

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

TRPA/Zoom
Tahoe Center for Environmental Sciences

April 26, 2023
April 27, 2023

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 11:30 a.m. on April 26, 2023.

Members present: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Members absent: Mr. Hicks

II. PLEDGE OF ALLEGIANCE

Mr. Rice led the Pledge of Alliance.

III. APPROVAL OF AGENDA

Ms. Gustafson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean said she provided her minor clerical edits to Ms. Ambler and moved approval of the March 22, 2023, minutes as amended.

Motion carried-voice vote.

V. TRPA CONSENT CALENDAR

1. Resolution of Enforcement Action: Mike Zanetell; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0026
2. Resolution of Enforcement Action: Andrew and Katie Gray; Unauthorized Watercraft Launching, 1141 Fallen Leaf Road, El Dorado County, CA, Assessor's Parcel Number 021-251-014, TRPA File No. CODE2023-0027
3. Resolution of Enforcement Action: Natalie Buccini, Thomas Peabody, and Jacob Buccini; Unauthorized Tree Removal, 1540 Cherry Hills, El Dorado County, CA, Assessor's Parcel Number 033-292-011, TRPA File No. CODE2022-0092

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4. 2023-2024 distribution of residential allocations to El Dorado County, City of South Lake Tahoe, Placer County, Washoe County, and Douglas County
5. Windance West Shore PTN LTD New Multiple-Parcel/Multiple-Use Pier 8477 Meeks Bay Avenue, El Dorado County, California Assessor's Parcel Number 016-091-020, Lots 23, 24, 25 TRPA File Number ERSP2022-0045
6. Bley/Cornell/Ronning/White New Multiple-Parcel/Multiple-Use Pier 95, 99, 105, 111 Chipmunk Street, Placer County, California Assessor's Parcel Numbers 090-231-014, 090-231-015, 090-231-038, 090-231-039 TRPA File Number ERSP2022-0043

Ms. Williamson said the Legal Committee recommended approval of item numbers one, two, and three.

Ms. Gustafson said item numbers four, five, and six were not heard by any committee.

Board Questions & Comments

Ms. Laine said TRPA requires all the various entities to also report on their vacation home rental procedures. Is TRPA checking whether or not things are being done or do they take the word of the agencies that everything is being done as required. She's failing to see the point of this particular exercise, although, she understood its intent when it happened. Now, it just looks like a report for no reason.

Ms. McMahon, Local Government Coordinator for TRPA said they were receiving a number of complaints in 2017-2018 about vacation home rentals. There was about an 18 month public process where they discussed how to address them in the Tahoe Basin. It was agreed upon that the local jurisdictions would take the lead in developing their own programs for managing short term rentals. Since that time, all the local jurisdictions in the Tahoe Basin have now adopted ordinances and enforcement programs. As part of that process, there was a code amendment made that does require the local jurisdictions every two years to provide a response of how they are addressing the guidelines. They accept that the jurisdictions are being honest. They provide code references and descriptions of how they're addressing those guidelines and are reviewed at the Performance Review Committee meeting which is convened every two years. It's made up of a TRPA staff member and representatives from the local jurisdictions who review those guidelines and make a recommendation.

Ms. Laine said that's satisfactory for now and will reach out to staff at a later time and share some of her specific concerns.

Ms. Aldean said on March 22, 2023, the Regional Plan Implementation Committee reviewed the distribution of residential allocations and supported staff's recommendation.

Ms. Gustafson said Placer County is posting online monthly the numbers of complaints, actions, fines issued, and the numbers of educational contacts they've had.

Ms. Laine said El Dorado County is watching Placer County as a model and they are doing a good job being transparent.

Mr. Friedrich said the Governing Board received some written public comments about the length of the pier. He asked staff to speak to the conformance with the Shorezone Plan and other related issues that were analyzed by staff.

Ms. Roll said the conformance review checklist in the packet is what staff goes through when reviewing a pier for items such as the length, setbacks, and width. This pier meets all location and design standards.

Ms. Aldean said the additional length seems to be the subject of concern. There are incentives given to people who come forth with multiple-use piers to eliminate the practice of building a single pier per parcel.

Ms. Roll said that is correct. In this case, for piers serving three or more parcels, someone could request or design an additional 15 feet beyond what the code allows which is 30 feet past elevation 6,219 or 60 feet past the pier headline. This project at 160 feet is built up to 30 feet past 6,219 which is the restricting factor, but they didn't request the additional 15 feet which they could have.

Mr. Friedrich said a comment was made that this cuts off future piers by length and angle of the proposed multiple-use pier. A statement was made that it's a single family owner who touches all three lots so, it's not really a multiple-use pier.

Ms. Roll said for multiple-parcel designation, the ownership is somewhat irrelevant. They look at how many properties are being served and how many properties are being retired. In this case, the pier would serve three properties and two would be retired from future shorezone development.

Mr. Friedrich said three properties but not three families.

Ms. Roll said not at this time, but the properties could be sold or conveyed separately but are separate properties owned by one owner.

Mr. Friedrich said essentially, it's a single owner pier using multiple parcels. Is that the intent of the shorezone regulation for a situation like this.

Mr. Marshall said they went through that fairly expressly during the adoption of the Shoreline Plan and decided because there's development potential on each lot, that they were not going to look behind any particular ownership pattern. But what they were getting was the retirement of potential shorezone development on a number of lots whether they were in single or multi ownership. Because in the future, one could have multiple lots and is also how TRPA has traditionally looked at giving deviations from standards in the old language for retirement of development potential. It was a consistent way of moving forward plus they were not going to get into whether or not there was an ownership pattern and try to determine which ownership pattern required retirement of greater value than any other ownership pattern. They decided to link the incentives to retirement of development potential on lots, not looking at that they had to be separately owned or operated.

Mr. Friedrich said although it conforms with that finding, it is not serving multiple entities or families. The other question raised about prohibiting or precluding future piers by the length and angle of this one, is there anything to that?

Ms. Roll said she doesn't believe so. They look at the projection lines into the Lake from the property lines. The shoreline isn't straight, so, each projection line they'd have to look at each individual one. This one is well within any setbacks from exterior property lines and other piers.

Public Comments & Questions

Lynia Hull said to the north of the Windance proposed pier, there is a small homeowners pier that is used by 20 families. It takes a lot of coordination and goodwill to make that happen. This is one house on three lots, why would TRPA approve a multi-use permit when they've not demonstrated that it is going to be multi-use. That's great that they've promised to retire part of the property, but it doesn't make sense that a pier would be approved based on the intent of the homeowner. If any of you went to see the site, you'd realize that this is a very intimate small community. This pier is out of scale with their community. A lot of the people who have expressed opposition in emails and other forms would be willing to support it if it weren't so long. It's ridiculously long.

Carol Byrne-Pilling said their family has been in this area since the 1950s in this very small community. Their homeowner's pier serves 20 different families, and it is not to the scale that this pier is going to be. She's also concerned about the environmental impact of all the piers being drilled into the Lake. It doesn't make sense at all.

Board Questions & Comments

Mr. Friedrich asked if there's an appetite for removing the Meeks Bay pier from consent and bringing it back so they can hear more from the neighbors of the project and consider their concerns with more intention. He doesn't suggest that's done today because they have a big agenda and folks weren't prepared to do that. He's prepared to support the other items but would have qualms voting yes on the entire consent calendar with this pier.

Ms. Conrad-Saydah said she would support that. She feels like she could dig into it more after hearing these public comments.

Ms. Aldean asked how much latitude the Board has with this. It's apparent from the presentation and Mr. Marshall's comments that this pier is compliant. They could meet with the homeowner and try to cajole them into reducing the length of the pier. But they are either compliant or not compliant with the Code of Ordinances and that's what they have to use as a foundation for their decision in most cases.

Mr. Marshall said that's an accurate summarization. The question that has caught people's attention is this notion of multi-parcel piers and the added length they get as a result of being multi-parcels. The policy decision by the Board in 2018 when they adopted the Shoreline Plan was to make it related to parcels, not distinct individual families. He thinks that's the disagreement why this pier as opposed to the multiple-use pier on consent calendar item number six. It's one parcel less, but apparently from different family entities or at least named differently. If the Board desires, it can be pulled from consent, hear it, but staff's recommendation would be the same. Unless there's a policy change that would direct staff to say they need these added incentives you need to have multi-families.

Ms. Conrad-Saydah asked if all the parcels are in the same name.

Mr. Marshall said yes. There's not any dispute that this individual owns what is now one Assessor's Parcel Number (APN) but consists of three distinct legal lots of record. That is what staff looks at to determine whether or not it meets the requirements or the allowance for additional shorezone development potential that they would get in exchange for additional length. That's the trade off, is that they retire a development potential in exchange for additional length. It's based on an individual

legal lot of record not the ownership pattern of those individual lots. That was the determination in the Code of Ordinances in 2018.

Mr. Hoenigman said it appears that the applicant is within their rights of the Code of Ordinances and we're getting some benefit with potentially fewer piers for a longer pier. They've had some time now to see how the code is playing out in the real world and what it's creating. Maybe there would be an opportunity to put that together for the Board to see if they like what they are getting from that. If people are compliant with the Code of Ordinances, we need to approve this and then go back and look at the code to see if they need to change it.

Ms. Laine asked if we brought this matter back to have a policy discussion and if they change the policy, would that apply to this particular application.

Mr. Marshall said on this particular project, you couldn't shift code language. Fundamentally, the way it's drafted in the code is that it looks at multi parcel status and is what gets the additional length, if you're retiring individual legal lots of record. He can't advise you that you could decide differently and impose a different standard if this came back separately. It may trigger, as Mr. Hoenigman articulated, that there may be a reason why they want to relook at that policy. But that should be done not in the context of an individual project decision, but rather looking at whether or not they would want to do a code amendment to change the policy that underlines the current code.

Ms. Gustafson asked how long the shorezone process was and how many partners were involved in developing this.

Mr. Marshall said it's been at least 30 years of effort trying to get a shorezone plan that worked for enough people and wasn't litigated. This doesn't mean that there aren't some individual policies that the Board may consider tweaking in light of how they're being implemented. That's a distinct action than looking at this. If you've looked at it and there are concerns regarding any particular environmental impacts that have not been looked at, that's something they can look at. But there is pretty good policy, direction, and rules on how you do the scenic analysis, for example which is the major impact associated with length.

It fits all the rules as described in the staff report to ensure there is enough screening, etc. The other item is whether or not there's enough navigation issue associated with this particular pier. Remember the Harrosh debate, that there hasn't been an issue that they've been notified regarding that aspect. It went through the Shorezone Review Committee, and they didn't hear any objection from the Army Corps or Coast Guard on those issues. New piers can change the shoreline in particular areas but that was the balance that the Board struck when it limited the total number of piers, it limited the design of those piers but allowed allowances if you were retiring development potential to motivate people to do that with things like additional length and additional boat lift. Those were kind of the tradeoffs that the Board decided was the right mix when they adopted the new Shoreline Plan.

Ms. Gustafson asked if the adjacent parcels would now be deed restricted from applying for a lottery permit for a new pier on those other two parcels.

Mr. Marshall said correct. This pier went through the lottery process for a multi-parcel pier.

Ms. Gustafson said then they couldn't go back and try to do an individual pier with that length.

Mr. Marshall said no, those two other parcels are deed restricted from further shorezone development.

Mr. Friedrich said given we have the Shorezone Plan but obviously there is some Board discretion otherwise we would just do them by right. They would be approved without bringing them to the Board to have this discussion. There are some subjective qualities such as scenic impact or how does it impede lateral access and non-motorized recreation. It could well be if they had a longer evaluation, they'd come to the same conclusion based on what the rights are and how they comply with the code. On the other hand, there's a little more time to find some accommodation between the neighbors and the applicant. Perhaps they could find some mutually beneficial resolution, or it would elucidate the underlying issues and whether or not they could apply them to this. It would still seem beneficial to have a little longer discussion in this case and maybe reevaluate the piece about multiple parcels, not multiple families with a pier. He's still in favor of having that opportunity. It doesn't mean they prejudice what the outcome is going to be. It could be approved for various reasons, but it would still be worthwhile to pull it out and approve everything else and bring this one back for those reasons.

Mr. Marshall said normally when an agenda item is pulled from consent, it's heard immediately after consent approval. They would then have to take action on it to delay consideration of it. If it's pulled from consent, it doesn't mean that there's going to be additional time. The Board would have to take another action to not consider it today but at a future date.

Ms. Conrad-Saydah said the staff report states that no comments had been received by the posting of the staff report. What was the public engagement or comments while they were going through this process.

Ms. Roll said there was no public comment received until three days ago. The property owner got email address for many of the properties within that 300 foot noticing area and proactively sent an email to all the neighbors letting them know that this project was going to the Board. The applicant didn't receive any comments back the last time she heard from them.

Ms. Aldean said she didn't want to minimize the concern that's been expressed by the adjacent property owners, but we have to adhere to our policy, otherwise we'd lose our credibility as an agency. She went through a number of iterations of shorezone during her term on this Board. She's not saying this lightly that she wants to reopen the process but there's a concern about this element in the Code of Ordinances that they could consider at a future date. It's not fair to the applicant to withhold approval of a compliant project.

Ms. Aldean moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeier, Ms. Williamson

Nays: Mr. Friedrich

Motion carried.

Ms. Williamson moved to adjourn as the TRPA and convene as the TMPO.

Motion carried-voice vote.

VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Draft Fiscal Year 2023/24 Tahoe Regional Planning Agency Transportation Planning Overall Work Program (OWP)
2. 2023 Federal Transportation Improvement Program (FTIP) Amendment No.1
3. 2023 Regional Grant Program Briefing and Adoption of the Active Transportation Program Metropolitan Planning Organization Program of Projects

Ms. Faustinos said the Environmental Improvement, Transportation, & Public Outreach Committee recommended approval of item numbers one, two, and three.

Board Comments & Questions

Mr. Friedrich said it was not a unanimous vote on the FTIP. He voted no because of the inclusion of \$2 million for a Tahoe Transportation District fleet administration facility in Douglas County while they are still sorting out where, are they electrifying fleets and where is that going to happen. Most of the services, 88 percent, are in South Lake Tahoe, yet they are proposing a facility that is miles away from that. His view is that they should have had fully worked out various transit deployment and electrification scenarios and get them as close as possible to the routes.

Public Comments & Questions

None.

Board Comments & Questions

Mr. Rice moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Abstain: Mr. Friedrich

Motion carried.

Mr. Hoenigman moved to adjourn as the TMPO and reconvene as the TRPA.

Motion carried-voice vote

VII. PUBLIC HEARINGS

- A. Waldorf Astoria Lake Tahoe Project, 5 State Route 28, Crystal Bay, Nevada, Assessor's Parcel Number 123-051-02, et.al, TRPA File Number CEPP2014-0138-01

Ms. Regan said she'll provide some context that starts with looking at the big picture and their gratitude for the community for speaking out on this. The lake means a lot to all of us. She shared "Speak your peace" that was an initiative of the Truckee Tahoe Community Foundation a few years back. It's a reminder that we can have differences of opinion on projects, programs, and policies but we can be civil to one another. "Today I will pay attention, listen, be inclusive, not gossip, show respect, be agreeable, apologize, give constructive criticism, and take responsibility." This was an

initiative that spread throughout the lake about 10 to 15 years ago and it became into play especially during the update of the Regional Plan. Today, you'll hear about this project as it relates to the Regional Plan Update.

When the Governing Board approved the original project on this property known as the Boulder Bay Project in 2011 and relate that to a question, she received this week at a speaking engagement at Palisades. This conference had 650 environmental professionals from California. There was a question of why Tahoe had so many rundown buildings for a beautiful environment here. The conservation story of Lake Tahoe is a complicated answer. But at the heart of the Regional Plan Update was the desire to revitalize the old environment, that is an unintended consequence of our growth management system. As a community, this Board came together to try to deliver incentives for revitalization for projects so they can have the built environment match the beauty and the splendor of the natural environment. Today, this decision is a plan revision for an environmental redevelopment project that they originally approved in 2011. The scale of the project has been reduced. Staff did provide an informational presentation in January 2023, and some took the opportunity to go out on site.

They did not take this staff recommendation to move forward and to recommend approval lightly. There have been countless hours over the last year of doing due diligence and thorough analysis and asking for more information from the applicant. There are legitimate concerns of the community and are listening and will continue to listen on other projects and programs.

TRPA staff Mr. Nielsen and Mr. Jacobsen, EKN Development provided the presentation.

Mr. Nielsen said this proposed project is a revision to the previously approved Boulder Bay Project. He'll provide some background information and go over the existing site conditions. Mr. Jacobson will provide an overview of the proposed project.

Some of the terms that will be heard today will be the "Biltmore" which references the prior use of the site. "Boulder Bay" is the project that was approved by the Governing Board in 2011. "Waldorf Astoria" is the proposed revised project.

The project fronts State Route 28 just east of the Stateline in Crystal Bay. Slide 5 shows building number 1, Biltmore Hotel, then extending across to the east across the parking lot to the right is building number 2, 18 condominium units that have been built as part of the first phase of the project. Building number 3 across State Route 28 is the Crystal Bay Motel and office building. The motel will be removed as part of this project. The Biltmore was built in the 1940s which is on 16 acres with no BMPs.

The proposed project represents a plan revision which is very common for projects to be revised after they've been approved. As part of the approval in 2011, the Governing Board also certified an Environmental Impact Statement. The project known as Boulder Bay was approved as part of the TRPA Community Enhancement Program that incentivized large projects to incorporate environmental improvements that were above and beyond project mitigation requirements. That program no longer exists. Ten years ago, it was a pretty big program with eight or nine projects involved with that program. In exchange for delivering environmental improvements projects were awarded additional building height and items such as tourist accommodation units and commercial floor area. The idea was for projects to bring environmental improvements to the table above and beyond mitigation and then they got incentives such as additional building height, tourist accommodation units, and

commercial floor area. Because this is a plan revision the focus is only on the effects of the revisions. They are not going back to do a new EIS. They are using that EIS to evaluate the revisions. Since the project approval in 2011, several project elements were constructed including a public park, a large stormwater basin, 18 attached condominiums, and construction commenced on an interior roadway last summer. There's also been power lines placed underground as part of the required environmental improvements for the project. Construction of these approved projects represents diligent pursuit of the project; therefore, the project permit remains valid.

The approved Boulder Bay project consists of vertical mixed-use redevelopment that included tourist accommodation and residential units, commercial floor area, and gaming space. There was a casino which has been downsized to 10,000 square feet. It also includes onsite and offsite employee affordable housing. That was a part of the project description early on to deliver those community enhancements.

The Boulder Bay project also included water and scenic quality improvements, reductions in vehicle miles traveled, transportation improvements and employee housing units.

(presentation continued)

Mr. Jacobsen said in the Fall of 2021, EKN Development Group purchased the TRPA approved development known as Boulder Bay. Their primary goal for the project revision was to improve the experience for locals and guests while reducing the environmental impacts.

The first thing they did was to immerse themselves into the local community to gather feedback and understand the concerns about the project. They held over 50 plus meetings and met over 1,500 residents and business owners. They also met with regional agencies, stakeholders, and emergency medical services. The key takeaways from the community outreach were that the approved project was not welcoming to the local community and a concern about too much density.

The plan revisions are focused on changes of how the resort functions and elevate the community participation. Primary components of the plan revision are relocating the arrival experience, removing an internal service roadway, and the creation of a community space called the Grove. Lastly, there will be a substantial reduction in units.

Slide 14 shows the slide on the left is the approved Boulder Bay project, the slide on the right is the proposed Waldorf Astoria proposed plan. In the yellow circle on the left was the proposed location of arrival for the guests. The slide on the right which is the proposed Waldorf Astoria plan was moved to improve the guests access and safety to the resort. This also allowed them to design a lobby entrance that incorporates lake views and access to a lake view restaurant and bar for guest and locals.

The Grove, by relocating the arrival it allowed them to repurpose the area that was a service road that was bisecting the project and it eliminates 23,500 square feet of road surface replacing with pedestrian and community friendly area referred to as the Grove shown on slide 15.

The Grove retail and curated food and beverage venues will create a gathering place for community and locals who can walk and enjoy this outdoor environment while leaving their cars at home. The Grove also will be host to year round events and functions such as farmer markets, art shows, and local charity events. The resort design also incorporates the Alpine Trail which is a landscaped internal trail system that allows locals and guests to navigate throughout the property.

The plan revision includes a sustainable reduction. Instead of building the 334 approved units, they are proposing to build 177. This is a 47 percent decrease in unit count. This reduction in units will allow them to improve on the guest's overall experience while reducing traffic and impacts.

EKN Development and their financial partners Garn Development and Stack Real Estate will be the owner and operator of the Waldorf Astoria Lake Tahoe. They are a permanent stakeholder in Crystal Bay. They have joined multiple committees, Boards, local transit associations, workforce housing alliances, and plan to continue to work with the local residents and businesses on the much needed revitalization of Crystal Bay. Thank you to all of the supporters and Board members for the opportunity they have and the time they've taken to review their project today.

(Presentation continued)

Mr. Nielsen said there's been slight adjustments to the building footprints, minor changes to building heights. A couple of the buildings are one to two feet taller, and the rest are at or below the approved height and less density of 47 percent. They've relocated the primary entry to improve the function of the development and converted an interior roadway to a pedestrian walk core area. In the last revision is the improved water quality plan. Twelve years later, there's better technology and are incorporating that into the project. Their analysis focused on three areas: Traffic, scenic quality, and water quality.

For traffic, an analysis was prepared to determine if the revised project is consistent with the traffic analysis in the original Environmental Impact Statement. Due to the reduction in density, the tourist accommodation units and residential units, the revised project will result in a net reduction in vehicle miles traveled. To ensure VMT reductions are achieved the proposed draft permit for the revised project requires traffic reduction monitoring. This condition is rare and requires that additional development be retired if the monitoring determines traffic has increased beyond the projections identified in the EIS.

To assist TRPA staff in evaluating the traffic impacts they engaged with the Tahoe Science Advisory Council to lead an external peer review of the VMT analysis. The peer review was conducted by Dr. Jamey Volker, University of California, Davis Institute of Transportation Studies and Dr. Scott Kelley, University of Nevada, Reno Department of Geography. The peer reviewers agreed with the methodology but requested that additional documentation be included in the report. The final VMT report included additional documentation and confirmed that there would be a reduction in VMT.

In addition to the VMT study, a traffic study was also conducted for the revised project which concluded that it would not decrease the level of service of nearby intersections. The first study was focused on trip rates, traffic amounts, and VMT. The second one was how would the traffic patterns change, would it significantly affect the intersections, the neighborhoods, etc. The traffic study also concluded that the revised project traffic volume on the adjacent streets and neighborhood traffic is expected to be minimal. No major changes but there will be an increase. The traffic report recommends the reconfiguration or relocation of the existing crosswalk located on State Route 28. The Nevada Department of Transportation and Washoe County are still reviewing the best approach to get pedestrians back and forth across the road. Another conditional approval that came out of the traffic study recommendation was the Class 1 bike trail that goes through the property be coordinated with NDOT, Washoe County, and that the final decision be made in coordination with TRPA and the applicant.

Part of the original project description in 2011 includes the use of shuttles to transport residents and visitors to local beaches and ski areas to help reduce VMT. In addition, the project includes transit stops, shelters, and employee trip reduction tools such as transit vouchers, preferred parking for employees, bicycle parking, and access to showers and lockers for employees.

Regarding scenic quality the configuration of the buildings remain substantially the same but there are slight changes to the building footprints and architectural design. To determine if these minor changes are consistent with the EIS prepared for the Boulder Bay project, a scenic quality analysis was prepared for the revisions. The original EIS concluded that there would be benefit to scenic quality. The same person who did the analysis in EIS also did the updated analysis. In addition to that analysis staff requested that the applicant address a condition of the Boulder Bay permit which required story poles and or helium balloons to be erected in means of confirming the accuracy of the simulations. That was a condition of the original permit to do it after the approval of the project. Staff decided to do it before the recommendation was made to the Governing Board.

The revisions to the water quality plan are two-fold. One, it's a better water quality treatment design and better technology. Second, they changed the design to make access to the facilities easier. The long term operation and maintenance of the water quality facilities over the approved project has improved. It's not just putting in the facilities but it's equally or more important to maintain them over time. Especially the mechanical systems that are underground you have to be able to get a vac truck in there and be able to get the sediment out. It's a better design and technology. Both of these updates will help Washoe County towards achieving their Total Maximum Daily Load (TMDL) reductions.

As part of the community enhancement benefits, water quality on the approved project went above and beyond by treating the 50 year storm as opposed to the 20 year storm. Typically, projects are the 20 year storm. A number of years ago, a stormwater basin had been constructed. It's located across the street and near the Cal Neva. This basin receives water from some of the public streets from the highway and contains it as opposed to the sheet flow that was happening before this was constructed. The water was running through the neighborhoods to Speedboat beach and into the Lake. This is one of the larger basins in the Tahoe Basin.

There were issues with some of the landscaping taking hold in the early years and it's been being maintained with planting more trees to help with the function and the esthetic appeal of these basins.

Based on the analysis of the proposed project, staff determined that the proposed project is consistent with the EIS completed for the Boulder Bay project. It is in substantial conformance with the approved project and the goals of the Community Enhancement Project Program. Staff is recommending approval of the revision of the revise project with one change which was an addendum that was distributed. It was prepared in response to comments received from the Nevada Tahoe Regional Planning Agency that looks after the gaming issues in Nevada in the Tahoe Basin. There is a recommended condition that requires NTRPA approval of any changes to gaming before they start construction on this project if approved.

Presentation can be found at: [Waldorf-Astoria-Lake-Tahoe-Project.pdf](#)

Public Comments & Questions

Heather Garayoa, General Manager, Stillwater Cove Homeowner Association across the street from the EKN Development site. EKN has met with them several times over the past year to discuss the project. Stillwater Cove and Boulder Bay, the original developer of the proposed site entered into a project mitigation agreement in 2010 and that time it was recorded in Washoe County and TRPA. The agreement continues to bind Stillwater and EKN with a turn lane in front of Stillwater Cove and a noise mitigation barrier. EKN will follow through with those obligations. Stillwater Cove supports the plan and recommended approval.

Ron Randolph-Wall said he's lived in the neighborhood for the past 23 years. He's very glad TRPA does great stewardship and didn't realize how complicated some of the things that come in front of you. There are always people who are on the other side of an argument and thinks TRPA does it well in how they deal with that. As you think about whether you are going to approve this change of plans, but if you don't approve this change of plans, does that mean the 344 rooms are going to be built and that will have even more of an impact. Do you want more of what you want and less of what you don't want and seems to be the perfect argument.

Scott Lindgren, Tahoe Douglas Fire Chief said Mr. Nielsen provided a great presentation and analysis of the project. Any time the fire departments can see an improvement to the threat to our communities and environment is good and is what the old Biltmore is to them, and they'd like to see it done right. He supported this project and EKN Development. EKN was one of the first groups that came to them with our multi-agency operation save the basin fire rescue helicopter program. They helped to kick start with some sponsorship and support. It's a huge project that is going to take a lot of support to protect this beautiful place we love so much. They support this project and hope to hear more. Chief Ryan Sommers of North Lake Tahoe Fire is also online today to comment.

Lisa Douglas said when people enter into our town, they see the disgusting and dilapidated buildings. She wants to see it be beautiful like everyone else does and the reduction of hotel rooms is incredible. Today, she's representing 37 people in support of this project. Over 50 percent of her close friends are Hispanic. One person made comments to her that this a project where people will be flying in on their private planes and adding more demolition or destruction to the environment. Every one of her Hispanic friends, some with money, some struggling, and some are middle class, all want improvement to this area and have also signed her list of names. They want jobs for their children and their kids go to school here.

Blaine Beard, Captain of the Incline Village Substation for the Washoe County Sheriff's Department. He supported this project for a host of reasons. Most notably, is what the project managers have done. He has had the pleasure of working with them in several capacities both personally and professionally and has always had positive interactions and information sharing. From community events and meetings to critical stakeholder discussions and advice, they've integrated themselves into the Incline Village, Crystal Bay community. They are wonderful community stewards who understand the importance of public safety and want to create an environment as such. The principal partners of EKN Development Group have listened to their public safety interests in the demolition and ultimately the new construction of this multi acre project. The parcel in question was identified as a former problem area which generated several repeat calls for service relative to trespassing, trouble unknown, driving under the influence, disturbances, destruction of property, batteries, etc. The principal partners have actively listened and want to partner with law enforcement for collaboration

and crime reduction strategies. As a law enforcement professional, he can't tell you how important it is to protect life and property.

Often law enforcement is met with resistance and delays when investigating crimes. It's refreshing to work with a group of business professionals who have public safety at the forefront of their agenda and want to incorporate crime reduction strategies throughout their environmental design. It appears that the mitigation measures added to the project, there will be no significant effect on the environment from the project. Additionally, it was found that the project is consistent and wouldn't adversely affect implementation of the Regional Plan. This project is a true pillar of the revitalization of this area. The principal partners of EKN have hosted community meetings discussing the project in detail and have solicited input from the subject matter experts in the public safety field. They appreciated the open lines of communication and feedback. As this property remains vacant even with routine patrols and onsite security, it's become a local breeding ground for the broken windows theory. If a small matter in the community is not handled, they tend to continue to deteriorate, and problems become worse. This ultimately creates a safe haven for juveniles and adult acts of crime and delinquency which they have observed in this area. Any further delays of this project will result in more of the same and impact their ability to revitalize Tahoe.

Bambi Mengarelli, Crystal Bay resident said there probably would have been 60 people to comment today unless our community minded team from EKN encouraged us to be mindful and respectful of your time. She is speaking today on behalf of 30 neighbors and residents of Incline Village and Crystal Bay. She'll read a letter that has been signed by everyone that are in full support of EKN Developments revision plan to revive and enhance their neighborhood. Today, with the signatures in support of her neighbors, they are asking that you approve this revision. For too long the neighborhood has suffered from dilapidated buildings and unkept areas. The degraded state of the area, the chain link fences, boarded up and broken windows, and abandoned spaces are such an eyesore that they walk and drive by every day. EKN and their team did an amazing job of community interactions. They've been accessible and they've also had to endure the same comments and questions over and over again. It's fine to disagree or to have a different opinion on a development or situation. What she's seen is the people who come in hot and angry and then they have a conversation with EKN and then leave as supporters. It leads her to believe that it's misinformation and lack of information that's causing a lot of these people to be against this project. Please approve this project in order to enjoy the things that they are offering to us which is better than the 334 units that they will get if this doesn't get approved.

Doug Flaherty said while TahoeCleanAir.org is in favor of environmentally sound redevelopment based on a relevant and recent data driven cumulative Environmental Impact Statement which includes the data driven roadway by roadway capacity, wildfire, and winter evacuation assessment and an up to date relevant and recent EIS, TahoeCleanAir.org is opposed to the current project approval without a relevant and recent supplemental cumulative impact EIS. They are not opposing redevelopment but there are some technical, environmental and safety issues that have to be covered.

Due to the changing and new information, the original Biltmore project EIS in 2011 can no longer be considered as recent and relevant and TRPA shouldn't approve this project until the developer provides a recent and relevant supplemental data driven cumulative impact EIS. New and relevant information since the 2012 TRPA Regional Plan EIS and the original 2012 project EIS includes well documented and photographed wildfire and winter mass public peril events. Any reasonable person would conclude that an EIS to both the 2012 Regional Plan and the original project EIS must be created to discuss and analyze the public health and safety of wildfire and winter weather mass evacuation. This assessment must be based on a scientific roadway by roadway evacuation capacity

data driven analysis and must include accurate intersection data traffic studies in order to analyze the cumulative effects and the safety impacts during mass evacuation during all seasons. Please read all the written comments you have in front of you. TRPA's environmental checklist is a desktop checklist, it is put together to help provide a glide path for TRPA to continue to approve individual projects without needed cumulative impact environment statement issues. Please ask for a supplemental EIS in this case and or an environmental assessment to help determine if ones needed instead of using a sham environmental checklist.

John Mengarelli, Crystal Bay resident said his initial reaction and knowledge of the project came from social media, namely emails from the opposition. It causes a significant amount of anxiety and stress thinking that this project is horrible because of what the proposed impact to the community and the environment was. After they attended events with the EKN team and independently verified the facts direct from the developers, they were appalled about how misguided and lied to by the opposition. Deliberate misinformation that was disseminated to the community by just a couple of people throughout this process. With his knowledge of the project, this ill will group has done nothing but spew garbage into the neighborhoods, deploy fear mongering tactics and unwarranted warnings to poison something that they feel will be great for the community. Despite multiple requests from the developer, this group refused to get together with them over the past year to discuss concerns. It's clear that they have a personal agenda, and the goal is to derail this much needed project at all costs without regard for the community's best interest. If it doesn't get approved, they go back to the larger project. Please approve this project.

Rosie Weber, resident of Crystal Bay and owner of the Sanctuary Tahoe Wellness Center directly adjacent to this project. Today, she's representing the business owners and the entrepreneurs of Crystal Bay and Incline Village. She's received signatures from all of the Crystal Bay business owners as well as many of the Incline Village business owners. On their behalf, it is their request to vote yes to the plan revision. Together with your support we can bring our community back to life. EKN has invested a lot of time and shown a genuine concern for the business owners. The Waldorf Astoria will attract a clientele that will infuse money into the community, businesses while creating jobs.

Mike Dunn, 30 year resident of the area and Broker for the Waldorf Astoria project. He was hired by the developer about 15 months ago in efforts to engage the community and understand their concerns about the project and help redesign the project in one that the community can embrace. In the Spring of 2022, they launched a public website for the revitalization of the Biltmore. They have constantly updated it to provide truth and transparency to the community. That website and the components of the plan revision and all documents related to this project including its original approvals, traffic studies, and a tranch of historical documents have all been available for public viewing. They promoted the website throughout the past year in the press, social media, and email campaigns throughout the region. To date, they've had over 104,000 views on that website. In the past 15 months, he's done dozens of project meetings with the developer and architect team while redesigning and creating this plan revision. At all those meetings, the focus was on the community.

Everything that was possibly considered to be a modification of a change to the project, the question was how would it benefit the community. Since unveiling the components of the plan revision for the public this last fall, the support of the local business owners and residents has been overwhelming. It's reflected in the hundreds of letters that were hand signed or genuinely written to TRPA. As of 7:00 a.m. this morning, posted on TRPA's website there were 255 letters of support of the project that were either hand signed or individually emailed to TRPA specifically calling out the Waldorf Astoria and recommending approval for the plan revision. He only found 13 genuinely written letters to TRPA

that opposed the project. There were 265 templated emails that were submitted to TRPA as far back as October 2021 but noticed those letters don't mention the plan revision and don't call out to support or oppose the project, they just reference concerns. This project has taken a 76 year old resort in a town center and making a new resort that has a massive reduction in units and substantial environmental benefits. This is not new development, it's redevelopment done right. He's been in real estate in the Tahoe Basin for over 20 years and can't remember the last time someone stood in front of this Board or any Board and asked to reduce the project by 47 percent. He supported the approval of the plan revision.

Steve Tomkovicz said he and his wife purchased a place here 17 years ago and moved here full time four years ago. Something his mom taught him was to take care of everybody you meet. TRPA approved the bowling alley and he put in \$15 million into a community project to beautify something. When he dug up the sewer lines of his project, it was leaching into the ground. He took out the asbestos which was about \$350,000 worth of remediation. To say that buildings are falling apart on the Lake, is like saying Steve Kerr called him to step in for Steph Curry! If you haven't been to the Bowl Incline on a Friday night to watch the community, come together to see a brand new modern building that provides community, environmental sustainability, and 45 jobs where there used to be five. A lot of people hate the fact that you don't agree with everybody, so be it. You allowed us to build something for the community, beautify it, help the environment, the Lake, and the community, EKN is trying to do the same thing. For the people who think Ebbie Nakhjavani is not trying to do the same thing, you just can't please everybody. Please approve this project.

Gavin Feiger, League to Save Lake Tahoe said when Boulder Bay was approved about a decade ago, the League was not in favor of the project. When EKN approached them, they were still skeptical. They said they were going to build within the same footprint. When they started discussions about 1.5 years ago, they expressed their concerns with the Boulder Bay project and what they wanted to see from a project at that site. Recognizing that there was going to be a casino resort there. So many growth controls and commodities that it's unlikely if not possible that anything else would be built there with the entitlements that are on the property.

The EKN team have been great to work with, everything they've asked for has been given to them. Vehicle miles traveled has been one of their biggest focus areas since the threshold was adopted. The multiple VMT analyzes, they did a peer review analysis upon their request that they paid extra for. Even specific things like comparison tables and renderings to compare the projects. At the end of the day, they went above and beyond with things such as underground parking, making the Grove and commercial areas more community facing, providing employee and customer shuttles, parking management, treating stormwater onsite and a much better plan than proposed with Boulder Bay. They're happy to see that there are fewer impacts from this project than from the Boulder Bay project, and likely from the Biltmore even though there were less rooms in the Biltmore, stormwater was a huge mess, tons of coverage, rundown buildings, and not energy or water efficient. As far as any project that is going to go on this site, this is the best version they've seen.

Scott Tieche said he's lived in Stateline Point, Crystal Bay, and Brockway probably longer than some people combined who refer to "neighborhood" and "community." He got involved in this when the previous owner held some public meetings. The community was ecstatic about the plan. Then a few months later, they came forward with a new plan eliminating portions of Wassou Road and all of Reservoir Road and is where he got concerned. Selling homes in Crystal Bay for 30 years, he was concerned for his neighbors about fire evacuation and circulation. He personally uses Wassou to Reservoir about four times a day because you can't see to turn right on Stateline Road because there's

TART buses parked in the middle of the road. The fix is in, to his neighbors in Crystal Bay, is what he's been fighting to preserve. If you don't care, you don't care. The chain link fences, and broken windows are a fallout of the Community Enhancement Program, a fallout of what the current owner has done, and what the fire department has done. As to the cabins still being there, they were going to be torn down last year. Let the excuses begin. As to the 344 rooms that everybody says will be built if this is not approved. He's not opposed to it, he's just trying to tell people be careful what you wish for because the reason that the previous applicant owner couldn't move forward, this size of project doesn't make sense to people who want to lend \$350 million, show me the financing. Show me the details note. Everybody is ecstatic about Waldorf Astoria. He would love to see the official agreement and for those of you who don't investigate this stuff, Waldorf Astoria is famous for timeshares. What is that going to do to heads on beds.

Helen Neff resident of Incline Village said she's in favor of smart growth and development and good business in general. Her concerns are traffic and traffic safety. She appreciates the efforts of the applicant and TRPA to address this. Mr. Nielsen's presentation included a slide regarding vehicle miles traveled analysis saying that additional development must be retired if traffic gets higher than predicted. On page 335 of the Board packet, the special condition to the permit. Item U says the permittee shall submit a monitoring plan to monitor the project's daily vehicle trip ends to be sure that they are below 2,915. She's requesting an explanation for this figure of 2,915 daily vehicle trip ends. It's her understanding that a trip end means that it's the aggregate daily number of vehicle trips into and out of the property both am and pm. How does this number coordinate with the VMT analysis? And how does the "penalty" of losing development rights stated in the permit provide any means to correct the traffic concerns if they are higher than the VMT analysis.

If the crosswalk needs to be repositioned, please consider stating now who will be responsible for the cost, especially if the traffic signal also needs to be repositioned. If the Crystal Bay Motel conversion to a small park which looks nice and overflow parking is to support this project, then an additional crosswalk and traffic signal might need to be considered.

Ryan Sommers, Fire Chief for North Lake Tahoe Fire Protection District said they are looking forward to working with EKN to get this project approved once they receive all of the required plans for the fire prevention bureau. You've heard all of the public safety concerns already from some of his partners, which he agreed with.

Kristina Hill is concerned that this is a very big project and there is a lot of grading and underground parking which is going to require many truckloads of dirt being removed. She wants reassurance that they are going to be able to build out this project. Are they going to put up a security or bond to ensure that this is going to be finished and will not end up with a big hole in the ground like the South Shore. She's also concerned with LSC's traffic study and the level of service of F in that area. Now, you're adding thousands more people and in the event of a wildfire or some reason to evacuate, everyone will be stuck. She also doesn't see any analysis for the traffic regarding the existing population. When this was approved in 2011, since then the population in Incline Village has about doubled. There are more people than ever in the communities and the traffic is worse than ever. She's concerned about safety and the cumulative impacts of allowing these big projects to go forward without regard for wildfire evacuation and the level of service analysis that makes it possible for evacuation in the event of a wildfire.

Mark Higgins, President, Granite Place Owners Association which they like to think of as the first phase of this project, the 18 unit condominiums that were originally part of Boulder Bay. Their condominium

community has been impressed with EKN's outreach for the last 1.5 years and the revised plan is superior to what was approved more than a decade ago. Ebbie Nakhjavani and his team have worked closely with their current board to address their concerns and fully support this proposed development. The Waldorf Astoria will be a dramatic improvement to the immediate neighborhood and the Crystal Bay, Incline Village community as a whole. They anticipated this development on some level but it's significantly better. They support this project.

Pamela Tsigdinos said we can all agree that nobody likes blight. The blight is certainly a problem on a number of levels. But missing from all the pretty pictures shown by the developer is the current vehicle gridlock that exists today on the roadways leading into and out of Crystal Bay. This is not the only major project in the pipeline in North Lake Tahoe and around the Lake, yet TRPA treats each individual project as if each project is being evaluated and approved in a vacuum. There are some 55,000 Tahoe Basin residents and a minimum number of 15 million visitors. There are probably millions more at least documented by various agencies, but we don't have a scientific updated basin wide number because TRPA refuses to expend resources or grants on a thorough independent basin wide traffic analysis. If she had to guess, TRPA really doesn't want to know how many people are coming into, out of, or visiting the basin each year. This might be a reason to slow down the development project pipeline.

The staff report states that this project permit to remain valid construction must occur in the 2023 building season, the clock is ticking. However, she urged the Board not to approve this project currently as submitted for one reason. Before you move dirt, TRPA must figure out how to move people as in evacuation. There will be another wildfire or extreme weather event such as we had this winter. It's when, not if we will face another life or death circumstance. Do you want to be in an ambulance on a two lane State Route 28 on what is now becoming year round peak season. Let's not approve this project for the developer's convenience based on outdated and incomplete studies. There are at least a dozen projects going on in North Lake Tahoe. Cal Neva was just approved. Both projects are expected to open in 2026-2027. That's a lot of construction and dirt that's going to happen in three years. Think about the reality of these projects and people's lives and safety.

David McClure, 37 year resident of North Lake Tahoe is concerned about the traffic. Mr. Nielsen mentioned the traffic study and Environmental Impact Statement that they weren't going to look at anything related to the EIS for the previous approval in 2011. However, TRPA and the community are aware that you promoted a lane reduction in Kings Beach for better or worse, good for pedestrians, not good for vehicles who are drivers and passengers. That lane reduction altered the capacity of that highway and the exit route that in the prior study was dependent upon to evacuate Incline Village. Today, several years after that lane reduction and reduced capacity has been in effect, there are miserable queues backing up from Kings Beach every day during the summer from about 9 am to 7 pm. Those backed up queues come all the way to Crystal Bay. Here you're going to be adding thousands of vehicles to this particular project.

The traffic study ignored the queuing, the backup and pretended that we're still in pre 2011 type conditions of a four lane highway. How can you reconstruct a highway that affects traffic and at the same time continue pushing development without any assessment or analysis of the impacts of that queue. He asked Mr. Nielsen why the Cal Neva and the Tahoe Inn properties which are within the same town center as the Boulder Bay Waldorf Astoria project. In the background and future growth, they were not included or assessed at all. None of the projects in Kings Beach or elsewhere on the North Shore were included or assessed for background future traffic, 25 to 30 years down the road. These are huge failures of facing reality. The reality is the bottleneck in Kings Beach allows about 650

cars per hour to go one way, west. That is such a low number of course it is going to cause back up queues that exist today and yet the traffic study ignored it as if it didn't exist. It is going to hurt in the long run if you keep completely blowing off the reality of the limited capacity.

Carole Black said this proposal does have potential for enhancing the now pretty desolate area along State Route 28 through Crystal Bay. However, she has concerns based on assumptions. Traffic and congestion along State Route 28: Traffic analysis appears built on comparing complex projections to traffic in 2006. How this relates to traffic levels along Incline Village, Crystal Bay State Route 28 today is unclear. Currently, during high volume season, traffic both exceeds expected traffic volumes for undivided two lane highways and documented accident hot spots. This came from the recent Washoe County Transportation Analysis.

For safety daily and potential evacuation, a robust analysis compared to current traffic volumes is needed. The vehicle miles traveled projection is based on decreased density as she read it. However, decreased unit density may not align with actual occupancy or vehicle volumes. She's been told the developer has not provided occupancy projections; she wonders why. Employee housing is considered; however, the majority of proposed employee housing will be provided offsite using existing units. How does this help overall employee housing shortfalls in the area which we know are significant. Sounds like robbing Peter to pay Paul. Seems like developers should be required to develop needed workforce housing. There are some proposed onsite, but the majority are not. This proposes infill to existing units. EIC versus EIS: She agreed with Mr. Flaherty. This is a huge project and an EIC is a qualitative, subjective checklist largely. The underlying EIS is more than ten years old which at best is a worry some approach.

Mitigation: There's a comment to ensure VMT reductions, monitoring will occur. If after five years, it determines that the traffic has increased beyond the projection then applicant shall permanently retire existing development rights. Will buildings be closed? Traffic stopped? Will there be any actual impact and is five years too long to wait while risking adverse safety impacts. A lot of work and collaboration has gone into this project but thinks these are still legitimate concerns. Please consider requiring further evaluation in these areas either prior to or as a condition for approval.

Ann Nichols, North Tahoe Preservation Alliance said they've been at this project since 2007 trying to save the fourth exit out of the community. They've spent thousands. The Brockway Point Homeowners Association and the 345 people that have signed their petition don't appreciate being called a cult. They have legitimate concerns about traffic and the ability to put 10 pounds in a 5 pound bag shouldn't be denigrated by other members that have spoken today. Of course, 800,000 square feet when the original project was 100,000 to 110,000 square feet. That is a significant increase, even though they claim even 2,880 trips a day. The hotel is 58,000 square feet, the accessory spaces are bigger at 70,000 square feet. But the traffic analysis with the black box that they put this stuff in, they don't have to consider the trips for accessory space because it's supposed to be used by people staying at the project. This is clearly not the case with the Waldorf Astoria. They are going to have shows, farmer markets, etc. People are going to be driving there. They've asked repeatedly what the population of the site is, they won't tell us how many employees. We need common sense analysis. Ron Volle from their group has met repeatedly with the County and developer trying to get good circulation. They've changed the circulation significantly by having the drop off point now on Lakeview and they removed the street that comes onto State Route 28. Everybody wants something better; the place is awful. She resented TRPA claiming why are things so bad, it's from the Community Enhancement Projects such as Ferrari's Laulima project, Boulder Bay, and the Tahoe Inn. Those are the really bad properties and that's a creation by TRPA. One wonders if you can rely on the people that

cause this problem to fix the problem.

John Eppolito agreed with Mr. Flaherty, Mr. McClure, and Ms. Black. He's most concerned about the traffic in that area, especially when they have a fire. You are putting us all at risk, hopefully someone will file a lawsuit. We will not be able to get out of here in the summertime when there's a fire. You guys are neglecting your duties, especially TRPA. Of course, the developers want it and can see why the counties would want it. TRPA is losing credibility approving these huge projects and putting us all in danger.

Lew Feldman on behalf of EKN Developers and Waldorf Astoria Lake Tahoe said the Community Enhancement Program which occurred around 2006 was a recognition for a pilot program that the built environment was not serving the environmental, economic, or social issues in the basin. A competition occurred for which a variety of projects participated and it was TRPA's call to arms to say we're going to incentivize redevelopment because it doesn't take a rocket scientist to observe the legacy development wasn't not very sensitive to most of the values that we cherish. That CEP was the blueprint for the Regional Plan Update where environmental redevelopment became the catalyst for the update to the 1987 Regional Plan. A lot of people are concerned about cumulative impacts but the 1987 Plan established commodity caps whether that's residential, tourist accommodation units, or commercial floor area.

Through 30 plus years, they haven't broached those caps and that carrying capacity remains under what was forecast. Ten percent of the land is in private ownership, 90 percent is in public ownership and we're trying to make things better. EKN has had this degree of public outreach and has responded to the community and the community has responded to EKN and a better project has evolved even though the original project met those objectives. It's been a great exercise and doesn't feel that we are flirting with catastrophe on cumulative impacts on the contrary. What we are doing is moving some of the parts around to make things better. He's pleased that EKN has been responsive to the community and the degree of support that they've experienced and appreciates this Board's consideration of what is a plan revision with an almost 50 percent reduction in density and all that can do is reduce traffic impacts and greenhouse gases and make North Lake Tahoe and Crystal Bay a better place to live, work, and play.

Mr. Nielsen said they heard that the population has doubled. According to the census in the Washoe County portion of the basin, it's only increased by about ten percent from 2010 to 2021. We know that sometimes it feels different. In regard to traffic, they hear that, there's more people in the basin and there's more traffic. The traffic levels that were projected in the EIS ten years ago are below those projections. What is being done today by the Nevada Department of Transportation is less than what was projected in the EIS. He was on the phone the other day with a senior staffer from NDOT who was trying to bridge the gap, what the data shows is that there's less traffic and what people feel that there is more traffic. They are hoping to get together with NDOT to discuss.

Construction financing was raised, which is an issue that hit home particularly in South Lake Tahoe with the hole in the ground that was supposed to bring community benefits, enhancements, and environmental improvements. It's because of the economy and there wasn't financing in place. The banks closed on those properties, and they hadn't been merged. Starting with the Event Center, they've been requiring construction financing be shown at the time of acknowledging a permit before construction starts. This Board imposed that on the Event Center and what you see now is the Event Center that will be opened in September.

Evacuation is a significant issue and more significant now than it was when they did the EIS. They did a phased evacuation for the Caldor Fire, but the roadways were still backed up. It's a critical issue and the permit does include Condition 5.a that states that the permittee shall submit an emergency response plan that identifies procedures for employees and visitors' evacuation in the event of the facility failure from a catastrophic event. That came from the Geology and Earth Resources section of the EIS. It was concerned about landslides and avalanches even though this isn't an avalanche zone but also recognized catastrophic including fire. The fire protection district will be engaged if this project is approved with large property owners. For example, the Event Center could be a shelter in place facility.

Board Comments & Questions

Mr. Settelmeyer asked if it was correct that if this is approved here today that the next step is to the Nevada Tahoe Regional Planning Agency according to the Nevada Revised Statute and also according to the doctrine.

Mr. Marshall said what Mr. Settelmeyer is referring to is there was an agreement between Boulder Bay and the prior owner to retire around 9,000 square feet of gaming area. The condition makes clear that in order for them to do that they need to go to the Nevada Tahoe Regional Planning Agency to affect retirement of that gaming area. They need to do that before their permit can be acknowledged to allow them to go forward with construction of this project. They have to do it anyway whether there's a permit condition or not, but NTRPA asked that they make it express that they have to go to NTRPA for the retirement of gaming area.

Ms. Aldean said she interprets that the multi residential bonus units and the construction of 14 onsite workforce housing units and 10 offsite units will be new units. The concern was raised that all they are going to do is rely on exiting inventory. Is it the developer's intention to build new units offsite or rely on existing housing stock?

Mr. Nielsen said they are new units both on and off site.

Ms. Aldean referred to Condition U on page 335 of the permit. It states that after five years from project completion, the monitoring determines that the daily vehicle trip ends have increased beyond approximately 2,900 trip projections identified in the EIS, the applicant shall permanently retire existing development rights to reduce the VMT to meet the projection. She assumed those development rights would have to be purchased. Are those banked development rights held by the California Tahoe Conservancy?

Mr. Nielsen said it could be either or. The previous developer of Boulder Bay, because they were going to build more units, they have acquired more development rights than the revised project is proposing to use. There are development rights in the bank that they could retire including commercial floor area to get the reductions to meet the targets in that condition. The Colony Inn was one site with stream environment zone restoration that went to this project.

Ms. Aldean said then they'd been banked but banked on this property.

Mr. Nielsen said that's correct.

Ms. Aldean asked Mr. Marshall to speak about the cumulative impact issue.

Mr. Marshall said the issue was raised about cumulative impact analysis. One is the charge of the Board is to look at the changes being proposed and whether or not there's any impacts associated with that or unanticipated or in excess of those with the prior approval. During the prior approval there was an extensive cumulative impacts examination that included the Cal Neva. The EIS has an appendix for the list of projects that were considered in the cumulative impact analysis. Cal Neva was included under what was then described as their redevelopment plan. He couldn't tell whether the Tahoe Inn site was included or not, but the key thing is whether or not this revision will increase or decrease the impacts associated with the approved project which was Boulder Bay which had more units. The result of this revision is to decrease VMT and decrease the number of trips. From that there will be a decrease in what's going to happen as a result if the project is constructed as built versus what's coming forward now.

Ms. Conrad-Saydah appreciated the commentors that aggregated comments from others. Just because we only heard from you once doesn't mean that they couldn't multiply the number of people who supported that comment. In general, the candor and the attitude has been welcoming and the comments have been very respectful.

Mr. Friedrich had some questions about plans for things like onsite solar, electric vehicle charging, sustainable building materials, dark sky lighting, etc. Mr. Nielsen mentioned the Events Center and of course for that there was a traffic mitigation requirement to contribute to microtransit which has helped jump start Lake Link. And for the Latitude 39 project, Mr. Feldman said there was a voluntary contribution of \$10,000 to the project. A lot of the comments have been about traffic and is always a concern. He's read about the alternative transportation plan which includes employee shuttle services and shuttle for guests. Was a permit condition contemplated for example, to provide workforce shuttles like some of the casinos have for bed bases in Carson City and Reno or visitor shuttles from the Reno Tahoe Airport or Incline Village. It would be great if there were electric shuttles to get emissions down and maximize the number of people visiting without a car. He would like some more detail on this and if any permit condition along the lines of the Event Center or volunteered for Latitude 39 project were contemplated.

Mr. Nielsen said there are a couple of conditions related to transportation. Specifically in regard to the Event Center because that project was creating vehicle miles traveled. This revised project is reducing vehicle miles traveled as did the original project so there were no mitigation requirements similar to what they saw with the Event Center where they had to make sure there was no net increase. That's where the transit contributions came from for the Event Center and Lake Link has been realized because of that. This is a Community Enhancement Program project and originally, they did propose the use of shuttles. Condition 5.w speaks to alternative transportation measures outlined in the mitigation monitoring plan for EIS. Each EIS has a mitigation monitoring plan. These shuttles were in there from the beginning. The condition talks about a shuttle pick up and drop off to an area ski resort during the winter season and beach access shuttle service as well. In the permit it states that some level of shuttle service shall be provided year round with adjustments made for summer and winter peak seasons. During busy summer days, one proposed shuttle vehicle shall make round trips between the project site and nearby beaches for 12 hours per day departing the project site once per hour. Edgewood has been very successful with their shuttles. That is an above and beyond contribution that was not required for mitigation.

Condition 6, prior to the certificate of occupancy they need to have a transportation plan in place including the designation of an employee transportation coordinator. He's not seen that before but that came out of the EIS. It requires the coordinator to be on site not just visitor use of alternative

transportation measures but also employees. There's the posting of alternative transportation mode information required in the permit, bicycle parking facilities, preferential carpool and vanpool parking for employees is in the permit that came from the EIS encouraging employees to carpool and vanpool.

Interactions with the Truckee North Tahoe Transportation Management Association to make sure there's a relationship there. Transit pass subsidies, the permittee shall provide a subsidy on a monthly basis to the employees. There will be a transit shelter for TART, and showers, lockers, break rooms, and cafeteria for employees. It's there to encourage alternative transportation modes which were a part of the package for the above and beyond contributions to make it qualify as a Community Enhancement Program project.

Mr. Friedrich asked if that is something that EKN would consider in the additional service or have they contemplated anything like a shuttle to the airport for guests arriving or workforce shuttles. He saw some enticements there but not a provision of such shuttles or other elements like that to get guests out of their cars and knowing when they get there they can get to the beaches and other places without a car.

Ms. Gustafson said Placer and Washoe Counties are in partnership on the micromass transit that they provide on the North Shore with Transient Occupancy Tax Dollars already. As projects come online that contribute more, they get more micromass transit and has been the methodology of how they've gone after micromass transit delivery. The applicant has assured her, that contribution will continue to support those levels of contributions to the Washoe County as well as the Placer County side is doing the same thing. They are working on delivering micromass transit for employees, visitors, and the community members and that is how they are funding it through projects like this.

Ms. Hill said she recently received a compliment from a community member on the micromass transit that they are doing in Incline Village. Some of these projects will eventually contribute more to it.

Mr. Friedrich said the local microtransit doesn't provide service to the airport, hotel, or the workforce to Reno or Carson City. That would be different segments.

Mr. Jacobsen, EKN Development, said they are currently active in the transportation system. He sits on the TMA Board and it's a condition that they participate with the local regional transportation system (TMA) to address potential contribution funding. Addressing alternative energies, they're in the process of researching alternative sources of energy specifically offsite solar as an option that would provide alternative sources of energy into the grid. They are also looking at transportation systems that are incorporated with Waldorf Astoria system. They have quite a bit of transportation and shuttle services that would be working with the resort specifically. For guests and residents, they have a strong commitment to work with the existing systems already in place and utilizing those as far as the transit in the regional areas for access to the Reno Tahoe Airport and maybe the Truckee Airport as well.

They will incorporate dark skies as long as safety is met. Having dark skies is a big part of being in the mountain communities. Their guests and homeowners are going to be adamant that they have the full experience of that.

Electrical vehicle charging is something that their guests are looking for today and because they have 460 stalls underground, they are going to manage all that parking. A big part of that will be managing the charging abilities for not only the residents and guests but looking at super charging which is more

trend. Residents will probably have secondary charging overnight.

Ms. Laine thanked the developers; she's seen a lot of development in the basin over 20 years of being on different boards. She can't think of another project that has had the level of community commitment that this developer has had. They are talking about providing a public park and the undergrounding of utilities. The employee housing is phenomenal. They've been asking major developers to provide or contribute to that arena. The employer trip reduction programs and the support for employees if they choose to ride their bikes have access to showers. The water quality that the League spoke about, preparing for the 50 year storms and not the average every day storms. The 47 percent reduction in density, she knows for a fact that developers always get their return on investment but listening to the community and adjusting their dollar to those concerns are phenomenal. Everyone said a reduction in the blight, and we are all hurting around the basin with those kinds of concerns.

Ms. Hill commended Mr. Nielsen for being incredibly responsive to the community and this project has come a long way. She was pregnant when she met Mr. Jacobsen and now has a daughter that's 1.5 years old. She told them that Incline Village and Crystal Bay need to feel a part of this project and that they needed create relationships and do the things that all developers say they are going to do. There are concerns but if this project is approved today, and they move forward with all the different phases that the community will see that the work was done. She appreciated the work with Washoe County and TRPA on more intense conditions and the traffic monitoring. Mr. Jacobsen sits on the TMT/TMA Board and is incredibly engaged in trying to help. Washoe County does have dark sky requirements in the Tahoe area and will be something as the development moves forward that will be monitored. For grading, Washoe County requires a deposit. She looks forward to working on employee housing and knows the developer wants to go above and beyond the conditions. She appreciated all the public comments and the community coming out especially their public safety law enforcement, fire personnel, business, neighbors, and next door condominiums. There had been some concerns from the condominiums next door and hearing their support gives her reassurance. She supported the proposed project.

Mr. Aguilar asked what the workforce will look like, such as the number of jobs being created by this project, the average salary, and benefits.

Mr. Nielsen said as far as the brands and the space used is to be determined.

Mr. Aguilar said Nevada invests heavily in its economic development and now that they have a project coming to the area that is going to create jobs, he thinks it should be recognized as them coming forward and building into the community.

Mr. Jacobsen, EKN Development said they work closely with the Waldorf Astoria as a Hilton brand. They want to build careers instead of just jobs. With the Hilton brand it has a lot of opportunities to grow people. The Waldorf Astoria brand would be at the top end of the Hilton. What happens in these larger groups is they allow people to progress and grow. The Waldorf Astoria will be on that people will want to be here and these are career hospitality people. It will also provide opportunities for internships because of the large reach that Hilton has.

Mr. Aguilar asked how many jobs are being created.

Mr. Jacobsen said they rely heavily on Hilton to run the hotel component and could research and

report back to staff.

Ms. Diss agreed with the comments made by Ms. Hill and Ms. Laine said. She thanked the developers for engaging the community. This was an area that once was a hot spot, it had its glory days. Her husband took her to the Biltmore about 10 or 12 years ago and it was very run down. It's wonderful to see this level of investment and care for the character of the community. She also appreciated the public commenters consolidating comments because they receive these comments and read them all.

Mr. Settelmeyer remembered being at the Biltmore when it was open and all the work on the Boulder Bay when he was on the Interim Committee for TRPA on the Nevada Legislature. It's fascinating what is before them now compared to then. It's also strange that they are going to vote on the concept of reducing the number of units and yet interesting that some people are still not quite happy with that. He applauded the concept of what they've done compared to where they were and appreciated their work with the community.

Ms. Aldean said there's a lot of consternation about evacuation in the event of a wildfire. Rather than evaluate that on a project by project basis, they need to convene a meeting maybe under the Local Government and Housing Committee where all of the local jurisdictions are at the table. It's through their law enforcement arms that they would develop a comprehensive evacuation plan for the basin. Given the concerns, it's time to move forward with that. This applicant has gone beyond what most would expect but partnering with the private sector is going to be essential if we're going to fulfill their obligation to address some of these legacy developments. They're the ones with the capital, the development expertise, and the fire in their gut to get the project approved and built. We should be a little less adversarial and take advantage of their expertise and their willingness to invest in projects that may or may not succeed. Part of being a developer is taking those risks. Based on their current engagement with the community, they want to be a long term partner and are confident that this is something that we'll all celebrate when it's finished.

Mr. Friedrich said we all have concerns with affordable housing, traffic, and congestion. As Ms. Laine and others have said, this project does set a template for how we should evaluate other projects contributing to housing whether there is an inclusionary housing ordinance basin wide in the future but making sure new projects are also contributing to the solution. Also, looking at actual monitoring of traffic impacts and adjusting. We've always had this problem of we have mitigation measures but then don't follow up to see if they are met and are there consequences? He appreciated the developer's openness to going above and beyond whether it's reducing density or more open space. And hopefully looking at other ways to get people out of their cars. Relative to other projects they've seen, this is a good one and done in the right way and have some solid provision. This could provide a template for how we look at other projects on housing and transportation verification reduction approaches, etc. He's also in support of this project as well.

Ms. Gustafson thanked the team at EKN and consultants for the great work they did and to the community members on both sides of the issue. They appreciate the public input and comments. She agreed with Ms. Aldean, she's been talking with staff as well about traffic and fire issues. There is definitely a theme throughout the basin on every project that this is a major concern of all of us who live and work here. All of the public safety officials here today and those in other jurisdictions work closely together and have the upmost confidence that have plans, protocols and are working together. She would like to see those brought forward in some sort of town hall or public meeting. They repeatedly had this concern and by us not addressing it on a project by project basis, they could never do that, and they need to address that. Whether that's at the Local Government and Housing

Committee or some sort of town hall formats, South Shore and North Shore potentially separated because the audiences are different. That's an important meeting and doesn't want to diminish that comment relative to the basin but relative to this project. She doesn't see that this project is doing anything but enhancing what they are going to do with traffic and traffic congestion in this region.

Mr. Hester said they'll be discussing this at the retreat tomorrow. Under the leadership of Ms. McIntyre, the new Environmental Improvement Manager, she has been meeting with all of the Fire Chiefs. They discussed that at the Advisory Planning Commission and do plan on convening a meeting. There are a lot of plans they are hearing about and there is always room for more coordination, but TRPA's role is to help with that communication.

Ms. Gustafson asked if Cal Fire is included in this.

Mr. Hester said yes.

Ms. Hill made a motion to approve the required findings, including a mitigated finding of no significant effect as set forth in Attachments A and H.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Motion carried.

Ms. Hill made a motion to approve the proposed revisions to the project subject to the conditions contained in the draft permit as shown in Attachment B and including the Nevada Tahoe Regional Planning Agency addendum.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Motion carried.

- B. Proposed code amendments to the "Achievable" deed restriction category definition, including changes to Sections 52.3.4 and 90.2, and an amendment to Section 34.3.3 regarding driveways for accessory dwelling units

TRPA staff Ms. Fink provided the presentation.

Ms. Fink said achievable housing is one type of housing that they incentivize through the residential bonus unit program. The point of this amendment is to update the definitions in order for the program to better serve local workers. They want to do this for several reasons. One is they are trying to focus on providing housing for our local community. People who work here can live here. This also helps achieve the thresholds such as Vehicle Miles Traveled Threshold by reducing commute traffic into the basin. They also need to have public service workers here to support public safety to have schools and thriving businesses.

The proposal is a code fix that arose from other items that they had discussed with the Tahoe Living Working Group. In the coming months, they will be bringing a more comprehensive package looking at their development standards and how they can update to make them more financially feasible to build

affordable housing including workforce housing.

In Tahoe it's very hard to provide housing for the missing middle. The missing middle is those households that make too much to qualify for subsidized housing but not enough to purchase a home. Under normal circumstances the market would provide housing for this group but for the intense pressure on the market in Tahoe because it is a resort community, they find that the market delivers housing to the second home purchasers. For that reason, they've been focusing on using their pool of residential development rights to provide incentives and separate niche for this group of households and try to recreate the missing middle housing stock. One reason they are bringing this amendment forward today is that they are starting to see the market take advantage of our achievable category that was created in 2018. They've permitted 30 units of achievable housing and are units that are not receiving any public subsidies or any public land donations or grants. As they start increasing the incentives that they associate with this achievable category, they expect to see more of these units coming in. They want to ensure that the definition is targeted to the groups that they have identified as needing to support in the Regional Plan Goals & Policies.

In 2018, they created the achievable definition as part of the Development Rights Strategic Initiative. They set the income cap for achievable housing at the percentage of area median income needed to afford to buy the median priced home. As home prices have skyrocketed in the past several years, that median income to afford the median priced home has been going up as well. They are finding that in some county's for some housing types that percentage of area median income is as high as 550 percent in some cases. They became concerned that since this original definition did not have any sort of employment requirement, they are concerned that they could potentially be subsidizing people who are making quite a bit of money but aren't working in the basin.

The homes receive an achievable deed restriction and get a bonus unit for that they must be used as a permanent residence. They can't be used as a second home or vacation rental and the owner must submit an annual compliance form. Under the existing achievable definition, it's also inclusive of the two other categories that they provide bonus units for, those are generally subsidized categories of affordable, income housing, and moderate income housing. TRPA's definition aligns with state definitions for subsidized housing in those two categories.

The proposal is to replace the income cap with a local employment requirement for households that make more than 120 percent of area median income. Including an employment requirement is based on what they've seen some other areas do such as Vail, Eagle County, and now Placer County. Under the new definition, a household that lives in an achievable unit must meet one of three criteria. At least one member of the household must be employed at least 30 hours per week or more for a local employer in the Tahoe or Truckee region. Or the household can be in that affordable or moderate income category, or the household should be a retired household that has lived in a deed restricted unit in Tahoe for at least seven years. Then they would keep those other requirements such as the home must be the household's permanent residence and can't be used as a vacation rental or second home and the owner must submit the annual compliance report.

There were a few changes made to the proposal since this was presented at the Regional Plan Implementation Committee. One element is they added some text to clarify that if someone violates the terms of the deed restriction that TRPA can impose the full penalty allowed under the Compact of up to \$5,000 per day of the violation. That was not clear before and has now been added into the proposal.

Updates were also made to those entities buying the homes are able to serve the purposes wanted. For example, one of the items added is to allow people who don't yet live in the basin but have accepted or are looking for a job in the basin to buy one of these homes. Even if they don't currently have a Tahoe address but are about to, they could purchase the home but immediately upon occupying the home they would need to be ready to comply with the other terms of the deed restriction.

The other element of this proposal is that they included an update to their accessory dwelling unit driveway code. They've found a need to clarify that an accessory dwelling unit could have a separate driveway when having a separate driveway would result in less environmental disturbance than one single driveway that connects both of the units. Under the current Code of Ordinances, a single family home can have a circular driveway that has two points of ingress, egress. They had a couple of applications where they found that it required more coverage and more tree removal than just allowing two separate driveways for an accessory dwelling unit. Safety was added as one of the considerations that a planner could work with the applicant on when determining the configurations of the driveways.

Presentation can be found at: Achievable [Achievable-deed-restriction-category-definition.pdf](#)

Board Comments & Questions

Mr. Hoenigman said the Regional Plan Implementation Committee heard this last month and unanimously voted to forward this to the Governing Board for approval. It's going to be very important as they start looking at development standards to try and change the Code of Ordinances to incentivize more of those types of development. This is what they hope to get by giving up some other things. Not more development, just hopefully changing our luxury second homes into these units.

Ms. Williamson referred to page 536 of the board packet which states that a renter household which has had an increase in income or change in circumstances such that they no longer meet the qualifying criteria. Should it be "it" as in the renter household? So, it's not an individual renter that they care about exceeding this. Does this mean the cumulative renter household, there's no individual person in there that you care about going above an income limit?

Ms. Fink agreed that it should be "it."

Ms. Williamson said on number two, should Tahoe Region mean Tahoe Basin? Is the Tahoe Region legally defined somewhere?

Ms. Fink said Attachment B shows the geographic area that is meant by that and is the jurisdiction of TRPA plus the Tahoe Truckee Unified School District.

Mr. Hester said it's defined in the Compact.

Ms. Williamson asked if that is the same definition that they are applying here.

Mr. Hester said yes, except for the school district.

Ms. Williamson said then that's what we mean by "region" as well as with the school district.

Ms. Aldean appreciated the addition of the wording having to do with our ability to assess for violations

under the Compact. In paragraph three under the declaration and in the compliance form, it may be less awkward to state “Failure to comply with the requirements of this deed restriction may result in a civil penalty of up to \$5,000 per day for each day the violation persists.” As opposed to “For each day for which the violation persists.”

For useability of the compliance form, in paragraph two it talks about the units by number of bedrooms. If an owner owns multiple units; number of studio units, number of four bedroom units, it’s difficult for them to reply to the questions under the subsequent paragraphs. For example, “has the unit been used as a second home”? If someone owned ten units, how would they respond to that? Would they have to submit a separate form for each unit, or can the language be amended as it states in number four “The unit or units was/were rented.” Can we add that plural element to paragraph five?

Ms. Fink said it looks like they should make that change for numbers three and five. These would be the cases of apartment buildings where there is a property manager who is submitting a form for the entire building.

Ms. Aldean said if there were one or multiple units being used as vacation rentals, they are going to be hard pressed to provide the information being requested given the way the form is currently proposed.

Ms. Gustafson said she believes in Placer County for multi-family developments, they are talking about one per occupied unit, the forms are individual. An owner could say yes and check it all off, but they are requiring proof of local employment for.

Ms. Fink said these are submitted by parcels. In the case of a rental building, there’s one form. They’ll also be doing random audits. She proposed that they make the change that Ms. Aldean is proposing. For number three and five would say unit/units. However, if they have any reason to suspect that one of those units has not filled it out consistently or that something is not being used in accordance with the deed restriction, they would ask for additional documentation.

Ms. Gustafson said the local jurisdiction could also have stricter standards, just not less.

Ms. Fink said that’s correct. There’s also a place to provide more detailed information on this online form.

Ms. Aldean referred to page 548 where it states to check one for either single-family residents main house or multi-family residents. Could you say for multi-family residents, one or more compliance forms may be submitted for multiple units on one parcel. It would give the applicant the alternative of submitting multiple forms if the status of the units differs.

Ms. Fink said they could include that in the letter that they send out requesting the compliance form.

Mr. Marshall said it’s just permissive to allow them that they can submit one form, it’s not prohibiting them from submitting multiple if they want to.

Ms. Aldean said her concern is that if there are some units that are being used for vacation rentals, they may be less inclined, if they have to fill out one form and the majority of those units are not being used for second homes or vacation rentals, they opt to not make that disclosure.

Mr. Marshall said staff needs to discuss how many forms they want to see and how they match that up

with the enforcement. The Board is not adopting this form today and staff can review and make adjustments in line with some of the comments today.

Mr. Hoenigman said his concern is that there could be people that will try to get around whatever rules are in place. They want to be able to shift the policy if they see that happening. He hopes they can collect enough information that they understand who these people are, especially in the first couple of years. When you're creating the form, if we can get whatever information we need to make that determination.

Mr. Marshall said staff looked at that and there are some limitations on the amount of information that they can legitimately extract in exchange for the deed restriction. Staff have already modified the language.

Ms. Fink said that language is part of the compliance form. She did not propose that an actual edit here but can make that edit at staff level. They are planning to include a request so when people submit the compliance form, they will need to submit their employment information as to where they are employed and their income regardless of which qualifying criteria they are qualifying under.

Ms. Williamson referred to page 442. G where it states the primary residence. One of the items TRPA is looking for is for income and tax purposes. She knows the IRS standard definition of primary residence and a secondary home, but it looks like TRPA's is a little bit broader than what the IRS is going to consider primary residence or secondary home because that would be one thing we consider among other factors. TRPA's definition of primary residence looks to be broader potentially than what the IRS considers to be a primary home. If that's intentional she wanted to clarify that is in fact what we are doing here.

Ms. Fink asked if Ms. Williamson is referring to the language under G.

Ms. Williamson said yes. The IRS has a standard definition but we're not taking it. We're saying it's one of the things that they look at is stated residence for income and tax purposes. Whatever definition we are using, we all agree that's the definition of primary residence versus secondary home. Realtors might think of that differently than the tax code. She wanted to ensure that this is the definition we intended to use, is a broad definition where TRPA looks at a lot of things including the tax code but other factors.

Ms. Fink said that was the intent.

Ms. Hill asked if TRPA is adding additional staff to the team for them to manage all these forms.

Ms. Fink said right now they only have 30 deed restricted achievable units. They do have staff to monitor and track those. As they increase the number of units that are deed restricted achievable with the incentives that they are considering now, they do want to ensure that they have a sustainable funding source that grows with the number of units. They are planning to look at how they fund this as part of the phase two housing amendments that they are working on with the Tahoe Living Working Group and will be bringing them forward to the Governing Board this summer and fall. That will be looked at as part of that package.

Ms. Hill said aren't there 92 alone in Incline Village?

Ms. Fink said in 2018, is when they formalized the compliance program and that program applied to

deed restricted units that were approved after that date. All deed restrictions that they issued after 2018, have the extensive compliance program language where they have to submit this annual form. The deed restrictions that were issued prior to 2018, didn't have that language and were not officially part of that program. They didn't have an annual system of communicating with them and have found that some of them have fallen through the cracks. They are now contacting all those owners of those units to ensure that they know that they have a deed restriction and asking them in order of priority to demonstrate their compliance. They are putting quite a bit of time towards compliance and monitoring of those. Once they get those under control, they have sufficient staff to handle that. Moving forward, as they are looking at potentially adding up to all of the bonus units into this program of another 1,300 units, they do need to make sure they have funding for that.

Ms. Hill didn't know that Placer County had a separate program. She'll connect with Placer offline because the counties do need to have some skin in the game on this too. She believes that the County also has the power to enforce these things on their side.

Ms. Gustafson said she needs to make sure of what Placer County has because they are really focused on it in their workforce housing protection program where they are helping people buy homes. They are giving county funds to do that and that is where they are making sure they are in compliance. She doesn't know what they are doing on the rest of the achievable.

Ms. Hill said there also has to be some help on the county side. They've done a lot of work to make sure that they aren't short term rentals. There are liens that they can put on the property but isn't sure if TRPA can do that through the Compact.

Mr. Marshall said their authority is more limited than the counties in that area.

Ms. Hill said some of the people who have reached out to her want them to uphold these deed restrictions. They want accountability and tracking but how do they make sure the enforcement is done properly. May be in the second phase of the program is where they can talk about that enforcement partnership with the counties that are part of the Compact because we need to support the work.

Ms. Hill said there is a worry about property managers being responsible or not being responsible if people lie on their forms. If they are a renter and a property manager is over an entire property, who is accountable for that?

Ms. Fink said the owner of the property is responsible for disclosing the deed restriction. Presumably if they are working with a property manager that would be part of their agreement with the property manager to ensure that the property manager is helping them with that. Ultimately, it's the owner that is responsible.

Ms. Hill asked if that is the person, they'd be issuing the fine to is not the property manager necessarily because that's a different arrangement.

Mr. Marshall said correct.

Ms. Faustinos asked how this will be communicated so people are aware that this is available.

Ms. Fink said as part of the Development Rights Strategic Initiative when this achievable category was first created, they did outreach. They do training with all the local jurisdictions and they do an annual

webinar for real estate agents.

Ms. Faustinos asked how employers communicate that information to potentially eligible people. Is that part of the mix?

Ms. Fink said as they get more and more of these units, they will be able to advertise the number that are out there. She'd imagine that the owner of these properties would be advertising that themselves. For instance, in South Lake Tahoe they permitted a 20 unit apartment building under the achievable deed restriction. She assumed when those are built that the property owner would let people know.

Ms. Faustinos asked if there was a centralized data bank of where these units are.

Ms. Fink said they do have a centralized database. Under their data sharing protocols they don't usually advertise the addresses of private people who are part of program, but they do want to let people know where these units are. This is something they need to keep working on internally.

Ms. Regan said as part of the general community engagement, they'll include this as part of announcements of big things that they are working on as an agency.

Mr. Friedrich said regarding the requirement for a retired person to live in a deed restricted unit for more than seven years, he knows that this is an "or" not an "and." Is there a case where there's someone on a fixed income who is moving to be closer to family in Tahoe who hasn't lived in deed restricted but would be someone you'd want to support, presumably they might qualify for number one, 120 percent or less but there might be some cases where they don't fit in either category.

Ms. Fink said they wanted to make sure that people who are working or have been working and they're in these units that when they retire, they aren't kicked out into the challenging housing market. If someone has been in this deed restricted program, they can stay there after they retire. Other areas like Vail and believes Placer County also have a seven year requirement. It's a challenge to write code that exactly captures the group that they want without excluding anyone or including anyone that you don't want. There are probably some situations where someone is on a high fixed income who wants to move up here to be close to their family wouldn't not be able to live in one of these units.

Mr. Friedrich said if someone doesn't quite qualify for the 120 percent, maybe they are 125 percent, but they barely make enough to live here. Then they get an opportunity for a remote job and want to take it because they want to help take care of their kids at home for a couple of years. What would happen in that case?

Ms. Fink said if they owned the unit there's language related to what happens if they own the unit and suddenly no longer qualify and if they rent. If they're renting and no longer qualify, they have one year to relocate. If they own it, they can continue to own it and submit a form annually to TRPA explaining how they no longer qualify and that they are still a permanent resident but when they sell the unit, the unit must be sold to someone new who qualifies. If you own it and become overqualified, the person can remain in the unit.

Mr. Friedrich said the main consequence would be for renters who pursue a remote work opportunity for personal reasons.

Ms. Fink said yes. Presumably, once they are making that high of an income, they should be able to find

housing amongst the other non-deed restricted.

Ms. Gustafson said Vail was five years. Placer County extended to seven years because they'd seen so many people move into the area, take jobs for five years and then retire here drawing from a previous retirement and then supplementing that. It wasn't the intent of their program initially, they wanted to look for young workers and young families to be able to stay in the community. Not to say there's nothing wrong with retiring and then going back to work but that was the market they wanted to start with.

Ms. Conrad-Saydah said this is great, we are iteratively improving things and we can learn from this experience. They'll see those "what if's" and maybe revisit this and get a report out with some regularity to see how it's working.

Mr. Hester said that's what this change is. They had just done income and found out they needed to do workforce.

Mr. Aguilar asked what happens if someone decides to sell the unit if they bought it.

Ms. Fink said when they sell the unit, they need to sell it to someone who meets the three main criterion. The person purchasing it either needs to have income below 120 percent of the area median income or they need to have at least one household member who is working at least 30 hours per week within the Tahoe Truckee region or presumably could be a retired household who has already been living in one of these deed restricted units for seven years.

Mr. Aguilar asked what the price of that unit is.

Ms. Fink said they do not set the price. This is more of saying who lives in the unit. The home would have to be affordable for someone who meets one of these criteria, the market sets the price.

Mr. Aguilar said it's like a 50 plus community in Las Vegas where it's set with the deed restriction and have to sell it with that deed restriction. But they still get the advantage of the market and whether there are enough buyers and the demand for that market.

Ms. Fink said something that they heard from St. Joseph Community Land Trust emphasize that it's important to have an incentive for people to make improvements to their home so prices could increase accordingly.

Mr. Aguilar asked why a developer would want to do this.

Ms. Fink said now there are incentives already built in such as a waiver of the application fee. The developer gets a development right from the residential bonus pool for no charge. These cost about \$15,000 currently. They get a waiver of their mobility mitigation fee. They are working on additional incentives such as additional height, coverage, and density. They are trying to make it more attractive to developers to do these types of units. There are local builders in town who want to build workforce housing.

Mr. Aguilar asked about buyer financing. Are there banks that are willing to do this or is it a harder product to finance?

Ms. Fink said they had that concern. Other places such as Vail have had this in place for a long time and it's been working. They have precedent of banks financing them. They did work with a lender on this to make sure that the language would be something that someone would lend on.

Mr. Aguilar asked if an owner could buy away the deed restriction.

Mr. Marshall said they need to look at that. What they would have to do is to buy and transfer in a residential unit of use to make it market rate and get rid of the deed restriction. That is what they would require if they were going to approve such a change. They would get back the bonus unit.

Mr. Hester said they talked about that several years ago when they were doing development rights and that is why they set the fine at one tenth of the cost of the development. Thinking over ten years they would get that back. What they are doing is giving someone a development right instead of someone buying it on the market. If they don't do what they are supposed to and they need the development back is how they would do it.

Mr. Aguilar asked what is the type of product available that is similar to this type of unit in the regular market. If you are going to kick someone out of this unit, they are not necessarily going to be able to afford what's in the market, if you bought a comparable unit that doesn't have a deed restriction. How many of those comparable units without a deed restriction exist for this person to be able to transfer into market housing? Assuming there's a huge gap between the two.

Mr. Hester said the gap isn't that big right now and is why they have to bring in all these other incentives that came out of the working group.

Mr. Hoenigman said what they heard at the working group meeting from the realtors when someone goes to sell is that they are coming up with a disclosure form to make sure that people who are buying a house know that it's deed restricted and sign that they are aware of all the requirements to buy it or rent it out. It could be someone buying an apartment building where a bunch of the units are deed restricted. They've been doing these deed restricted affordable housing since California came up with the program about 15 to 18 years ago. They own about 15 of these. The original program expired after 35 years but now they run forever and there is nothing you can do; they are always affordable. Now, we're just giving them some fee breaks as they start incentivizing them more, he hopes that these would be forever deed restricted. What they're talking about is giving them the incentives which are very valuable and it's hard to put a price tag on it.

Mr. Marshall referred to page 545, Condition 8 of the packet is the deed restriction language about it not being revokable or modifiable. But it says without the express recorded consent of TRPA or successor agency. They would take direction from the Governing Board if there were any occasions that would allow a deed restriction like this to be removed.

Mr. Hoenigman said that's great, we'd have the option. It would be hard to imagine us doing it but maybe some condition would arise where we would want to.

Mr. Marshall said he doesn't think they've ever seen someone want to remove this kind of deed restriction. Where they see it is if you retire a lot and get a development right, it's nothing to do with affordable or achievable housing but you can get a development right as an environmental incentive to retire a lot. They've seen instances where someone wants to now build on a lot, so they'll deed restrict another one. If those things are relatively equal, then they'll generally work with the applicant. It may

not be the same kind of consideration, or they'd say if someone wanted to remove this deed restriction then they need to have another unit that's of similar value or utility.

Mr. Hester said during the retreat they'll spend some time on what it takes to move from a unit that's affordable, what the market's delivering now and what they have to do to get the market to deliver an affordable unit and it's more than giving them a bonus unit that would be deed restricted. Mr. Hoenigman is right, if we do all of that they want to make sure that it stays that way.

Public Comments & Questions

Doug Flaherty, resident of Incline Village is concerned about TRPA's becoming a police state type basin where they're running around putting restrictions on buildings, housing, and properties. Who is going to do the enforcement? Looking at this from an average person's point of view, there is a missing middle, is there a missing low? Someone that's barely able to move into a deed restricted unit, what if the person(s) experience a hardship? Oh, you could stay for a year but after that you have to go. That's discrimination. You are discriminating against other retired people who don't match your criteria. You are a government agent that's discriminating, as he reads through many of these items against classes of people. You're going to serve the missing middle. You're going to create a situation where public service local workers will be able to afford to live in Lake Tahoe. When you create a class of workers in the staff report, that's discrimination against the other class workers. When you make a statement on record that in Placer County, they're looking for assisting the young persons, that's age discrimination for the record. You ought to take a hard look at the various portions of these code changes that are going to discriminate. It's all good intentions but it is ripe with potential allegations of discrimination by class, age, etc.

Amanda Johnson, Deputy Attorney General, California Attorney General's Office said they supported the changes to the achievable housing definition that attempt to address workforce housing in the basin. They appreciated the added penalty measures that will ensure that these changes and how they produce remains available to the intended groups. They look forward to continued discussions on enforcement within the basin.

Board Comments & Questions

Ms. Aldean made a motion to recommend adoption of the required findings as contained in Attachment E, including a finding of no significant effect, for the adoption of Amendments to the TRPA Code of Ordinances related to: 1) the "achievable" deed restriction category definition, including changes to Sections 52.3.4 and 90.2, and 2) driveways for accessory dwelling units, including changes to Section 34.3.3 as described in this staff report.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Motion carried.

Ms. Aldean made a motion to recommend adoption of Ordinance 2023-__ as contained in Attachment A, amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 34, 52, and 90.

Ayes: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Rice, Mr. Settelmeyer, Ms. Williamson

Motion carried.

Mr. Hoenigman said he's right that this is addressing one specific tier of people. This is a tier that they believe the private market will be able to address without subsidy. They'll still have more subsidized deeper levels of affordability like the Sugar Pine Village Project which requires a lot of public subsidies but allows a much lower income level. There are different tiers and different ways of addressing them. They've just redefined this one specific tier.

Ms. Gustafson said she had no intention of discriminating against any groups, but their intent was to have people working in the workforce for at least seven years to take advantage of benefits.

VIII. REPORTS

A. Executive Director Status Report

1) Tahoe In Brief – Governing Board Monthly Report

Ms. Regan said tomorrow's strategic planning session will be at the Tahoe Center for Environmental Sciences University of Nevada, Reno Tahoe Campus. Coffee service will start at 8:30 a.m. the meeting at 9:00 a.m. and will wrap around 4:00 p.m. The meeting is open to the public and will be streamed on Zoom. Tonight, we'll be meeting at 5:45 p.m. for no host beverages.

Over the past few months, the Operations and Governance Committee has been discussing the TRPA budget and some other budgets going through the two states. A couple of highlights are that the Nevada Legislative session is underway. They've gone through a series of hearings and last Saturday, the last item was finished through the joint Finance Committees. TRPA's budget at the full one third funding for the Compact obligation for our operating general fund passed unanimously out of the Nevada side. Special thank you to Ms. Diss, Ms. Hill, Ms. Williamson, and Mr. Settelmeyer. This is a big accomplishment for the last 15 years. The state of Nevada has been very challenged on the budget side to get to that one third share and with enhancements which included the Tahoe Transportation District funding for operating support. Ms. Hill championed that one and am happy to see that one move through the session which will wrap up in about a month.

There are also the Environmental Improvement Program Bonds for \$13 million that looks like are going through which is huge because there are a lot of projects including the potential Nevada side share of that 7-7-7 in bonds for the State Route 28 corridor project. On the California side, the May revise of Governor Newsom is coming out very soon. Despite the difficult budget situation on the general fund in California, we're looking whole. California has remained whole for many years. There are two grant applications that we've received news on. The Board has taken action through the Operations and Governance Committee and resolution on the Higher Impact Transformative (HIT) allocation through California's Housing and Community Development Agency. It's a multi-million dollar grant that would pay for a lot of the staff's work. To accomplish everything, they are going to require more resources. Ms. Fink has worked diligently on this and Ms. Conrad-Saydah and Mr. Hoenigman have helped guide us and put supportive comments into the state system. TRPA has been invited to do an interview in a couple of weeks. There's also a big grant that the Tahoe Transportation District has put in with the California Transportation Agency and the California Natural Resources Agency has been supportive and is potentially millions that would deliver the California share of transportation investment. If you get your metropolitan planning organization in the door, it could open the door for sustainable funding for years to come.

B. General Counsel Status Report

Mr. Marshall said on April 18, the US Supreme Court decided the case of New York v. New Jersey. Because it had a Compact it has a lot of underlying that may be important for us. The issue they were addressing is in a Compact that has no withdrawal position. Can a state unilaterally withdraw. New York and New Jersey had come together in the early 1950s for the Waterfront Commission to address problems of crime and organized crime within the waterfront of New York-New Jersey Port. A lot of underlying political issues here with labor and a lot of stuff is going on that they won't talk about necessarily. New Jersey wanted to get out of the Compact. Most of the jobs had moved from New York to New Jersey and they felt that their state police could handle the necessary investigation, etc. New York wanted to still have a say in what was happening on both sides of the port and opposed New Jersey's unilateral withdrawal. When it came to the Supreme Court, it was decided unanimously that New Jersey had the ability to withdraw unilaterally even though the Compact was silent on how does one withdraw from the Compact.

On the surface this doesn't really apply to us because our Compact has an express provision permitting the states to withdraw if they give notice, etc. That question doesn't have any bearing on our Compact. What was interesting on how they went about arriving at the decision and the interpretation tools they used. There's a long standing interpretation issue with Compact's as whether or not, if you enter into a Compact and it's approved by Congress and the President signs off, it becomes federal law. When you interpret federal law there are certain cannons of construction that you used to determine the meaning. For Compacts, the Supreme Court has authorized and often uses principals of contract law. They often view Compacts as contracts between the compacting states. And rather than using strictly legislative interpretation tools, they look at what was the state of the law of contract law at the time the Compact was entered into.

There was discussion for the decision about if it's an ongoing obligation, etc. What's interesting, is he thinks the court wanted to get to a certain result which was to allow the unilateral withdrawal and made a primary the rules of construction regarding contract law. They applied those rules and found that New Jersey could unilaterally withdraw. For us, it's more of looking forward when they get into litigation, what are the tools available to construe the Compact. They now need to look at what contract law had to say about that in 1980 or 1969 when the Compact and the two states agreed. It's giving a primacy to this notion that a Compact is a contract between the compacting states unless kind of less importance that it's better law. Notwithstanding that, there's some gray language that says once adopted and approved by Congress and signed by the President, the Compact becomes federal law and preempts any inconsistent state law. Because of those implications the court was weary to say that a state can't unilaterally withdraw. On one hand, now we have to deal with contract law, on the other hand some very strong language about the role of a Compact and its preemptive power once it's adopted.

There's another case coming out of the northwest with the Columbia River Gorge Commission. They have a Compact provision that incorporates and requires the Compact commission to adopt provisions regarding public records and open meetings. Someone sued them saying they violated the state of Washington's open meeting law and public records act, therefore, the Compact action was invalid regarding a mine. The Court of Appeals said no, you have to allege a Compact violation, it's not a violation of underlying state law, it's again focusing on the federal nature of the Compact, the claim has to be a federal one, whatever the Compact commission was required to do by Compact, they didn't do. Rather than having it be a state law issue.

Mr. Flaherty has filed complaints with the Nevada State Attorney General's Offices for example, saying that TRPA is in violation of Nevada law. Under Nevada law, the state Attorney General's Office has investigatory abilities over state agencies. We want the AG's input on how they implement our public open meeting law requirements that incorporate the stricter of the two states, that's a question of Compact law rather than a question of state law.

Board Comments & Questions

Ms. Aldean said the rule of perpetuities in common law states that you cannot enter into an agreement in perpetuity. Was that part of the argument that the Supreme Court used in order to allow New Jersey to withdraw from the Compact.

Mr. Marshall said no. They basically said you are sacrificing a huge chunk of state sovereignty by saying you have to stay in this Compact unless the other compacting state allows you to get out if you haven't expressly agreed to it.

IX. GOVERNING BOARD MEMBER REPORTS

Mr. Rice said on April 10, Douglas County had their vacation home rentals meeting. Good discussion and came up with some good ideas. The first reading of the new ordinance will be at their meeting on May 4. At the May meeting, after about 1.5 years, they'll be approving the contract negotiations with the Sheriff's Department. Lastly, their County Manager is leaving and they're looking at whether they'll be replacing him from in house or out of house.

Ms. Gustafson said Placer County issued a letter today to Caltrans asking them to expedite emergency funding for the potholes.

X. COMMITTEE REPORTS

A. Local Government & Housing Committee

Ms. Hill said they'll be meeting in a few months.

B. Legal Committee

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.

XI. PUBLIC INTEREST COMMENTS

Doug Flaherty, TahoeCleanAir.org said one of their organizational purposes is to help ensure public transparency. Thank you, Mr. Marshall, for letting him know what's taking so long with the AG with his various open meeting law complaints. Regarding drinks and mingling with each other. He's sure you've all been apprised of the open meeting law and the restriction on deliberation or discussion of upcoming matters. He was at the Washoe County meeting yesterday from 10:00 a.m. to 7:00 p.m. and nobody offered the public any drinks. You should have invited the public tonight since they are paying for it. He'll be looking at filing a public records request for all of the expenses connected with this evening.

Ms. Gustafson said it's no host.

Doug Flaherty said Mr. Marshall's comment about the Supreme Court gives equilibrium and harmony a new perspective. He'll be looking to find out any way that Nevada hasn't received equal environmental protection over California or vice versa. Lastly, you all unanimously ignored a request with plenty of data stating that passing the Waldorf Astoria Lake Tahoe imperiled the public from a wildfire safety evacuation standpoint. You ignored the information and you put in place of a requested supplemental EIS, a sham environmental checklist.

Ronda Tycer said none of has a crystal ball so TRPA has the impossible task to predict a future course of action that will allow it to achieve its mandate "To protect the environment of the Lake Tahoe Basin through land use mitigation regulations." You who sit on the Governing Board know the effort required to achieve this sweeping mandate. You must balance the environmental groups, property right advocates, business interest, basin residents, and numerous agency agendas in every decision you make. You must filter through the noise to get to the crux of all input to vote your best. They all know no matter who is talking, money talks loudest. Without public funding, you can't maintain TRPA to provide the decision making expertise needed for incredibly complicated, often earth shaking, and far reaching decisions. Without other agency support like fire, forest, and lake management, you can't orchestrate all important environmental improvements. Without business investment and developer support you can't develop the basin in a way it protects and benefits communities. Without Tahoe inhabitation public support, you can't rely on donations and goodwill and the all important on the ground perspectives.

We understand the weight of your mandate to protect the environment of the Lake Tahoe Basin. We know you come to this meeting today first and foremost because you love the Lake. We as members of the public also come to this meeting today, loving Lake Tahoe. Some of us come having read the plan documents, having read documents of other TRPA projects. Having attended many other meetings and understanding detailed lake wide issues and possible cumulative impacts, we haven't simply signed a petition or letter but instead come with informed comments and concerns because we want you to give our on the ground perspectives that help you with your decisions. In past TRPA meetings, some of us who appear frequently with specific concerns have felt devalued and dismissed. On behalf of all the members of the public who provided input today, she thanks the Board for listening with an open mind, recognizing that our input is as critical as that of the businesses, the

developers, other agencies, and your own staff reports. We all love the Lake, and we want the best decisions for it.

XII. RECESS

Ms. Gustafson recessed the meeting at 4:01 p.m. on April 26, 2023.

DRAFT

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD RETREAT

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 9:20 a.m. on April 27, 2023.

Members present: Ms. Aldean, Mr. Aguilar, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Laine, Mr. Settelmeyer, Ms. Williamson

Members absent: Mr. Hicks, Mr. Rice

II. RETREAT SUMMARY

Caelan McGee – Facilitator

Goals of this Retreat

- Focus on priorities by examining critical challenges and current efforts
- Identify strategies for more proactive board deliberation and public engagement
- Continue to strengthen working relationships among board members

Summary

The Tahoe Regional Planning Agency Governing Board met to discuss progress on agency initiatives, current trends and challenges in the region. A main objective for this retreat was to scan for any priority issues which would benefit from more attention, or advance planning.

Activities

Executive Director Julie Regan presented on the following topics:

- Summary of recent projects and progress toward the Regional Plan implementation
- Highlight current, difficult challenges in Tahoe including transportation, achievable housing, wildfire protection, aquatic invasive species and destination stewardship
- Under her leadership, staff are working to effectively engage with board members, including those with newer tenure
- The land use and transportation footprint established for the 1960s Olympics continues to constrain redevelopment options
- As an organization, TRPA needs to invest in staff in the form of better compensation and retirement planning in order to combat burnout and rapid turnover. Currently, wages for staff are below regional comparisons and the organization relies on the commitment of staff to the Tahoe region for retention.
- Enforcement remains a perennial challenge. There are currently only two compliance officers that cover all areas of redevelopment enforcement.
- Tahoe will continue to attract record visitation as a world class destination and a refuge from extreme climate events

Presentation of “Environmental Scan”, TRPA Initiatives and Upcoming Projects

Chief Operations Officer John Hester presented on the following topics:

- A scan of resource management, development and transportation challenges and opportunities
- A description of current TRPA efforts as organized around ‘initiatives’ or strategic goal areas:
 - Updates on Housing and Community Revitalization
 - Updates on Transportation Planning
 - Restoration and Resiliency
 - Thresholds and monitoring updates
- A notice that staff is preparing an annual work plan for Board consideration and approval in the near term

Challenges, opportunities and questions to inform work planning

Board members participated in a two-part discussion regarding priority projects, challenges or ideas to achieve EIP and transportation goals. First, board members offered verbal and brief written comments for the four initiative areas listed above. Second, staff members highlighted some of the key themes from discussions and written comments. Members of the public observed. Below are some key themes, comments and questions submitted.

Housing and community redevelopment:

- Are there creative and more effective ways to incentivize the different types of development and redevelopment that support health communities? Can change be made to transfers of coverage and development rights? Are there any development projects that should be considered prohibited?
- How and whether to incorporate the use of transitional housing and Alternative Dwelling Units (ADUs) to allow for greater density and diversity of housing?
- Look beyond town centers and transit hubs as locations for achievable housing. For example, can housing be developed near ski resort base areas?
- Because of the prices and market, many state and federal tax credits are not available to help fund achievable housing. More diverse sources of funding are needed.
- Seek ways to permit and promote active street and store fronts such as sidewalk dining.
- Property owners of commercial and mixed-use real estate are holding onto aging buildings and infrastructure seeking residential property prices. This disincentivizes and slows redevelopment in all of Tahoe’s town cores and mixed-use nodes.

Transportation planning and management:

- Transportation is among the most pressing and intractable challenges in the Tahoe region currently. Bold, coordinated solutions are needed.
- The east shore trail is a great success but results in overutilization and visitation impacts. Other sections of the trail need to be completed to help disperse use.
- Seek creative options for railway service to and from the region from both Nevada and California urban areas.
- There is room for gains through operations changes such as reservation systems for parking, user fees, fees on rideshare companies, etc.
- It is critical that TRPA improve its partnership and collaboration with the Tahoe Transportation

District to achieve the Regional Transportation Plan

-As a part of 'complete communities', additional focus on neighborhood trails as a part of the transit/transportation infrastructure is needed.

-How do we effectively educate the public on transportation impacts and destination stewardship?

-There are access issues beyond transportation and transit, such as parking, boardwalks, and recreation opportunities for differently abled visitors

Restoration and Resiliency:

-Biomass processing and the ability to treat forest products and debris is a critical need

-Key opportunities for progress include:

- Incentives for private property owners to participate in EIP
- Adopting climate smart conditions
- Complete a master plan for cell towers
- More research on policy and best practices for electric boats and improving water quality

Thresholds and monitoring:

-Monitoring progress on EIP thresholds crosses across all goals and programs of the TRPA

-In addition to monitoring key Indicators, it is important to monitor and evaluate the effects of policy decisions to adaptively manage

-There is an opportunity to increase clarity and efficiency around the updating of thresholds and EIP monitoring

III. PUBLIC INTEREST COMMENTS

Darcie Goodman Collins, director of the League to Save Lake Tahoe shared her organization's priorities for the region. She highlighted there is much overlap with TRPA's initiatives and priority areas, and she particularly highlighted the need for collaborative focus on ambitious transportation planning and projects to address the many impacts of traffic. Also, Director Collins challenged TRPA and all key partners to find effective ways to address blight and achieve redevelopment despite the very challenging real estate market and land use patterns within the region.

Doug Flaherty, TahoeCleanAir.org said they aren't against forest thinning as long as it's within the regulations. They are not against control burning as long as it's within the parameters of what they are required to do within the laws and regulations. They support any alternatives to burning including biomass. They are pursuing action against the Forest Service for process issues with their various forest plans and want greater protection against wildfires. Most of their issues revolve around agencies not following their regulations such open meeting laws, public records requests, claims made without supporting data. But usually change happens with groups like his or other conservancy groups in the basin on disagreements between policy as far as regulations.

Generally, today you will not get too much pushback, there were some good ideas. However, if they believe that with everything he saw today, to move forward without a supplemental cumulative impact EIS to 2012 Regional Plan, they will continue to pound that drum. If you're not going to discuss cumulative impacts regarding over capacity that impact the safety of the public during wildfire evacuations, they'll continue to pound the drum. It hasn't been brought up that much here today. They are passionate about public safety and evacuation on our narrow roadways and growth.

Please visit their website at <https://www.tahoecleanair.org/> to become more familiar with their initiatives and what they are about.

Denise Davis, Incline Village resident said although she doesn't consider herself an environmentalist, she tries to do her part with recycling and consumption. The heavy toll on Tahoe during and after the pandemic has caused her to be more aware of her impact. She's here today to help reconcile what she sees with what she hears TRPA say. She understands that there are a lot of partnerships and overlaps, but TRPA is seen as the lead agency.

The East Shore Express will again haul visitors to Sand Harbor but most of them will have driven to Sand Harbor first to find the gates closed. There's no signage outside the basin to alert visitors that parking is full or destinations are at capacity, allowing visitors to change their plans before entering the basin. The parking issues at the East Shore Trail area are often not discussed when touting the success of the trail. She's often been told that local law enforcement should be responsible for the parking problems. Their local law enforcement is minimally staffed and unable to address parking until a local foundation funded officers in Incline Village. When that funding ends, Washoe County may or may not maintain those staffing levels and if they don't there will be little parking enforcement. TRPA wants to replicate this success without solving the unintended consequences. She's been told erosion is bad for a number of reasons. Cars parked on Lakeshore Boulevard appear to be contributing to erosion. Is it okay because it's associated with a trail? People are also cutting their own paths off of the trail again creating erosion. It should be easy to address but hasn't seen anything done.

This morning she heard the road project in Kings Beach described as a success because it improved pedestrian safety. How is traffic backed up from Crystal Bay to Highway 267 a success. The vehicle emissions alone should be of concern. What will it be when the Waldorf Astoria and Cal Neva are open? She understands the focus today is planning but help her understand how TRPA is addressing these things now.

IV. ADJOURNMENT

Ms. Gustafson adjourned the meeting at 3:17 p.m. on April 27, 2023.

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.