahoe. We aim to extend this requirement to other areas in the basin. Additionally, we're addressing electric vehicle (EV) charging, which hasn't been adequately covered in the code previously. To support appropriate EV charging, we're proposing definitions in the code and requirements for conduit, particularly on larger lots, following standards from the California Green Building Code. We're also proposing transfer allowances for the transfer of coverage to encourage distributed EV charging while allowing it as a primary use.

The proposal also includes standards for solar energy generation, aiming to streamline the process for property owners interested in installing roof-mounted solar while preserving scenic resources. This involves establishing a qualified exempt status for roof-mounted solar with specific reflectivity and color standards for scenic areas.

Moving on to outdoor lighting standards, we're proposing reorganization and new standards to preserve dark skies. This has been a longstanding priority, and we've worked closely with staff and property owners to balance dark sky preservation with property rights and ease of implementation. The proposal includes requirements for outdoor lighting to serve a functional purpose, not spill onto adjacent property, and adhere to color temperature limits. We're considering lumen limits and reducing outdoor lighting after hours on commercial properties. We also propose codifying the requirement for a lighting plan in the code.

Mixed-use standards are detailed in Attachment A of the packet. Mixed-use development is recognized as a tool for energy conservation and greenhouse gas reduction in the Regional Plan. Despite its importance, we haven't previously had specific standards for mixed use. The proposal requires nonresidential uses to be located on the ground floor frontage, promoting street activation while allowing flexibility. We encourage pedestrian access and limit vehicle access on street frontage. The proposal aligns with existing area plans and leaves room for local standards. The provided images illustrate these concepts, showing ground floor commercial uses oriented towards the street with residential uses above, as seen in other towns like Cave Junction, Oregon, demonstrating that mixed use isn't exclusive to big cities.

We've also included a proposal for affordable housing in condominiums which is in response to the board's direction following the amendment to the Washoe Tahoe Area plan. We recognized the need to mitigate the impact of new market-rate housing on our workforce housing gap.

In this draft proposal, we're suggesting that 10 percent of units in condominium subdivisions be deed-restricted affordable or moderate housing. These units can be on or off-site and can utilize

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bonus units, including all associated benefits. However, they must be new units and equivalent to 10 percent of the market-rate floor area of the condominium. Staff is not proposing an in-lieu fee in this draft, aligning with the 10 percent requirement adopted in the Washoe Tahoe Area Plan. This percentage is based on analysis by the Mountain Housing Council and Tahoe Prosperity Center, which found a gap of just over 5,000 workforce housing units for lower and moderate-income residents in the basin, roughly equivalent to 10 percent of potential units.

The 10 percent requirement is also consistent with Placer County regulations and falls within the range of the inclusionary zoning package adopted by the city of South Lake Tahoe. Staff's proposal would complement existing requirements in Placer County and the city but would apply to jurisdictions lacking equivalent programs. Moving forward, we plan to explore additional policy options for mitigating the impacts of development on affordable housing in the next phase of Tahoe living. This adaptive management cycle will continue to evolve as needed.

Presentation: [Regional-Planning-Committee-Agenda-Item-No-4-Code-of-Ordinance-Adaptive-Improvements.pdf](#)

Committee Comments & Questions

Ms. Aldean referred to page 258, Draft Mixed-Use Code Language, 36.14, Subsection B. She suggested rewording to better get at the intent. "In mixed-use developments a minimum of 60 percent of the ground floor or 60 percent of the street frontage shall accommodate pedestrian oriented non-residential uses. She's not certain why we're dabbling in depth because it depends on the user. Some small commercial users have a very shallow profile, and others require 83 to 100 feet, for example. To a certain extent that's going to be dictated by the design of the building to accommodate housing above the commercial floor. You don't want to have units that are shallow and then dead space behind those units. She'd be more comfortable if we let the developer decide based on interested users what the depth of those spaces should be. And focus on 60 percent of it being used for pedestrian oriented commercial use, 60 percent of the ground floor or 60 percent of the street frontage and allow the private sector to determine what works for them based on interested retailers.

Mr. Marshall asked staff if there is a reason why we have the depth.

Mr. Hoenigman suggested that to staff. Almost every city's code requires a minimum depth. The reason is as a developer, you'll put in almost nothing and you'll get this little sliver of retail across the front because it's one of your lowest performing assets or investments in the building. What they look for to make the community nice is to have these uses that enliven the street frontage. That's basically what they have to do in all of our mixed-use buildings in every community. It's usually better to let a developer do what they want, but a lot of times that's squeezing your retail down to almost nothing. This is just a little bit of a safeguard and could review the number.

Ms. Aldean understands the concern, but a developer doesn't want to have space that's not producing any income. She suggested that there is enough flexibility so the developer can respond to market demands.

Mr. Hoenigman suggested reviewing it and thinking about what we would like our communities to be. We have to put in a floor otherwise we will get the least that is allowable. As a developer,

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it's hard to do anything that is not required by law, unless it's profitable in retail. Right now, it's marginal in a lot of places.

Ms. Aldean said you don't want to make it even more difficult to attract tenants. We've lost a lot of major big box retailers and we're looking for community retail that will service a need for the people living in the area. A minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor is very convoluted. She'd be satisfied if you wanted to add a minimum depth of 25 feet. Sixty percent has to be nonresidential of the ground floor or the street frontage at a minimum depth of 25 feet.

Mr. Settlemeyer asked what percentage of retail space is currently vacant in Tahoe. When you look at some of the rents required for retail establishments in Tahoe to be able to meet even the property tax, let alone the mortgage brings forth the question, if you require it, will they come? He's concerned about that. Where he can see other utilizations of the land, what if someone is going to have paid parking but it's all going to be on the ground floor. Does that mean the requirement of it being retail? They're charging for parking.

Ms. Aldean said it's nonresidential and gives a broad latitude of uses. It could be retail or an office.

Mr. Stock said the proposal states that the ground floor shall include one or more permissible pedestrian oriented non-residential uses. Those can include but are not limited to retail, restaurant, personal services, office, and entertainment. Local zoning has broad latitude to decide what could be permitted in those spaces.

Mr. Settlemeyer said if you get into the discussion of retail, what about the concept of low income housing on the bottom floor? Is this an opportunity where somebody might have a concept of building higher, costly or things on the remaining floors but on the low floor create some low income housing potential. Are we limiting ourselves but not allowing that or is that not a perceivable use?

Mr. Stock said this proposal is just for projects that are permitted as mixed-use. In a situation where someone wanted to build an affordable housing development, he assumed it would be more beneficial for them to submit it as a residential affordable housing development rather than a mixed-use development. He can't think of a zone in the basin that allows mixed-use but does not allow affordable housing.

Mr. Marshall clarified Mr. Settlemeyer's question of are we limiting affordable to just upper floors or is there a reason why we might want to allow affordable residential on the bottom floor if we had mixed-use upstairs.

Mr. Hoenigman said what staff was saying was that then you wouldn't apply for a mixed-use permit, rather just apply for a residential.

Mr. Settlemeyer said for example, if you build four stories and on the fourth floor it's an elaborate restaurant that overlooked the lake that is going to make a lot of money.

Mr. Stock said staff will look at that scenario.

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Ms. Aldean referred to page 260, 39.2.5.F, Paragraph 2. "Unit" should be plural. "Subdivision of eligible structures greater than 4 should be units" Next on page 262, Draft Climate Code Language 22.7.6, Traffic Mitigation, Subparagraph B, suggested the last line say "Include plans for bike valet, shuttle services, "and" ride share drop-off locations. Page 263, Electric Vehicles, Electric vehicle supply equipment, add a comma on the second line "Grounding conductors and the electric vehicle connectors, attachments ", " plugs, personnel protection systems.

Ms. Aldean said in the presentation the dark sky lighting standards have a requirement for commercial lighting that requires commercial users reduce outdoor lighting to 50 percent or less of operational lighting levels. For commercial property owners light is a very effective crime deterrent. She suggested giving the operator the latitude to determine which lights should be reduced in lumens.

Mr. Settlemeyer appreciated Ms. Aldean's comments and are on his list of considerations as well when it comes to a deterrent. Generally, it's not the percentage of lighting, but the type of lighting. If you have appropriate warm lighting and it has appropriate directional it isn't an issue of how much light. It's the type of light. He suggested that staff review that. Regarding the potential limitation of the color of solar panels. In the Nevada legislature they had this discussion, and it was ruled illegal. Because if you are forced to go to a terracotta it takes 60 percent of the energy production. Has technology evolved since then? If you try to dictate the color, it could reduce the amount of energy produced and no longer becomes viable to do. Back in time, it was far more costly to try to and acquire terracotta.

Mr. Stock clarified that when he mentioned color, he was referring to regulating the color of the frame around the solar panel and the mounting structure in order to blend with roof material or the solar panel material. As proposed, would regulate that frame and mounting color to match and it would regulate reflectivity and set a limit of three percent in scenic areas.

Mr. Hoenigman said regarding the 60 percent frontage, it needs to be clear that it's with glass or something permeable or see through because we don't want it to be boxed off and blank walls. Maybe it's 60 percent and with 50 percent glass, for example. Mr. Stock mentioned for affordable it's not overriding other jurisdictions. Are we setting that 10 percent as a base for all jurisdictions? Do they have to meet or exceed that?

Mr. Stock said that's not what we're proposing. This would be an alternative standard for jurisdictions that don't have their own standard. For example, the city of South Lake Tahoe has a scale that ranges from 5 percent to 17 percent. Depending on the project they would be allowed to impose their requirement below 10 percent.

Mr. Hoenigman said regarding safety at night, could we address that with motion detecting lights. On sloping sites, he wants to ensure that the retail is at the exterior grade where the door is. One of his first buildings wasn't and you end up having a lot of ramps and creates a bad street environment. Is it correct that if you are redeveloping sites with affordable housing there has to be the same number of units but then we can add extra market rate, but the new units are deed restricted. If there is an existing site and it has affordable housing based on an analysis of the rents, you have to replace those units 1:1 but then you can add more market rate housing.

Mr. Stock said that section is the preservation of a de facto affordable housing section. We didn't make substantive changes to that section. The changes reflected here are adding the affordable

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housing income definition to that requirement. A change to that section would be another policy change.

Mr. Hoenigman said it's a double-edged sword. We don't want people to tear down a hundred percent, 50 unit affordable housing project and build a 50 unit market rate project with 5 affordable units. At the same time, what we see where we develop is it just means that you can never redevelop a property that has affordable housing on it. Right now, he would bias towards protecting the affordable housing units and should be replaced 1:1 and then you can add additional market rate housing. We don't want to make this so we can allow more affordable housing units to be lost through redevelopment.

Ms. Aldean said Nevada has a relocation provision that requires folks to be relocated within 50 miles of where the existing affordable housing is being demolished.

Mr. Hoenigman said overall there is still a shortage. There's no place in California, Nevada or almost the entire United States that has a surplus of affordable units. There's nowhere that the minimum wage earner can rent or buy the average unit. We've already relocated the Motel 6 people.

Ms. Aldean said that was substandard and we don't want to perpetuate the substandard housing situation.

Mr. Hoenigman said providing what we believe should be the minimum has led to a lot of the problems in our cities.

Ms. Aldean said the caveat needs to be the example cited of Motel 6. It was in the middle of a water influenced area and environmentally sensitive. It was anathema to our environmental regulations not to promote the removal of that building and the restoration of the land. She suggested that it could be a consideration within town centers. Was there public transit that serviced that site?

Mr. Hoenigman said this wouldn't apply because it's just if you were proposing to build a new building there then you would have to replace that number of affordable units 1:1 then you could add on whatever you were allowed on top.

Ms. Aldean said it would also depend on where those old units are located.

Mr. Hoenigman referenced 39.2.5.F suggested to add "town" before "center." He thinks there was a change in the presentation in that Mr. Stock had that the affordable part is developed concurrently with the market rate and in the presentation, he said the affordable must be completed before the market rate can be occupied. That's much better language. It also states that it can be a mix of affordable and moderate. He thinks 1:1 is the maximum that we'll get from this and need to ensure that is the standard that we want because a moderate is so much more affordable to build than unaffordable. If we wanted to be 10 percent affordable, we need to say 10 percent affordable because right now what we'll get is 5 and 5. The land will be based on that assumption because that's the lowest requirement. If that's not what we want, then we should change it. Also, we went through rounding language before, but we round up and 32 total units would require four affordable or moderate units. It also says that lobbies and gyms are open to

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the public. We had allowed those to qualify for part of the ground floor usage in case the developer felt it didn't really make sense. He just built a building where they were required to do

the whole street frontage retail and in an unproductive retail setting. But we were allowed to put the lobby there and count it as part of that space because it still provided some activation for the street and makes for a nice street frontage. But you don't want to make that a public space, same with a gym, if that's for the residents. It could be private unless they rent a 24 Hour Fitness or something like that.

Regarding energy codes, we require solar over parking but suggest where it makes sense. A lot of these buildings will be "U" shaped with parking in the middle and they'll be partially shaded and that should be clarified. Regarding EV charging, he liked the Tesla comments. He personally thinks we should go with the CalGreen standard. It requires more wiring and probably more charging spaces but what we're doing saying 10 percent for over 40 spaces is pretty low given that California's EV sales are 25 percent already in the Bay Area is about 50 percent and it should just continue to grow. That's trying to adopt a California standard, but Consistency is good.

Mr. Stock said regarding the EV capable parking spaces, the CalGreen standard is 20 percent of parking spots in parking lots of 20 spots or greater. That's just for conduit and then can be wired and charging pillars can be put in at a later date.

Mr. Hoenigman said the CalGreen standard for running the conduit with wiring is about \$200 for each location and a location can serve two spots. And the pedestal and chargers are about \$1,000 each. If they are double, it's less to put the other charger on. For affordable projects we've already reduced the amount of parking that's required and would be very few spaces in some buildings even to have to do this for.

Ms. Leumer agreed with Mr. Hoenigman's comment about the EV chargers. We need to push the envelope here, especially with the opportunities to at least put in the wiring as you're doing the construction because it's so much more cost effective. It will also incentivize property owners to put in the charging stations if they know that the make ready wiring is already there.

V. Upcoming Topics

Mr. Hester said the adaptive management amendments you just heard will be coming back to the committee. There are also a set of threshold standards coming as well as a threshold review and update protocol. As the process of bringing some standards forward, there were some questions that came up from the Advisory Planning Commission such as how you know when it's a threshold versus a Regional Plan policy, etc. The City of South Lake Tahoe will be bringing forward some amendments to the Tourist Core Area Plan, Tahoe Valley Area Plan, and Colony Inn.

VI. Committee Member Comments:

None.

VII. Public Interest Comments:

None.

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XI. ADJOURNMENT

Ms. Aldean moved to adjourn the meeting.

Mr. Hoenigman adjourned the meeting at 3:03 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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

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